



Board of Commissioners
 Office: (541) 766-6800
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 4500 SW Research Way
 Corvallis, OR 97333
 co.benton.or.us

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, November 7, 2023, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	<u>Click for Zoom link</u>	Dial 1(253) 215-8782	<u>Click for Facebook LiveStream link</u>
	Zoom Meeting ID: 868 4196 0867		
	Zoom Passcode: 428274		

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Review and Approve Agenda

3. Comments from the Public

4. Proclamation

- 4.1 5 minutes – Proclaiming November as Military Appreciation Month in Benton County, Proclamation P2023-019 – *Mark Lapinskas, Oregon Cascades West Council of Governments*

5. Work Session

- 5.1 10 minutes – Project Updates from Benton-Corvallis Economic Development Office – *Christopher Jacobs, Corvallis-Benton Economic Development Office*

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.

BUSINESS MEETING

6. Consent Calendar

6.1 Approval of the October 17, 2023 Board Meeting Minutes

Public Hearings

(Hearings are heard at 11:00 a.m., time certain or as soon thereafter as the matter may be heard)

Those wishing to speak should sign the "Public Comment" sign-in sheet – Thank you.

PH 1 10 minutes – In the Matter of a Public Hearing Requesting an Exemption From Competitive Bidding for the New Benton County Emergency Operations Center for the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting, Order #D2023-075 – *Gary Stockhoff, Public Works*

8. Old Business

8.1 5 minutes – Second Reading of the Amended Benton County Code, Chapter 9, Ordinance No. 2023-0321 – *Tomi Douglas, Natural Areas, Parks, and Events*

9. New Business

9.1 10 minutes – Approval of Natural Point Enterprise Tax Zone Abatement Request, Resolution No. R2023-026 – *Christopher Jacobs, Corvallis-Benton Economic Development Office*

10. 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."

11. Executive Session

11.1 ORS 192.660[2][i] – Performance Review

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PROCLAMATIONS



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

**In the Matter of Proclaiming November)
Military Appreciation Month) Proclamation #P2023-019
in Benton County)**

Benton County holds deep reverence for the men and women who have served in the Armed Forces of the United States, recognizing their unwavering dedication and sacrifice to defend our Nation’s freedom.

The United States Congress has designated November 11 of each year shall be set aside as a public holiday to honor veterans; with respect for and in recognition of the contributions our service members have made, we urge Benton County community members to recognize the valor and sacrifice of our veterans.

Benton County acknowledges the importance of recognizing and appreciating the sacrifices made by our military members and their families, not only on Veterans Day but throughout the entire month of November, which has been designed as Military Appreciation Month.

THEREFORE, let it be proclaimed that Benton County officially designates November 11th as Veterans Day and declares the entirety of November as Military Appreciation Month, a special time reserved for the heartfelt expression of our deepest gratitude and appreciation. In doing so, we wholeheartedly honor our veterans and show our unwavering support for the dedicated men and women serving in our military.

Adopted this 7th day of November, 2023.

Signed this 7th day of November, 2023.

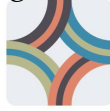
BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

WORK SESSIONS



CORVALLIS
BENTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

TO: Board of Commissioners
FROM: Christopher Jacobs, Economic Development Manager
DATE: November 7, 2023
SUBJECT: Economic Development Office Report

Project Updates

ARPA \$275K Business Grant Program

- \$260K in grants awarded to 26 businesses and quarterly reporting submitted.

Central Willamette Credit Union has completed its work to draw 26 businesses for grant awards by lottery based on 89 grant applications. Central Willamette Credit Union is currently in the process of distributing grant awards.

South Corvallis Food Hub

- Subrecipient agreement signed with Benton County.
- RFQ for Food Hub Consultant released to public with bids due by end of November.
- Presentation Due to BOC by March 2024.
- Funds will be obligated by June 2024 Deadline.

These are the primary tasks a food hub consultant will be responsible for:

1. Determine the feasibility of a South Corvallis Food Hub.
2. Identify the best location for a South Corvallis Food Hub.
3. Negotiate Agreements with partners that host commercial kitchens.
4. Develop an inventory of equipment and infrastructure to support local food businesses.
5. Identify potential organizations to operate a food hub and make recommendations for financial sustainability.

Enterprise Zone Administration

- NaturalPoint Inc. has requested a three-year property tax abatement for the construction of a facility within the Benton Corvallis Enterprise Zone. The Enterprise Zone Advisory Committee recommended approved on September 11, followed by Corvallis City Council approval on October 16. Staff has reviewed the application and determined it meets the state enterprise zone rules as well as locally adopted sustainability requirements. Benton County BOC approval is the last step remaining to finalize the exemption for NaturalPoint Inc.

Business Retention and Expansion

- Staff has spent considerable time working with businesses interested in expansion within Benton County since our last update to BOC on September 4. There are 20 businesses currently in contact with our office about potentially locating or expand operations in Corvallis, Philomath, Adair Village, and Monroe, including several industrial projects incubated at the Advanced Technology and Manufacturing Institute (ATAMI) at the HP Campus in partnership with Oregon State University.

Wetland Delineation

- Business Oregon has awarded City of Corvallis \$75,000 in grant funding to undertake wetland delineation at the Airport Industrial Park. This work will begin in December 2023 and end by August 2024. This work begins the prioritization of "Certified Shovel Ready" industrial sites in Benton County. Today's business environment demands that a supply of market-ready, employment-oriented sites specifically zoned for industrial, or traded-sector uses are available for development within 180 days or less. The "Certified Shovel Ready Program" is used by Business Oregon to help market such properties to prospective developers seeking assistance with site selection. State grant funding like this is critical to helping us achieve the goals of improving the tax base and attracting high wage jobs and investment.

Economic Development Program Specialist

- We are interviewing candidates for the Economic Development Program Specialist position on October 31 and hope to have a new member of the team onboarded as soon as possible. This position will be integral to providing robust support to businesses and the communities we serve countywide.

2024 New Priorities

- The last 2 months have illustrated a strong market demand for industrial properties and land in Benton County as many new and existing companies seek to invest here. We are aiming to better understand the conditions of our priority redevelopment sites to market these properties within Oregon Prospector and with our partners at Business Oregon. To that end, we have developed some new metrics we plan to track in 2024 to gauge the EDO's performance. This includes measuring our countywide industrial occupancy rate and inventorying of our vacant industrial lands to identify barriers towards development.

Conclusion

September and October were filled with many on site visits to Adair Village, Philomath, and Monroe to meet with the businesses and community leaders and understand their priorities. It was also an opportunity to attend the annual OEDA conference and 2023 Infrastructure Summit to learn more about best practices used in other communities and connect with colleagues. November will bring an opportunity for us to revisit our Strategic Operating Plan for the EDO and look at potential zoning changes needed to facilitate industrial development. We are reinvesting time in relationships with organizations like the ONAMI, SBDC, RAIN, and OCWCOG to support local entrepreneurs and coordinate efforts. We are pursuing new economic development tools and grants at the State to support businesses in Benton County and position our region to be a competitive destination for new investment.

CONSENT CALENDAR

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Livestream: <http://facebook.com/BentonCoGov>
Tuesday, October 17, 2023
9:00 a.m.

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

Staff: **Justin Carley**, **Chelsea Chytka**, **Dawn Dale**, **Abraham Griswold**, **Bryan Lee**, **Joe Pickerd**, **Jef Van Arsdall**, Sheriff's Office; **Rick Crager**, Finance; **Ron Dettrich**, **Toby Lewis**, **Darren Nichols**, Community Development; **Marriah De La Vega**, **Amanda Makepeace**, BOC Staff; **Cory Grogan**, Public Information Officer; **April Holland**, **Scott Kruger**, **Molly Perino**, **Damien Sands**, Health; **Sean McGuire**, Sustainability; **Erika Milo**, BOC Recorder; **Gary Stockhoff**, Public Works

Guests: **Brad Dillingham**, Benton Area Transit; **John Harris**, Horsepower Productions; **Edward Wienhoff**, Philomath News

1. Opening:

1. Call to Order

Chair Malone called the meeting to order at 9:02 a.m.

2. Introductions

3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda after New Business:

Executive Session Under ORS 192.660[2][e] – Real Estate Transactions

3. Comments from the Public

No comments were offered.

4. Work Session

4.1 *Monthly COVID Update from Department Operation Center – April Holland, Health Services

Holland reported that COVID-19 transmission remains high in Oregon after a marked increase in July 2023, but may soon plateau. Benton County's testing positivity rate is 11.6%, down from 15% in mid-September 2023. Hospitalizations show an increasing trend similar to about one year ago, but much lower than two years ago.

Statewide wastewater monitoring now includes Respiratory Syncytial Virus (RSV) and influenza, as well as COVID-19. Hopefully signals will decline. There is not much influenza activity yet; the season usually starts near December, though in 2022 it started in October. There has been no significant RSV activity, but testing positivity is rising, with five Oregonians

hospitalized in the last two weeks. RSV's usual season is January-March, though in 2022 it also started in October. Emergency Department visits by viral respiratory illness type correlate with wastewater data. Instead of one COVID-19 strain dominating, there is now a mosaic of variants, none causing more severe illness than the other.

The new, updated COVID-19 vaccine is being administered. The monovalent vaccine is better targeted to the most common strains and is recommended for all individuals aged six months and up. Only individuals under age five need a second dose. About 5,200 Benton residents have received the new vaccine. There were some rollout challenges due to the shift to commercialized distribution, but many pharmacies, providers and Community Health Centers have the vaccine available; it is just coming in smaller batches than before.

RSV vaccination is now approved for pregnant women at 32-36 weeks gestational age in the fall, infants aged 0-8 months, toddlers with high-risk conditions, and people aged 60 and up. The influenza vaccine is available and is recommended for everyone age six months and up. The general public who test COVID-19 positive and do not have direct healthcare responsibilities should stay home until 24 hours after fever is gone and symptoms are improving, then mask and avoid contact with high-risk people for 10 days.

Malone asked if RSV had been present for a while, but providers were getting better at identifying it.

Holland replied that RSV has been a long-time driver of hospitalizations and deaths. It is becoming more recognized because people are more aware of seasonal respiratory viruses and a vaccine is now available. Most people hospitalized with RSV are children under age five. It is not too late to get the vaccine.

Malone asked if all three vaccines had a delay of several weeks before providing full protection.

Holland confirmed that in general, but will follow up with specifics. Holland suggested revisiting the timing of COVID-19 updates, such as moving to quarterly updates, or providing updates at Joint Health/ Board of Commissioners Meetings.

Malone stated this was worth discussing in future.

{Exhibit 1: COVID-19 Presentation}

4.2 Quarterly Floodplain Program Updates – *Toby Lewis, Community Development*

Lewis reviewed the integration of the National Floodplain Program and the Endangered Species Act. The Federal Emergency Management Agency (FEMA) contractor has prepared an outline of the Environmental Impact Statement (EIS) and a tentative schedule to complete the Environmental Impact Review. Next, the contractor will draft the full EIS and several technical guidance documents explaining the four options for communities to document compliance with the new standards, with model code and a document on proposed riparian setback buffers. Lewis will continue to work with internal partners on outreach, but is waiting for a more detailed schedule.

Community Development just finished the annual recertification of the Benton County Floodplain Program. This year, staff submitted two elevation certifications for completed

dwellings to be reviewed, and continue to log all floodplain inquiries, maintain floodplain information on the website, and encourage residents to purchase flood insurance. Staff provide yearly outreach to lending institutions, insurance companies, and property owners. Staff submitted the audit documentation on October 11, 2023; FEMA will respond by the end of November 2023.

Lewis attended the Northwest Regional Floodplain Management Association Conference. Topics included FEMA's new simplified elevation certification form and updates on the community rating system. The County received a separate audit, the FEMA Community Assistance Visit. Audits are supposed to occur every three to five years; however, this was the County's second visit in 20 years due to FEMA and State workloads. FEMA is working on a faster, simpler system. Other topics: substantial damage assessments after floods and flooding after fires.

The County hosted the Regional Flood Map Exploration Event on September 26, 2023, including the Army Corps of Engineers (ACE), FEMA, United States Department of Geology and Mineral Industries (DOGAMI), National Weather Service (NWS), Department of Land Conservation and Development, and the national Silver Jackets organization. Attendees discussed the usefulness of various map products before or during a flood event, which shows the agencies how to improve useability and access to those products.

Responding to a question from Malone, Lewis explained that each state has its own team of State and Federal agency representatives, called the Silver Jackets. For Oregon, this consists of ACE, FEMA, DOGAMI, and NWS. The team determines how to communicate and respond to flood-related projects more effectively.

4.3 *Communications Update – Cory Grogan, Public Information Officer; Molly Perino, Health Clinics Dental Manager

Perino described a recent County outreach video that depicts the fluoride process for dental patients at Benton Community Health Clinics (CHCs). The video has been very well received. Consent forms with a QR code are being distributed to families and schools now, with additional outreach to teachers. The video can be viewed in English at <https://www.youtube.com/watch?v=YfoiVwgQu4E> or in Spanish at <https://www.youtube.com/watch?v=Mz9inmNXRds>.

Grogan reported that Harris helped create a video template. The Fall Festival was a great outreach event where staff signed up over 140 residents for the County e-newsletter. The Flood Map Event was the first of its kind at the local level. A video about McEneny's journey to Oregon received positive feedback. For the Hispanic Heritage Month Proclamation, Communications coordinated with Health and others to host a special event, and created a video. Other outreach campaigns: property tax statements and the Request For Proposals for the Sustainable Materials Management Plan. Upcoming: a Historic Courthouse Advisory Committee update to solicit community feedback before drafting a proposal to preserve the building, and outreach on the Oak Creek Valley Evacuation Route. The County may partner with Oregon State University to sponsor a tour of the route.

Recent advertising included job openings, the Biennium Report, e-newsletter sign up, a handout on how to receive Benton County information and social media, and the public podcast. The most recent podcast featured Corvallis Daytime Drop-in Center staff and guests, and was a huge success. Staff continue to update the Historical Driving Tour and the Riparian Resources publication. The Biennium Report is being distributed County-wide. Staff are working with

Information Technology (IT) on the new County website, creating a photo and video archive and providing content oversight and plain language trainings. Ryan Kidder, the new Web Content Specialist, is on board. Staff will do public outreach once the site is about to launch.

McEneny noted that the IT Director will update the Board soon about the website launch date.

Augerot was thrilled to hear about the CHC partnership with CHANCE Recovery to open a monthly dental clinic in the City of Albany. This would make a great story.

Grogan to investigate that.

Responding to a question from Malone, Grogan replied that the Driving Tour will be a printed booklet with updated photos and a map.

Wyse asked if Grogan was partnering with anyone on the Tour, such as the Historic Resources Commission or consultant PreservationWORKS.

Grogan replied that Inga Williams (Community Development) has contacted various groups.

{Exhibit 2: Communications Handout}

5. Consent Calendar

5.1 Approval of the October 3, 2023 Board Meeting Minutes

5.2 Approval of the September 19, 2023 Board Meeting Minutes

5.3 Approval of the September 5, 2023 Board Meeting Minutes

MOTION: Wyse moved to approve the Consent Calendar of October 17, 2023. Augerot seconded the motion, which **carried 3-0.**

6. Proclamations

6.1 Proclaiming October 2023 as The Great Oregon ShakeOut Month in Benton County, Proclamation #P2023-018 – Chelsea Chytka, Benton County Sheriff's Office

Chytka read the Proclamation aloud. The Great Oregon ShakeOut event will occur on October 19, 2023.

MOTION: Augerot moved to approve the Proclamation for the Cascadia Subduction Zone Great ShakeOut event and for October as Great Oregon ShakeOut awareness month. Wyse seconded the motion, which **carried 3-0.**

7. Public Hearing

PH1 In the Matter of a Public Hearing Regarding 2024 Community Development Fee Increases, Order #D2023-074 – Ron Dettrich, Darren Nichols, Community Development

Chair Malone opened the Public Hearing at 11:17 a.m.

Staff Report

Dettrich explained that the Building Division's previous fee increase took effect April 1, 2021. Fees are indexed to the inflation rate for the past two years, which is now 12.6%, so staff request a 12% increase, spread over three years, on mechanical, electrical, and plumbing permits. This would not include structural permits, which are automatically adjusted yearly by the State.

Public Comment

No comment was offered.

Chair Malone closed the Public Hearing at 11:19 a.m.

Augerot asked if there had been any notice to the community.

Dettrich replied that raising fees is an involved process. Staff must first take a proposal to the State, which contacts local customers and compares fees with other area jurisdictions. If the State approves, the County holds a Public Hearing.

Responding to a question from Wyse, Dettrich explained that the jurisdiction has the discretion to change fees in order to operate the program. Ideally, the program is self-funded.

Wyse asked if the State had viewed this proposal.

Dettrich confirmed.

Wyse asked if there was any demonstration that County cost would increase 12%.

Dettrich noted that in 2022, the County had to spend part of its carryover to meet costs. Twelve percent would probably not have been enough to fill that gap. Staff must use their best estimate of upcoming costs.

Augerot noted it is difficult to project these costs because the number of permits varies. Environmental Health fees use a formula built on cost recovery, whereas building fees are not necessarily based on that.

Dettrich added that these three programs have few permits; structural permits account for about 50% of all permits.

Counsel noted that Statute requires a Public Hearing for building fee changes. None of the County's other fee increases do.

MOTION: Augerot moved to adopt Order #D2023-074 amending Benton County's Building Division 2024 application fees relating to electrical, plumbing, mechanical permits. Wyse seconded the motion, which **carried 3-0.**

8. New Business

**8.1 Request Letter of Support from BOC for Public Health Reaccreditation –
*April Holland, Health Services***

Holland explained that Public Health reaccreditation has been underway for over a year. New Quality Improvement Coordinator Amanda Garcia has been working with the Health Steering Committee. Benton County was first accredited in 2017. The pandemic delayed reaccreditation.

Applications are due by the end of October 2023. Staff requested a Board letter of support. Accreditation demonstrates that Health is constantly improving its services. Staff are working on a performance management system to record goals, as well as workforce development planning and quality improvement planning.

MOTION: Augerot moved approval of the letter of support to the Public Health Accreditation Board for the Health Department's reaccreditation efforts. Wyse seconded the motion, which **carried 3-0**.

Chair Malone recessed the meeting at 9:59 a.m. and reconvened at 10:10 a.m.

8.2 Discussion Regarding the 2024 Fee Schedule for Environmental Health (EH)
– April Holland, Scott Kruger; Health Services

Holland explained that Kruger is the interim EH Manager. Staff are in the offer stage of recruiting a new Manager.

At a bi-monthly conference of local EH supervisors, Kruger learned that some counties seek Board approval of fees every three years, whereas Benton does so annually. This schedule could be explored. Due to inflation, most counties are increasing fees this year, but the amount varies from 1% to 20%.

Holland reviewed recent fee adjustments: in 2021, fees increased 3%, but EH applied a 50% credit on 2020 fees towards 2021 fees. Fees were not adjusted in 2022. In 2023, fees increased 3%. From 2011 to 2020, fees increased 3-5% per year on average. Staff try to avoid large increases. For 2023-24, the EH budget was adjusted 6.6% over the 2022-23 budget. This aligns with inflation costs.

Kruger noted that under Oregon Administrative Rules (OAR), Counties may only charge 15% of direct costs. Benton's administrative costs exceed that, hence the General Fund request to make up the balance.

Holland added that OAR requires a minimum 10% General Fund contribution. To be mindful of community needs, the Board contribution usually exceeds this. Holland discussed staff hourly rates calculated with the partial cost recovery model (see packet). For the past several years, the County has been at 88% cost recovery, which pays \$228 per hour and increases fees 7%. This is close to the 6.6% EH budget increase and would mean a 6% increase in the County General Fund contribution. Staff recommend a 7% increase, which aligns with full cost recovery.

Kruger noted the Food Service Advisory Committee is now fully staffed and agrees with 7%.

Holland showed scenarios for fee adjustment based on percentage of County contribution, then examples of specific fee increases.

Kruger opined that 7% is a palatable increase for the public. In Oregon, licensure is based on the number of customer seats available. The County has four size categories; the range of 51-150 seats is popular.

Holland shared that EH can adjust licensing fees to help with customer financial hardship, and lowers fees for benevolent temporary restaurants.

Augerot noted that the Board has preferred to offer those discounted rates for benevolent groups; this proposal continues to do so. Similarly, subsidizing septic system repairs incentivizes residents to maintain good water quality.

Responding to a question from Wyse, Holland explained that indirect costs are Department and County allocations, such as Information Technology, Finance, and facility costs.

Malone shared that the pandemic was hard on restaurants, so a credit made sense. Now it is time to get back to normal. The Social Security increase was around 8%, so 7% seems accurate in terms of inflation.

Kruger added he often hears from food service community organizations who greatly appreciate that the County keeps its costs low.

Wyse noted that Kruger mentioned bringing fee increases back to the Board multiple times in a year.

Malone felt that relatively small annual increases were a good idea, unless that places an undue burden on staff.

Kruger will present some data on that in future. Clackamas County made 3-5% increases over three years, but this may not keep up with the times, resulting in a large increase later.

MOTION: Wyse moved to recommend a 7% increase in Environmental Health fees, effective January 1, 2024, and encourage Health Department staff to bring forth an Order reflecting as much at a future BOC meeting. Augerot seconded the motion, which **carried 3-0.**

8.3 Approval of 2023-25 Community Corrections Plan and Intergovernmental Agreement (IGA) #6522 Between the State of Oregon and Benton County – Justin Carley, Sheriff's Office Parole & Probation Division

Carley explained that the County is required to submit a Community Corrections Plan (CCP) to the Oregon Department of Corrections (ODC) including program descriptions and a budget summary. The State also requires counties to enter an IGA to receive grant and aid funds for the Community Corrections (CC) program.

This biennium, the statewide corrections budget was \$252 million. Benton County's share for 2023-25 is about \$3 million. Carley described statewide CC budgets in past years. Sustainable funding from the Legislature seems increasingly dynamic and creative. Carley reviewed Benton Parole & Probation (P&P) staff and leadership team (Carley, Pickerd, and Griswold). P&P supervises convicted adult justice-involved individuals whom the court and the Parole Board have placed in this community. A main goal is to help people address the issues that caused them to enter the Criminal Justice System (CJS) and help them leave it. Using research and best practices, staff focus the most valuable resources on the population at highest risk to re-offend. Evidence-based principles of risk need and responsivity begin with validated risk assessments (VRAs), which direct supervision strategies, resource prioritization, and caseload organization. VRAs also ensure staff do not over-expose low-risk clients to the CJS.

Carley reviewed caseloads for various programs under the CCP (see packet). In January 2023, the division received a formal ODC review of overall program effectiveness. Benton's high score means the program will not be due for evaluation for several years.

Augerot noted that the biggest priority of the Legislative short session is to address the CC funding structure. Augerot expressed frustration that the process always looks backward; current comparisons are based on the caseload during COVID-19, when few cases were processed and there were not enough District Attorneys. This approach chronically underfunds County CC, and makes it difficult to be more pro-active. Hopefully the Legislature can shift its approach. On page 166 of the packet, the CCP includes a Benton County mission statement and overarching goal. Augerot asked when this statement was developed and where it came from.

Carley was unsure. It was probably from a past CCP. Staff can update it easily.

Augerot suggested looking into that, but felt the statement was fine for this version of the plan. Since this plan speaks primarily to the DTC, which is on pause, Augerot asked how staff were handling that caseload.

Carley replied it is an ongoing conversation. Staff are waiting for a decision, but want to be at the table to discuss program sustainability and assist, whether through supervision, referrals to the program, or addressing housing issues.

Augerot hoped that the Willamette Criminal Justice Council can reapply for funding over the next biennial grant season. Augerot asked about a typical caseload per officer.

Carley replied the caseload is around 40 high- to medium-risk cases foreach. The program's primary community partners include the Health Department, Sterling Management, Oxford House, Milestones Family Recovery, CHANCE Recovery, Love INC, Vina Moses Center, and the Cold Weather Shelter.

Augerot asked how staff supervise people from other cultures who speak English as a second language.

Carley replied there are resource people in the Sheriff's Office and at the Jail who translate documents. The office also uses County translation services.

Malone asked Carley to describe the Transition Center (TC) and whether current capacity is adequate.

Carley explained that the TC is on the Sheriff's Office block. Used primarily for prisoner releases, the TC houses up to six residents in a highly structured environment.

Malone asked if the State would supplement the \$252 million, which is less than in the last several biennia.

Carley replied no.

Malone observed that underfunding CC was not a good plan, and asked if the State had any rationale for the reduction.

Carley replied there was not a rationale. State-allocated funds come from the CC division of ODC. At a meeting with ODC directors last week, Carley heard much discussion that the system needs an overhaul with a new funding formula for CC statewide.

Wyse asked if a reference on packet page 171 to Benton County DTC should still be included.

Carley replied that the ODC says yes. If there is a finalized change later in the biennium that requires modifying the plan, staff would need to submit that to ODC as well.

Augerot asked if there were some people currently finishing the DTC program.

Carley replied there is a handful of people that the Court is trying to resolve.

Augerot asked if the \$2.47 million from the State was less than in the last biennium.

Dale confirmed. The County was able to cover this biennium with a rollover, without requesting more from the General Fund. The TC uses levy dollars. However, there is not likely to be a rollover next biennium, especially if the State continues cutting. Serious funding discussions will be needed.

Augerot asked if the \$780,000 carryover was due to cumulative savings from position vacancies.

Dale replied it had more to do with careful spending. Rollovers have happened for a long time, but those days are numbered.

MOTION: Wyse moved to approve the 2023-2025 Community Corrections Plan and Intergovernmental Agreement #6522 between the State of Oregon and Benton County. Augerot seconded the motion, which **carried 3-0.**

8.4 Requesting an Exemption from Competitive Bidding for the New Benton County Emergency Operations Center for the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting – Gary Stockhoff, Public Works

Stockhoff explained that in 2022, Public Works presented this request for exemption from competitive bidding for the Justice Systems Improvement Program. The Board limited exemption to the new Courthouse (NCH) and District Attorney's Office (DAO). With funding secured for the Emergency Operations Center (EOC), staff now request that the exemption be extended so as to keep using the current CM/GC. There was no contract last time because the project did not go through the CM/GC process. The Public Hearing will take place on November 7, 2023.

Malone asked why the County was proceeding this way.

Stockhoff replied that State law requires this process for any approach other than competitive bidding; there is now a finding of fact to support it. As the County starts work on the EOC, plans should be ready so Hoffman Construction can continue the EOC once the County starts the NCH and DAO.

Malone suggested making a one-page leaflet for the public with a timeline of significant projects, including the Crisis Center, NCH, DAO, and EOC.

Stockhoff had discussed that with Grogan, but more concrete information is needed first. Stockhoff signed the changeover for the Crisis Center today. Construction will start around November 1, 2023. A few weeks ago, staff made major progress on the NCH, providing a better idea of submitted site work plans and a private investment/ public contract with Corvallis. A more specific timeframe will be available in about a month. Staff hope construction will start in late March or early April 2024. The EOC team is ready to start.

Wyse asked if Board approval was sufficient, or if the exemption must be justified to the State or Federal government.

Counsel replied that justification is not needed; the exemption process is permitted under State statute. The Board has full authority to exempt a contract from bidding.

MOTION: Augerot moved to set a Public Hearing date for November 7, 2023, in the matter of approval of the findings of fact for requesting an exemption from competitive bidding for the new Benton County Emergency Operations Center for the use of CM/GC services of contracting. Wyse seconded the motion, which **carried 3-0.**

8.5 Review and Approval of the Benton Area Transit (BAT) 2023 Title VI Plan Update – Gary Stockhoff, Brad Dillingham; Public Works

Stockhoff explained that the Federal Transit Administration (FTA), through the Oregon Department of Transportation (ODOT), requires this plan to be updated every three years, but the pandemic delayed that. The County had a performance audit in July 2023, so Dillingham finished the plan, and ODOT and FTA have approved it. However, the County might want to make minor changes; Stockhoff believed the County could do this and remain in compliance without going back to the agencies. The plan did not change much from last time, but some items should be added. Once the plan is adopted, staff can make other changes as directed.

Augerot recommended consulting Equity, Diversity, & Inclusion Program Coordinator Sarah Siddiqui, who is the steward of the language policy. Since this policy addresses Civil Rights Act (CRA) issues, it is important to create a linkage. Siddiqui has expertise and recent knowledge of process to ensure that the County complies with FTA regulations. Also, the list of community organizations for outreach omits any of the Disability organizations. The list could also include the Linn-Benton Equity Alliance and the Corvallis Multi-Cultural Literacy Center. BAT does not have a large ridership by some of those populations, but that may be because the County is not marketing well to those groups. Two-way communication is needed so residents know about this resource. Augerot asked if this version of the plan had been shared with the State Transportation Improvement Fund (STIF) Advisory Committee (AC), which now combines Paratransit and Transit funding, but is more slanted towards the funding side.

Dillingham, the County's Title VI Coordinator, replied that the AC has not reviewed the plan yet. The AC plans to meet by the end of 2024, once the two vacant seats are filled.

Augerot prefers to approve a policy after AC input, and agreed it is important to fill those seats, as the AC does not have much representation from any of the identities or communities represented in the CRA or the Americans with Disabilities Act. Augerot would like that to change, and would prefer that the plan be run past the AC and reviewed by Siddiqui to ensure that it aligns with other County policies.

Stockhoff noted that it has been very difficult to fill the Disability representative position on the AC. Without that, the AC can review the policy and comment, but cannot give a recommendation.

Augerot stated that needs to be clarified in State Statute. The previous Disability representative was also the only person of color on the AC. The County needs to work on that membership.

Stockhoff replied that the County solicited AC applications a few months ago, but did not receive any from those populations.

Augerot stated the County needs to keep working on that and do proactive outreach.

McEneny indicated that staff will work on that after this meeting and follow up with the Board about a strategy to expand the AC.

Malone asked about the timeline for the plan.

Stockhoff replied that completing the Board's direction and placing the item on a future agenda would probably take until at least December 2023. The plan is currently three years late; another month or two is probably all right.

Augerot asked if the County had received results of the performance audit.

Stockhoff replied no; staff are waiting for that in order to follow up on audit direction.

Augerot noted that may give the County a more certain timeframe. Augerot asked if the service standards in the plan have changed since the 2017 version.

Dillingham replied no, because the metrics meet the Federal requirements. Dillingham worked closely with the ODOT State Coordinator and FTA reviewer to ensure the plan was approved.

Augerot asked if the County had tracking data on its performance.

Dillingham confirmed data would be available once the County's dispatch software is upgraded.

The Board postponed this item until approximately December 2023 so staff can seek feedback on the plan from Siddiqui and from organizations and individuals in the Disability community.

9. Executive Session Under ORS 192.660[2][e] -- Negotiations for property transactions.

Chair Malone recessed the regular Board Meeting at 11:31 a.m. and immediately entered Executive Session at 11:31 a.m.

Chair Malone exited Executive Session at 12:19 p.m. and immediately reconvened the regular Board Meeting.

10. Other

No other business was discussed.

11. Adjournment

Chair Malone adjourned the meeting at 12:23 p.m.

Pat Malone, Chair

Erika Milo, Recorder

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

PUBLIC HEARINGS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/07/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Gary Stockoff

Phone Extension * 6010

Meeting Attendee Name * Gary Stockhoff

Agenda Item Details

Item Title * Requesting an Exemption from Competitive Bidding for the New Benton County Emergency Operations Center for the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting, Order D2023-075

Item Involves * Check all that apply

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

Estimated Time * 10 min

Board/Committee Involvement * Yes
 No

Advertisement*

Yes

No

**Names/Dates of
Publications**

List each publication name and date

Gazette Times 10/19/23

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Board of Commissioners held a Work Session on October 17, 2023, to discuss the information in attached Exhibit A. A Public Hearing will be held on November 7, 2023, for the purpose of taking comments on the findings for an exemption from the competitive bidding requirement. Attached Exhibit A outlines the Findings of Fact and Conclusions of Law.

Options *

- 1) Approve the request for an exemption
- 2) Deny the request and direct staff on how to proceed

Fiscal Impact *

- Yes
- No

Fiscal Impact Description *

The use of a CM/GC contracting method was previously selected for the Courthouse/DA project, and it was anticipated it would be used for constructing the remaining phases of the JSIP program. However, the other JSIP projects were not included with the first request for the Exemption from Competitive Bidding that was approved by the BOC in September 2022. To move away from the current CM/GC contractor and process at this time would negate cost savings from the CM/GC process, and the economy of scale to be realized from the continued use of CM/GC.

2040 Thriving Communities Initiative

Mandated Service?* Yes No

2040 Thriving Communities Initiative

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

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

Mandated Service Description* If this agenda checklist describes a mandated service or other function, please describe here.
The County is required to have a courthouse by state statutes.

Values and Focus Areas

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

Core Values* Select all that apply.
 Vibrant, Livable Communities
 Supportive People Resources
 High Quality Environment and Access
 Diverse Economy that Fits
 Community Resilience
 Equity for Everyone
 Health in All Actions
 N/A

Explain Core Values Selections* The new Emergency Operations Center will be a critical component for the County's ability to be better prepared for emergencies in the future.

Focus Areas and Vision* Select all that apply.
 Community Safety
 Emergency Preparedness
 Outdoor Recreation
 Prosperous Economy
 Environment and Natural Resources
 Mobility and Transportation
 Housing and Growth
 Arts, Entertainment, Culture, and History
 Food and Agriculture
 Lifelong Learning and Education
 N/A

Explain Focus Areas and Vision Selection* The new Emergency Operations Center will be a critical component for the County's ability to be better prepared for emergencies in the future.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Approval of the request.

Meeting Motions* I move to ...
...approve the Findings of Fact for Requesting an Exemption from Competitive Bidding for the new Benton County Emergency Operation Center for the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting, Order #D2023-075.

Recommendations and Motions

Staff Recommendation

Meeting Motion

I move to approve the Findings of Fact for Requesting an Exemption from Competitive Bidding for the new Benton County Emergency Operation Center for the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting, Order D2023-075.

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.

CMGC Exemption.pdf





262.26KB

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

<p>1.</p> <p>Department Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	<p>5.</p> <p>BOC Final Approval</p> <hr/> <p>Comments</p> <p>Signature </p>
<p>2.</p> <p>Counsel Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	
<p>3.</p> <p>Finance Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	
<p>4.</p> <p>County Administrator Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	

Benton County, Corvallis Oregon**FINDINGS OF FACT****For Exemption from Competitive Bidding and the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting for***for***Benton County Emergency Operations Center (EOC)****1. General**

ORS 279C.335(2) permits a local contracting agency to exempt public improvement projects from traditional competitive bidding upon approval of Findings of Fact (“Findings”) showing that an alternative contracting process is a) unlikely to encourage favoritism or diminish competition and that b) the process will result in substantial benefit to the local contracting agency.

ORS 279C.400 – ORS 279C.410 describe the Request for Proposals method of solicitation as an alternative to traditional competitive bidding. Pursuant to ORS 279C.410(8), a public Agency using the Request for Proposals method may award a contract to the responsible proposer “whose proposal is determined in writing to be the most advantageous to the contracting agency based on the evaluation factors set forth in the request for proposals and, when applicable, the outcome of any negotiations authorized by the request for proposals.”

ORS 279C.330 defines “Findings” and identifies specific information to be provided as a part of Benton County’s justification. Under ORS 279C.335(5) a public hearing must be held before the findings are adopted, allowing an opportunity for interested parties to comment on the draft findings.

2. Market Conditions

The current regional and local construction market is navigating unprecedented challenges, including labor shortages, global – local supply chain issues, as well as multiple public projects slated for construction over the coming year.

In consideration of these circumstances, Benton County utilized CM/GC Services, an alternate method of contracting, based on the Findings of Fact for the Benton County Courthouse and District Attorney’s office.

FINDINGS OF FACT**SPECIFIC FINDINGS, ARE AS FOLLOWS:**

1. The CM/GC was selected through a competitive process in accordance with the qualifications-based selection process authorized by Benton County Board of Commissioners. Therefore, it is in the best interest of the County to add the EOC to the existing Hoffman Construction Company CM/GC contract as allowed for in the CMGC RFP dated 2022.11.15 This finding is supported by the following:
 - A. SOLICITATION PROCESS:** Pursuant to ORS 279C.360, the CM/GC solicitation was advertised in the Daily Journal of Commerce, as well as The Gazette Times in September 2022.
 - B. FULL DISCLOSURE:** To ensure full disclosure of all information, the Request for Proposals solicitation package included:
 - a. Detailed Description of the Project
 - b. Contractual Terms and Conditions
 - c. Selection Process
 - d. Evaluation Criteria
 - e. Role of Selection Committee
 - f. Provisions for Comments
 - g. Complaint Process and Remedies Available
 - C. COMPETITION:** As outlined below, the County followed processes which maintained competition in the procurement of a CM/GC.
 - a. The County anticipated that competition for the contract would be similar to that experienced in other Projects of this type. The competition remained open to all qualifying proposers.
 - b. The selection and solicitation process employed was open and impartial. Selection was made on the basis of final proposal scores derived from qualifications, price, and other components, which expanded the ground of competition beyond price alone to include experience, quality, and approach to market conditions.
 - c. The competitive process used to award subcontracts for all competitively bid construction work is specified in the CM/GC contract and will be monitored by the County. The County designated in the contract the proposed percentage of construction work that must be subcontracted and may not be self-performed by the CM/GC. The CM/GC contract complies with the subcontractor competition requirements in ORS 279C.337.
 - D. SELECTION PROCESS:** Other highlights of the selection process included:
 - a. A mandatory Pre-Proposal Conference was held. This conference was open to all interested parties. During this Pre-Proposal Conference, as well as any time prior to five (5) business days before the close of the solicitation, interested parties were able to ask questions, request clarifications and suggest changes in the solicitation documents if such parties believed that the terms and conditions of the solicitation were unclear, inconsistent with industry standards, or unfair and unnecessarily restrictive of competition.

- b. The evaluation process was to determine whether a proposal met the screening requirements of the RFP, and to what extent. The following process was used:
 - i. Proposals were evaluated for completeness and compliance with the screening requirements of the RFP.
 - ii. Proposals considered complete and responsive were evaluated to determine if they met and complied with the qualifying criteria of the RFP.
 - iii. Proposals were independently scored by the voting members of the Selection Committee. Scores were then combined and assigned to each proposal.
 - iv. The Selection Committee convened to select from the highest-scoring proposers, finalists for formal interviews.
 - v. The Selection Committee conducted the interviews with the short-listed proposers.
 - vi. The Selection Committee used the interview to confirm the scoring of the proposal and to clarify any questions. Based upon the revised scoring, the Selection Committee ranked the proposers and provided an award recommendation.
 - vii. Benton County negotiated a contract with the top-ranked firm. An agreement was reached with Hoffman Construction Company.
 - c. Competing proposers were notified in writing of the selection of the apparent successful proposer and given seven (7) calendar days after receipt of the notice to file any questions, concerns, or protests about the selection process. No protests were filed.
 - d. The contract achieved through this process requires the CM/GC to use an open competitive selection process to bid all components of the job. The CM/GC's general conditions and fee make-up of the total cost were evaluated as one of the scoring criteria. General Conditions include supervision, bonding, insurance, and mobilization, are within the current industry standard range. The CM/GC's fee is within the industry's standard range for a project of this size. The entire value of the project will be awarded through open, competitive processes, at either the general contractor and/or the subcontractor level.
2. **The awarding of a construction contract for the Project using CM/GC method offers the County critical construction expertise and value to the Project. This finding is supported by the following information required by ORS 279C.335(2)(b) and ORS 279C.330.**

- A. SPECIALIZED EXPERTISE:** Early selection of Hoffman Construction Company creates more informed, better-quality decision making by the project team. A more efficient design and construction team saves the County money and helps the team anticipate and mitigate challenges in the current construction market.

This exemption has allowed Benton County to proactively seek construction and constructability expertise during the design process, well in advance of the standard competitive bid timeline, to address the complexities of existing conditions and the current construction market, to help inform the best decisions on behalf of the County. Value will be added to the Project, via early and time-critical construction expertise, that could not otherwise be obtained to the same depth, duration, or quality.

- a. **DESIGN COORDINATION:** Use of the CM/GC method in conjunction with the team approach results in a better coordinated Project. By having the CM/GC part of the project team early, the CM/GC has time to fully evaluate and understand the intended design direction prior to start of construction. This information informs design direction and approach to site logistics and safety and security measures during construction.

- b. The CM/GC clarifies several critical variables valuable to the Project design. The CM/GC will guarantee the maximum price (GMP) to complete the Project; determines the construction schedule; establishes the sequence of work; is contractually bound to implement the final Project design within the GMP; and participates as an essential member of the Project design and construction team. By utilizing the Request for Proposal selection process, which allows the County to consider factors such as experience and expertise in addition to price, the County ensured that the selected CM/GC is a competent addition to the team.

The CM/GC helps assess material selections relative to lead time issues, best opportunities to secure subcontractors and labor for trade coverage, better pricing, and will help discuss and/or adjust the work plan to address project and construction market needs. This component cannot be addressed by the usual design/bid/build method of construction because selection is typically based on the lowest bidder and occurs at the completion of the design process.

- c. **CONSTRUCTION COORDINATION:** A CM/GC participating on this Project would provide timely assistance and support to the development of the design and the most suitable approach to utilize existing mobilized teams already working on the Courthouse.
- d. **MARKET CONDITIONS:** As well as the multitude of construction market factors that currently exist today in Oregon and Washington (e.g., supply chain and lead time issues, construction labor shortages, significant competition of and with other projects), the difficulty in establishing the best work sequence complicates our ability to accurately estimate the cost of this Project. The current construction market challenges the interest and capacity for contractors to bid for jobs. CM/GC Services, an alternative contracting method, will be more likely to result in a more experienced and better suited contractor for this Project than the usual competitive/low bid procurement.

B. OPERATIONAL, BUDGET, FINANCIAL DATA

- a. **BUDGET:** The County has a fixed budget available for the EOC Project, as well as a desired “as soon as possible” project delivery date. Early reliable pricing provided by the CM/GC, as well as scheduling and procuring help with long lead items during the design phase will allow for the potential to mitigate later related challenges.
- b. **LONG TERM COSTS:** The Project will require expertise regarding the constructability and long-term cost/benefit analysis of innovative design. This knowledge is best obtained directly from the construction industry. Many decisions will be required during the design process that will encompass immediate feedback on constructability and pricing. Under the traditional design-bid-build process, there is a high risk of increased change orders and schedule impacts for a Project of this size and complexity. Since there are significant costs associated with delay, time is of the essence. Because the contractor participates during the design phase, the CM/GC process will assist in providing a scope of work, constructible design and phasing solutions that best meet the requirements of the Project with significantly lower risk to the Project costs. Involving the CM/GC during design will also allow Project risks to be addressed early and teamwork between the County, the design consultants, and the construction contractor (CM/GC) to minimize those risks.
- c. **FEWER CHANGE ORDERS:** When the CM/GC participates in the design process, fewer change orders occur during project construction. This is due to the CM/GC’s better understanding of the owner’s needs, and the architectural and engineering team’s intent. As a result, the Project is more likely to be completed on time and within budget. In addition, fewer change orders reduce the administrative time and costs of project management for both the County and the contractor.
- d. **GMP CHANGE ORDERS COST LESS:** CM/GC change orders will be processed at a lower cost under the GMP. The design-bid-build method typically results in the contractor charging

15%+ markup on construction change orders. The GMP method applies lower predetermined markups.

- e. **POTENTIAL SAVINGS:** Under the GMP method the County will enjoy the full savings if actual costs are below the GMP. When the CM/GC completes the Project, any savings between the GMP and the actual cost accrue to the County.
- f. **CONTRACTOR'S FEE IS LESS:** Contracts with CM/GC's are designed to create a better working relationship with the contractor. Consequentially, the overhead and profit fee is typically slightly lower than the fee anticipated on similar design-bid-build contracts.

C. ADDITIONAL PUBLIC BENEFITS

- a. **TIME SAVINGS:** The use of CM/GC as an alternative contracting method allows for more streamlined construction documents, in lieu of a fully bid set where everything needs to be documented for pricing. This will help streamline the project and the completion date.
- b. **COST SAVINGS:** The Project will benefit from the active involvement of a CM/GC contractor during the design process in the following ways:
 - i. The contractor's input regarding material availability and lead times, as well as the cost-effectiveness of various alternatives will guide the design toward the most economic choices.
 - ii. Consideration of the specific equipment available to the contractor will allow the designer to implement solutions that utilize the capacity and availability of that equipment.
 - iii. The contractor will be able to provide current and reliable information regarding the cost of materials that are experiencing price volatility and the availability of scarce materials.
 - iv. The contractor will also be able to order materials while design is being completed in order to avoid inflationary price increases and/or lead time issues, to mitigate the lead-times that may be required for scarce materials.
- c. **GUARANTEED MAXIMUM PRICE (GMP) ESTABLISHES A MAXIMUM PRICE PRIOR TO COMPLETION OF DOCUMENTS:** The CM/GC will be able to obtain a complete understanding of the County's needs, the architect's design intent, the scope of the Project, and the operational needs of the Project by participating in the construction document phase. With the CM/GC participating in this phase they will be able to offer suggestions for improvement and make suggestions that will reduce costs. With the benefit of this knowledge, the CM/GC will also be able to guarantee a maximum price to be paid by the County for constructing the Project.

D. VALUE ENGINEERING

- a. **WITH THE DESIGN-BID-BUILD PROCESS:** If the County were to utilize the design-bid-build method, the contractor would not participate in this evaluation. In conducting value engineering under the design-bid-build approach, a value engineering consultant is hired to participate in the design and cost evaluation process. This process adds extra costs and administrative complications, without providing the same benefits of early and committed construction contractor participation.
- b. **WITH CM/GC:** The CM/GC process offers a unique opportunity for value engineering that is not possible through the design-bid-build process. Value engineering is the means used to determine the best project design that meets the needs and priorities of the owner, within the owner's budget. Value engineering is done most effectively by a team consisting of the owner, architect, consultants, and the contractor. When the contractor participates, the team can render the most comprehensive evaluation of all factors that affect the cost, quality, and schedule of the project.

- i. The CM/GC method has the benefit of:
- the ability to best set/anticipate the schedule within these current market conditions,
 - the ability to anticipate long lead items and how to best gain subcontractor commitment to this project,

Through integrated participation, a project's scope and design evolve that has greater value for the owner and is not likely to be the same project or product created by the design-bid-build method.

CONCLUSIONS OF LAW

The above "Findings" show that the CM/GC process for the Construction of the Emergency Operation Center (EOC) project complies with the requirements of ORS 279C.335(2) for exemption of the project from competitive bidding.

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

**In the Matter of Approving an Exemption from)
Competitive Bidding for the Benton County)
Emergency Operations Center for the use of the) Order #D2023-075
Construction Manager/General Contractor)
(CM/GC) Services of Contracting)**

I. Nature of the Proceeding

The above-entitled matter coming now for the consideration of the Board of Commissioners. The Board of Commissioners held a Worksession on October 17, 2023, and the Board of Commissioners held a duly advertised Public Hearing on November 7, 2023, at the Kalapuya Building, in the Holmes & Shipley Public Meeting Room, 4500 Research Way Corvallis, Oregon, with the evidence and testimony in Exhibit A having been duly considered, the Board finds as follows:

II. Findings of Fact

- 1) Notice pursuant to ORS 279C.335(5)(b) of a Public Hearing was published in the Corvallis Gazette Times on October 19, 2023.
- 2) The Board of Commissioners held a Worksession on October 17, 2023. The public hearing on the request was held on November 7, 2023, for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.
- 3) Attached Exhibit A outlines the Findings of Fact and Conclusions of Law.

III. Conclusions of Law

- 1) ORS 279C.335 are applicable to the request.
- 2) No public comments were received and there were no requests for an additional public hearing.

IV. Order

Based on the findings and conclusions, now, therefore, it is hereby ordered:

The Findings and Conclusions of Law" shown in Exhibit A for the CM/GC process for the Construction of the Emergency Operations Center project complies with the requirements of ORS 279C.335(2) for exemption of the project from competitive bidding is hereby approved.

Adopted this 7th day of November, 2023.

Signed this 7th day of November, 2023.

BENTON COUNTY BOARD OF
COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

Approved:

Vance Croney, County Counsel Date

OLD BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/07/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Natural Areas, Parks and Events

Contact Name * Tomi Douglas

Phone Extension * 6090

Meeting Attendee Name * Tomi Douglas

Agenda Item Details

Item Title * Chapter 9 Amendment : Ordinance 2023-0321

Item Involves * Check all that apply

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

Estimated Time * 5

Board/Committee Involvement * Yes
 No

Advertisement*

Yes

No

Item Issues and Description

Identified Salient Issues*

Public hearing and second reading regarding the amendment of Chapter 9 regarding exotic and wild animal displays and subsequent adoption of a clarifying amendment.

Options*

Move to enact Ordinance No. 2023-0321 and conduct a second reading of the ordinance

Fiscal Impact*

- Yes
- No

2040 Thriving Communities Initiative

Mandated Service? * Yes No

2040 Thriving Communities Initiative

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

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

Values and Focus Areas

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

Core Values *

Select all that apply.

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

Explain Core Values Selections *

Clarifying Benton County's exotic and wild animal display ordinance will ensure we support our diverse ranching and agricultural community while ensuring animal welfare.

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 *

This issue/ordinance impacts our local growers, ranchers, and makers as well as the arts and entertainment community as it applies to both fairs and rodeos but also private ticketed events at the Fairgrounds and throughout the County

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Conduct the second reading and enact ordinance No. 2023-0321.

Meeting Motions* I move to ...
...enact Ordinance No. 2023-0321 and conduct a second reading of the ordinance.

Recommendations and Motions

Staff Recommendations

Conduct the second reading and enact ordinance No. 2023-0321

Meeting Motion

I move to enact Ordinance No. 2023-0321 and conduct a second reading of the ordinance.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

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

Chap 9 Animal Control redline 10-24-2023.docx 28.52KB

Comments (optional) Thanks everyone!

If you have any questions, please call ext.6800

**Department
Approver**

AMANDA MAKEPEACE

1.

Department Approval

Comments

Signature

Amanda Makepeace

2.

Counsel Approval

Comments

Signature

Vance H. Croney

3.

County Administrator Approval

Comments

Signature

Rachel L McEneny

4.

BOC Final Approval

Comments

Signature

Amanda Makepeace

Exhibit “A”

Benton County Code Chapter 9.805 shall be amended as follows:

9.805 DEFINITIONS. As used in BCC Chapter 9, Section 8:

(1) **Animal Display** means any exhibition, fair, act, circus, ride, trade show, carnival, race, parade, or similar undertaking in which a wild or exotic animal is required to perform tricks, give rides, fight or participate as accompaniments for the purpose of entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

(2) **Mobile or Traveling Housing Facility** means any transporting vehicle such as a truck, trailer or railway car, used to transport or house wild or exotic animals while traveling for an animal display.

(3) **Traveling Animal Display** means any animal display in which wild or exotic animals are transported to, from or in between locations in a mobile or traveling housing facility, for the purpose of such animal display. This shall not include the transportation of a wild or exotic animal between United States Department of Agriculture licensed sanctuaries and zoos for the purpose of providing lifetime care.

(4) **Wild or Exotic Animal** means any live animals listed below ~~from any of the following scientific classifications, including any hybrid of such animal. The animals listed in parentheses are intended as examples and not to be construed as an exhaustive list, or limit the generality of each group of animals, unless otherwise specified:~~

(a) Hippopotamuses, giraffes, camels, deer, antelope, and chevrotains;

(b) Alligators, crocodiles and camans;

(c) Sharks, skates, rays and lemon sharks;

(d) Elephants;

(e) Tigers, lions, jaguars, leopards, panthers, cheetahs, cougars, lynx, bobcat, ocelot, margay, Fisher cats, and European wild cats but excluding domestic cats;

(f) Hyenas;

(g) Kangaroos, koalas, wombats, wallabies, opossums and gliders;

(h) Apes, monkeys, lemurs, gorillas, chimpanzees, orangutans, bonobos;

(i) Rhinoceroses, tapirs and zebras;

(j) Seals, sea lions, and walruses;

(k) Ostriches and emus;

- (l) Bears;
- (m) Wolves, coyotes, foxes, African wild dogs and jackals except domestic dogs and their hybrids;
- (n) Whales, dolphins, and porpoises;
- (o) Anteaters, sloths, and armadillos;
- (p) Skunks, weasels, martens, mink, badgers, river otters, and sea otter;
- (q) Raccoons, coatis, kinkajous, ringtails, cacomistles and olingos;
- (r) Tortoises;
- (s) Civets, mongooses, bearcats and genets; and
- (t) Monitor lizards, Komodo dragons. [Ord. 2023-____; 2018-0290]
- ~~(a) — Artiodactyla (including hippopotamuses, giraffes, camels, but excepting alpaca, cattle, llama, swine, sheep, and goats);~~
- ~~(b) — Crocodilia (including alligators and crocodiles);~~
- ~~(c) — Elasmobranchii (including nurse sharks and lemon sharks);~~
- ~~(d) — Elephantidae (elephants);~~
- ~~(e) — Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, but excluding domestic cats);~~
- ~~(f) — Hyaenidae (hyenas);~~
- ~~(g) — Marsupialia (including kangaroos);~~
- ~~(h) — Non-human primates (including apes, monkeys, and lemurs);~~
- ~~(i) — Perissodactyla (including rhinoceroses and tapirs, but excluding Equidae);~~
- ~~(j) — Pinnipedia (including seals, sea lions, and walruses);~~
- ~~(k) — Struthio (ostriches); and~~
- ~~(l) — Ursidae (bears);~~
- ~~(kk) — Canidae (including wolves, coyotes, foxes, except domestic dogs)~~
- ~~(mm) — Cetacea (including whales, dolphins, porpoises)~~
- ~~(oo) — Edentata (including anteaters, sloths, armadillo)~~

~~(qq) Mustelidae (including skunks, weasels, mink, badgers, river otters, sea otters)~~

~~(ss) Procyonidae (including raccoons, coatis, kinkajous, ringtails)~~

~~(uu) Testudinidae (tortoise)~~

~~(ww) Viverridae (including civets, mongooses, bearcat)~~

~~(yy) Varanidae (monitor lizards, Komodo dragons) [Ord. 2018-0290]~~

Benton County Code Ch. 9.810 shall be amended as follows:

9.810 Prohibitions.

(1) It shall be unlawful for any person to allow for the participation of ~~an wild or exotic~~ animal listed in Section 9.805(4) in a traveling animal display.

(2) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with BCC 9.810(1):

(a) Any facility accredited by the Association of Zoos and Aquariums (AZA), or the World Association of Zoos and Aquariums (WAZA), ~~Oregon Wildlife Rehabilitation Association (OWRA), the National Wildlife Rehabilitation Association (NWRA), International Association of Avian Trainers and Educators (IAATE) or the International Wildlife Rehabilitation Council (IWRC);~~

(b) Any licensed or accredited academic, research, education or medical institution, the USDA Cooperative Extension Service, OSU Extension Service 4-H and its sanctioned events, community rodeos conforming to NPRA (Northwest Professional Rodeo Association) animal welfare rules and FFA-sponsored events and ~~including any such~~ institution dedicated to the training of service or assistance animals, but excluding wild animal training programs for the purpose of traveling animal displays;

(c) Veterinary clinics or wildlife rescue and rehabilitation facilities, which are licensed or permitted by the state of Oregon;

(d) Persons temporarily transporting ~~wild or exotic~~ animals listed in Section 9.805(4) through the county, provided that the transit time shall not be more than three days, and that such animals shall not be presented for animal displays while in the county;

(e) Persons owning or keeping a trained exotic primate as a service animal pursuant to ORS 609.345.

(a) The employee or contractor of a filmmaker (as defined in ORS 284.368) for the purposes of producing a film (as defined in ORS 284.368).

~~(a)(b) Animals not listed in Section 9.805(4) may be prohibited or restricted by state law or regulation. [Ord. 2023-_____ ; 2018-0290]~~

NEW BUSINESS



Benton County, Oregon ~ Board of Commissioners

Agenda Checklist Template

Suggested <u>Agenda Date</u> : November 7, 2023	Suggested Placement (<u>highlight</u> your choice): Business Meeting Work Session/Information Sharing
Your Department, Agency, Program: Economic Development Office	
Phone Number/Extension of Contact Person: 541.231.1203	
Email Address of Contact Person: Christopher.Jacobs@corvallisoregon.gov	

Agenda Item Details

Write Desired Item Title Here:	Natural Point Enterprise Zone Application
How much time for the Item?	15 minutes

Please highlight any/all that apply from the list below:

- | | |
|-----------------------|------------------------------------|
| Appointments | Notice of Intent |
| Budget | Order Resolution |
| Contract/Agreement | Ordinance: 1 st Reading |
| Discussion Only | Ordinance: 2 nd Reading |
| Discussion and Action | Public Hearing |
| Final Report | Proclamation |
| Initiate Conversation | Update/Check-in |
| Letter of Support | Other |

Is there Board or Committee involvement in the proposed item? If yes , the name of Board/Committee: Corvallis City Council and Enterprise Zone Advisory Committee	Yes No
Was this item advertised? If yes , please name publication and date(s): it was public noticed at Corvallis City Council and EZAC but not yet for Benton County BOC	Yes No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues - Natural Point is requesting a three-year property tax exemption for the construction of a facility within the Benton Corvallis Enterprise Zone that would provide goods or services to other business operations. Applications in the Benton Corvallis Enterprise Zone are subject to the state enterprise zone rules as well as locally adopted sustainability requirements. On September 11, 2023, the Enterprise Zone Advisory Committee met to review the application under the Benton County Enterprise Zone Tax Abatement Goals (See Attachment CC-B). Sustainability goals were adopted by the Corvallis City Council and Benton County Board of Commissioners and are optional local requirements that apply to applications within the Benton Corvallis Enterprise Zone in addition to the state minimum requirements. The applicant's response to the sustainability goals is included as Attachment CCB. The Enterprise Zone Advisory Committee determined that Natural Point meets the sustainability standards as provided in the application which can be found as an attachment. Staff review has determined Natural Point meets the State of Oregon's non-discretionary requirements. If the application is subsequently approved by City Council and Benton County Board of Commissioners, the applicant would receive tax abatement for three years on identified investment in their facility located in the Benton Corvallis Enterprise Zone.

Options – Approve or Deny the resolution.

Fiscal Impact?	Yes	No
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If yes, describe impact: The value of this potential abatement depends on the assessed value of the investment. There is no impact on the budget for those years an abatement is provided, however after three years, the city would realize the full taxable value of the investment.

Proceed to Next Page

2040 Thriving Communities Initiative

Is your item a mandated service?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, describe its impact:	

Values and Focus Areas

Below, indicate how your item applies to each value/focus area and explain how they would be advanced.

Core Values (please highlight any/all that apply):

- | | |
|-------------------------------------|-----------------------|
| Vibrant, livable Communities | Community Resilience |
| Supportive People Resources | Equity for Everyone |
| High Quality Environment and Access | Health in All Actions |
| Diverse Economy That Fits | N/A |

Explain Core Values Selections: The City operates a business retention and expansion program that connects with the "traded sector" businesses in the community, providing assistance for businesses to prosper and thrive. The Corvallis Benton County Enterprise Zone is one such tool that provides assistance, requiring both units of government to approve the tax exemption.

Focus Areas and Vision (please highlight any/all that apply):

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

Explain Focus Areas and Vision: A prosperous economy requires private investment and growing taxable revenues over time to support the community with jobs and services. Tools like the Enterprise Zone are critical in helping our economy remain competitive.

Recommendations and Motions

Staff Recommendations:	Approve the resolution as provided
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Meeting Motion: I move toapprove a three-year property tax abatement agreement between Benton County, a co-sponsor of the Benton Corvallis Enterprise Zone, and Natural Point Inc., Resolution No. R2023-026.
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Attachments, Comments, and Submittal

Please send any attachments (as PDF) directly to amanda.makepeace@bentoncountyor.gov.

The attachments will be published in the meeting packet.

Comments:	
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BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON

**A RESOLUTION APPROVING A THREE-YEAR)
PROPERTY TAX ABATEMENT AGREEMENT)
BETWEEN BENTON COUNTY, A CO-SPONSOR) RESOLUTION No. R2023-026
OF THE BENTON CORVALLIS ENTERPRISE)
ZONE, AND NATURAL POINT, INC.)**

WHEREAS, Natural Point, Inc. is expanding and investing in plant construction and equipment; and

WHEREAS, Natural Point, Inc., intends to add new employees, which will be more than ten percent of current employment, as required by ORS 285C.200; and

WHEREAS, Natural Point, Inc., satisfies the Benton County Enterprise Zone Tax Abatement Goals as required by ORS 285C.155; and

WHEREAS, Natural Point, Inc. anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Benton County average; and

WHEREAS, Natural Point, Inc., which is located at 3658 SW Deschutes St, Corvallis, OR 97333, has applied for a three-year property tax abatement for which it qualifies through its inclusion in the Benton Corvallis Enterprise Zone; and

WHEREAS, the City of Corvallis has requested support of this agreement from the other co-sponsors of the Benton Corvallis Enterprise Zone; and

WHEREAS, Benton County is a co-sponsor of the Benton Corvallis Enterprise Zone.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF BENTON COUNTY RESOLVES that the application for a three-year enterprise zone tax abatement is hereby approved by the Benton County Board of Commissioners.

Adopted this 7th day of November, 2023.

Signed this 7th day of November, 2023.

**BENTON COUNTY BOARD OF
COMMISSIONERS**

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

TO: City Council for October 16, 2023 Council Meeting
 FROM: Paul Bilotta, Community Development Director *PB*
 DATE: October 2, 2023
 THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
 SUBJECT: Natural Point Enterprise Zone Application



Action Requested:

Staff and the Enterprise Zone Advisory Committee recommend the City Council approve the attached resolution (Attachment CC-A) which will approve the Enterprise Zone application for tax abatement submitted by Natural Point for expansion of its facility.

Strategic Operational Plan Priority:

I-5: The City operates a business retention and expansion program that connects with the "traded sector" businesses in the community, providing assistance for businesses to prosper and thrive.

Discussion:

Natural Point is requesting a three-year property tax exemption for the construction of a facility within the Benton Corvallis Enterprise Zone that would provide goods or services to other business operations. Applications in the Benton Corvallis Enterprise Zone are subject to the state enterprise zone rules as well as locally adopted sustainability requirements.

On September 11, 2023, the Enterprise Zone Advisory Committee met to review the application under the Benton County Enterprise Zone Tax Abatement Goals (See Attachment CC-B). Sustainability goals were adopted by the Corvallis City Council and Benton County Board of Commissioners and are optional local requirements that apply to applications within the Benton Corvallis Enterprise Zone in addition to the state minimum requirements. The applicant's response to the sustainability goals is included as Attachment CC-B. The Enterprise Zone Advisory Committee determined that Natural Point meets the sustainability standards as provided in the application which can be found as an attachment. Staff review has determined Natural Point meets the State of Oregon's non-discretionary requirements. If the application is subsequently approved by City Council and Benton County Board of Commissioners, the applicant would receive tax abatement for three years on identified investment in their facility located in the Benton Corvallis Enterprise Zone.

The state requirements are not discretionary and were reviewed by staff. Staff reviewed the applicant's Form OR-EZ-AUTH and found that the application meets the state requirements. Key state requirements are discussed under Section 2 of this report. Staff recommends that City Council review the information in this staff report and the application under the Benton County Enterprise Zone Tax Abatement Goals (Attachment CC-B).

A. Application timing. Mandatory timing in being authorized:

- **Complete and submit this form to the local zone manager before beginning physical project work (construction, installations, etc., including site preparation) or hiring new employees.**
- **Work may proceed after submission and before approval.**

- **No exemption is allowed on property for which work began prior to the effective date of the zone's designation or amendment to include. (State standards taken from Form OR-EZ-AUTH 150-303-029)**

Staff review of application: The applicant submitted the Benton County application on September 22, 2022 and the state enterprise zone application form on October 28, 2022. Staff contacted the applicant on December 6, 2022, and requested additional information. The applicant provided the requested information on June 1, 2023. Construction has begun on the proposed facility, however, that work proceeded after the application was submitted on September 22, 2022. For this reason, staff finds that the application meets these criteria.

- B. Business eligibility. A key function of authorization is to ascertain and assure a business firm's eligibility for exemption. • The program is primarily directed at for-profit organizations that provide goods or services to other business operations. (State standards taken from Form OR-EZAUTH 150-303-029)**

Staff review of application: According to the information in the state application, Natural Point would use the proposed facility to provide goods or services to other business operations. The application meets this criterion.

- C. Employment in the enterprise zone. To be authorized, the eligible business firm must commit to satisfy job-creation requirements:**

- **The number of full-time jobs in the zone must rise and be maintained during the exemption at a minimum of 110 percent of the average level from the time of the authorization application. (State standards taken from Form OR-EZ-AUTH 150-303- 029)**

Staff review of application: According to the information in the application, the number of jobs that would result from this investment would increase the total employment of Natural Point's Corvallis facility by more than 10%. The application meets this criterion.

Local Enterprise Zone Requirements: The applicant's Benton County Enterprise Zone Tax Abatement Goals Application is included as Attachment CC-B. The applicant has indicated that they comply with the sustainability requirements identified on Attachment CC-B.

Budget Impact:

The value of this potential abatement depends on the assessed value of the investment. There is no impact on the budget for those years an abatement is provided, however after three years, the city would realize the full taxable value of the investment.

Attachment(s):

Attachment CC-A: Resolution

Attachment CC-B: Benton County Enterprise Zone Tax Abatement Goals Application and Enterprise Zone map

RESOLUTION 2023-_____

A RESOLUTION APPROVING A THREE-YEAR PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF CORVALLIS, A CO-SPONSOR OF THE BENTON CORVALLIS ENTERPRISE ZONE, AND NATURAL POINT, INC.

Minutes of the October 16, 2023, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, Natural Point, Inc. is expanding and investing in plant construction and equipment; and

WHEREAS, Natural Point, Inc., intends to add new employees, which will be more than ten percent of current employment, as required by ORS 285C.200; and

WHEREAS, Natural Point, Inc., satisfies the Benton County Enterprise Zone Tax Abatement Goals as required by ORS 285C.155; and

WHEREAS, Natural Point, Inc. anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Benton County average; and

WHEREAS, Natural Point, Inc., which is located at the Corvallis Airport Industrial Park, has applied for a three-year property tax abatement for which it qualifies through its inclusion in the Benton Corvallis Enterprise Zone; and

WHEREAS, the City of Corvallis has requested support of this agreement from the other co-sponsors of the Benton Corvallis Enterprise Zone; and

WHEREAS, The City of Corvallis is a co-sponsor of the Benton Corvallis Enterprise Zone.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the application for a three-year enterprise zone tax abatement is hereby approved by the Corvallis City Council.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

Benton County Enterprise Zone Tax Abatement Goals

Applicant Information

Date: 9/22/2022Business Name: NaturalPoint Inc.Contact Person: Austin HornerPhone: 541.209.6160 Email: Austin.horner@naturalpoint.com

Overarching goal: Businesses are desired that encourage or demonstrate using resources in a manner that protects the environment while providing for a vigorous economy and meeting community needs now and in the future.

New Businesses:

To receive a tax abatement for years 1-3 a business must fit into one of the categories in Section I and have (3) Yes's in Section II, III or IV. If a business does not fit into one of the categories in section I it must have (5) Yes's in Section II, III or IV. The Year 4 and 5 optional tax credit would be awarded to those companies that have made progress over years 1-3 in meeting the goals listed below.

Existing or Start-up Business:

If a business already in the Enterprise Zone or a startup with no operational history does not meet the new business requirements to receive the tax abatement for years 1-3, it may submit a plan to move its organization toward becoming more sustainable based on items in the criteria. The plan will need approval and the business must report annually on its progress toward that plan. The Year 4 and 5 optional tax credit would be awarded to those companies that have made progress over years 1-3 in meeting the goals below.

Section I: Product / Services: Our company offers products or services that fit in the following business clusters. Please check one that applies:

- Green Building: (e.g. businesses that provide products or services to the green building market - insulated concrete forms, non-toxic building products, consulting services that support green building, etc.).
- Energy: Alternative energy and/or efficiency (e.g. wind, wave, solar, hydro, biofuels, energy conservation services. software/hardware to reduce energy usage, etc).
- Local Food production and processing. (using sustainable agricultural practices to reduce chemicals, water and non-renewal energy).
- Green technology: (manufacturing processes that create no hazardous substances while reducing resource use - computerized controls that reduce resource use, such as for wood processing, soil remediation, environmental sensors).
- Recycled and/or Replacement Products: (e.g. flower pots made from waste paper pulp, plastic lumber, twine made from recycled plastics).
- Sustainable Forest and Wood Products
- Other sustainable business cluster

Section II: Business Practices: Our company focuses on protecting resources and meeting community needs while enhancing the economy. Check all those that apply.

- We train our personnel to meet these goals in all business aspects.
- These goals are integrated into our business planning.
- We track our business performance with a sustainability management system. Please Identify (_____).
- We measure energy use and waste per unit of production
- Other sustainable business practices We encourage bike riding to work and dedicated char

We encourage bike riding to work and dedicated charging stations

Section III: Operations (Check all those that apply)**Design**

Our company:

- Redesigns products so that they meet enterprise zone goals.
- Conducts Life Cycle Analyses on our product(s)/services
- Has reduced our product packaging by at least 20%
- Encouraged and engaged suppliers to redesign their products and services to meet enterprise zone goals.
- Other sustainable design practices: design for efficient manufacturing & assembly

Operations

Our company:

- Is locally owned.
- Routinely conducts process or facilities energy audits.
- Has reduced energy 10% per unit of production. (e.g. watts/widget).
- Has reduced green house gases to 1990 levels.
- Routinely/periodically conducts resource efficiency audits to reduce waste and raw materials.
- Routinely/periodically conducts efficiency audits for water usage.
- Routinely/periodically conducts employee satisfaction surveys with an action and implementation plan that follows.
- Has completed a chemical inventory that ranks toxic and hazardous materials and developed a plan to eliminate all persistent bio toxins (PBT's).
- Takes responsibly for our product at end of its useful life (e.g. takes back a computer to disassemble, recycle and or reuse components for a new product).
- Other sustainable operational strategies: _____

Section IV: Facilities

Our company:

- Intends to build to LEED (Leadership in Energy and Environmental Design) U.S. Green Building Standards or other "green" building standards.
- Will retrofit existing facilities to LEED or LEED Existing Building standards or equivalent.

Defining terms:

Sustainability/sustainable: The use of resources in a manner that protects the environment while providing for a vigorous economy and meeting community needs now and in the future. (See also Community Values: Corvallis Sustainability Coalition Guiding Principles.)

Enterprise Zone: A defined geographical area where a business can locate to obtain a 3-5 year tax abatement. The business must meet a minimum number of enterprise zone criteria to be awarded the tax abatement

Tax abatement: Elimination of requirement to pay property taxes on new investments in the Enterprise Zone (EZ) for a specified period of time, if EZ goals are met and if EZ manager has approved.

Green building: The practice of increasing the efficiency with which buildings use resources — energy, water, and materials — while reducing building impacts on human health and the environment, through better siting, design, construction, operation, maintenance, and removal — the complete building life cycle.

Green technology/clean technology: Application of the environmental sciences to conserve the natural environment and resources, and to curb the negative impacts of human involvement (often abbreviated as “green tech” or “clean tech”). Sustainable development is the core of *environmental technologies*. When applying *sustainable development* as a solution for *environmental issues*, the solutions need to be socially equitable, economically viable, and environmentally sound.

Recycled/replacement products: the use of manufacturing waste and/or post consumer waste to create new consumer or industrial products. Products that provide the same function and form but are manufactured from different materials.

Sustainability Management System: An organization’s environmental management system (EMS). ISO 14001 is the international specification for an environmental management system (EMS). It specifies requirements for establishing an environmental policy, determining environmental aspects and impacts of products/activities/services, planning environmental objectives and measurable targets, implementation and operation of programs to meet objectives and targets, checking and corrective action, and management review. A Sustainability Management System integrates sustainability into an EMS such as ISO 14001

Persistent Bio Toxins (PBT): chemicals that are toxic, persist in the environment and bioaccumulate in food chains and, thus, pose risks to human health and ecosystems.

LEED: Acronym for Leadership in Energy and Environmental Design, a green building rating system. Developed by the U.S. Green Building Council, LEED provides a suite of standards for environmentally sustainable construction.

Community Values

I. Corvallis Sustainability Coalition – Guiding Principles

1. Reduce and ultimately eliminate dependence on fossil fuels and wasteful use of scarce metals and minerals. Use renewable resources whenever possible.
2. Reduce and ultimately eliminate dependence on persistent chemicals harmful to human health and the environment; and wasteful use of synthetic substances. Use biologically safe products whenever possible.
3. Reduce and ultimately eliminate encroachment upon natural ecosystems (e.g., land, water, wildlife, forests, soil,). Protect natural ecosystems.
4. Support capacity of people to meet their basic needs fairly and efficiently.

II. Benton County Sustainability Policy: See attached policy

III. City of Corvallis Sustainability Policy: See attached policy

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 1 - GENERAL

CP 04-1.08 **Organizational Sustainability**

Adopted May 17, 2004

Affirmed October 17, 2005

Revised December 4, 2006

Revised October 20, 2008

1.08.010 Purpose

The City recognizes its responsibility to

- protect the quality of the air, water, land and other natural resources, and to conserve these resources in its daily operations;
- minimize organizational impacts on local and worldwide ecosystems;
- use financial resources efficiently and purchase products that are durable, reusable, non-toxic and/or made of recycled materials; and
- treat employees in a fair and respectful manner, providing an inclusive work environment and helping staff develop their full potential.

The City Council has demonstrated its concern for a sustainable community through the Corvallis 2020 Vision Statement. The purpose of this policy is to ensure City departments develop practices that achieve a more sustainable workplace through plans and programs that promote a balance of environmental values with economic and social equity values in the expenditure of public funds. The City Council, in its leadership position, sets an example by adopting sustainable business practices in its activities and providing the resources necessary to allow the organization to be successful in its sustainability efforts.

1.08.020 Definitions

1.08.021 Sustainability means using natural, financial and human resources in a responsible manner that meets existing needs without compromising the ability of future generations to meet their own needs.

1.08.022 Life-cycle cost analysis examines the full life of a product and its impact on the environment including the resources used to acquire the raw material and to manufacture, process, transport and install the material; the accrued life-time maintenance costs; and the final disposal (including recycle or reuse) of the product.

Council Policy 04-1.08

- 1.08.023 'Triple bottom line' is a framework for measuring and reporting organizational performance against environmental, economic, and social parameters. The term is used to capture the set of values, issues and processes that organizations must address to minimize harm and create environmental, economic, and social value.
- 1.08.024 Greenhouse gas emissions include carbon dioxide, methane, nitrous oxide, ozone and chlorofluorocarbons (CFCs). Motor vehicles that use gasoline or diesel fuel release large amounts of carbon dioxide into the atmosphere.
- 1.08.025 Backcasting is a process where a future desirable state or sustainable endpoint is determined and a strategy is set to achieve that future state through intermediate steps, usually at 1-, 5- and 10-year intervals. These intermediate objectives are then incorporated into the organization's planning efforts.
- 1.08.026 'Employer of choice' is an organization recognized for its leadership, culture, and best practices that attract, optimize, and hold top talent, achieving organization objectives.

1.08.030 Policy

The City uses a triple-bottom-line framework to enhance sustainability in all aspects of the organization's activities . City departments, through changes in daily operations, ongoing programs and long-range planning are able to simultaneously have a significant positive impact on the environment, the economic efficiency of municipal government and the social character of the workplace. Departments promote actions which are environmentally and socially beneficial while also being economically intelligent, and endeavor to assure that future generations have the resources needed to sustainably maintain healthy and productive societies.

1.08.040 Organizational Objectives

- 1.08.041 Encourage, develop and support connections between environmental quality, economic vitality and social equity.
- 1.08.042 Include long-term and cumulative impacts in decision making and ensure commitment to equity so economic impacts and the costs of protecting the environment do not unfairly burden any one geographic or socioeconomic sector of the city.
- 1.08.043 Use City resources efficiently and reduce demand for natural resources, such as energy, land, and water, as a first alternative to expanding supply.
- 1.08.044 Focus on solutions that prevent pollution through planned, proactive actions that go beyond regulatory compliance.

Council Policy 04-1.08

- 1.08.045 Act locally to reduce adverse global impacts of rapid growth of population and consumption, such as ozone depletion and global climate change.
- 1.08.046 Attract and retain the best fit employee for each position and for the organization as a whole, and commit to staff's continued growth and learning, development of new skills and willingness to take on new challenges.
- 1.08.047 Increase diversity and diversity awareness in the workforce, and provide a positive, respectful work environment, with open and honest communications.
- 1.08.048 Be a model of sustainable operations for other public and private organizations, and support and implement innovative programs that maintain and promote Corvallis' leadership as a sustainable city organization.

1.08.050 Triple-Bottom-Line Framework

To the extent possible, sustainable initiatives will meet more than one of the triple-bottom-line components. For each component, goals will be reviewed and refined at least annually to reflect accomplishments of the organization and innovations in sustainable technologies.

1.08.051 Environmental sustainability

The City values actions that are beneficial for the natural environment as well as for the health and safety of employees and the public, and that go beyond regulatory compliance to minimize the City's environmental impacts.

The organization seeks to enhance environmental sustainability through practices that promote clean air and water and reduce:

- solid and hazardous waste;
- use of toxic substances;
- emissions of greenhouse gases and other pollutants; and
- consumption of energy, water and natural resources.

Decisions take into consideration protection of open space, habitat protection and restoration, and preservation of natural biodiversity.

1.08.052 Economic sustainability

The City values wise use of public funds and considers the full cost or life-cycle cost implications of its efforts.

The organization seeks to enhance economic sustainability through purchasing parameters and guidelines that ensure an analysis of sustainably preferable options occurs with each purchase. Decisions take into consideration the time frame within which any incremental initial costs will be paid back from the benefits achieved by environmental or social investments and the need to maintain a healthy financial situation to ensure continued services to the community.

Council Policy 04-1.08**1.08.053 Social sustainability**

The City values an open and friendly organization that is free from bigotry and intimidation, and exercises policies and programs that make it an employer of choice. The services provided to citizens does not burden or unfairly impact any one sector of the community.

The organization seeks to enhance social sustainability through a respectful work environment and an organizational culture that includes:

- equal access to opportunity, recognition and reward;
- engagement in the workplace and organizational goals;
- lifelong learning and adaptability to change; and
- overall physical, emotional and financial health, fostered through a positive work/life balance.

1.08.060 Implementation

1.08.061 An organizational steering committee is established to adopt and implement sustainable strategies and practices in the departments. Along with an implementation team, the committee creates goals, develops metrics, prioritizes projects, investigates new technologies, and measures success.

1.08.062 The City Manager promotes the objectives of the policy, adopts and implements sustainable strategies and practices in the departments, documents department progress towards sustainable development on an ongoing basis, and prepares an annual report on progress achieved, as well as objectives to achieve before the next annual review.

1.08.063 Departments inform, educate, encourage, and hold employees accountable for actively participating in programs and policies promoting sustainability; providing the organization with an opportunity to become a community leader.

1.08.064 Staff seeks to continually improve best management practices for work activities resulting in more sustainable operations in each of the triple-bottom-line categories.

1.08.070 Review and Update

This policy shall be reviewed annually in October by the Public Works Department and updated as necessary.

**BENTON COUNTY, OREGON
ADMINISTRATIVE POLICIES MANUAL
ADMINISTRATIVE POLICY NO. 02-01**

TITLE: Benton County Sustainability Policy

SECTION: Organizational

DATE ADOPTED BY BOARD: 6/18/02 **SUPERCEDES:** N/A

SIGNATURE OF BOARD CHAIR: _____

1.0 Purpose

A number of steps are needed to achieve a sustainable future and will require the participation of all residents. Benton County government, as an initial effort under this resolution, shall focus on improving its internal operations as a step toward meeting this goal.

Benton County adopts the following definitions, goals and guidelines to promote sustainability.

2.0 Definition of Sustainability:

Benton County government must simultaneously meet environmental, economic, and community needs throughout our county. We must use, develop and protect our resources at a rate and in a manner that enables people to meet their current needs and also preserve resources for future generations.

3.0 Goals:

- a. Increase the economic prosperity and well being of all Benton County communities.
- b. Increase the efficiency with which land, energy, water and other natural resources are used.
- c. Reduce releases to air, water and land of substances harmful to human health.
- d. Reduce adverse impacts on natural habitats and species.

4.0 Guidelines:

As Benton County works toward sustainability, the county shall:

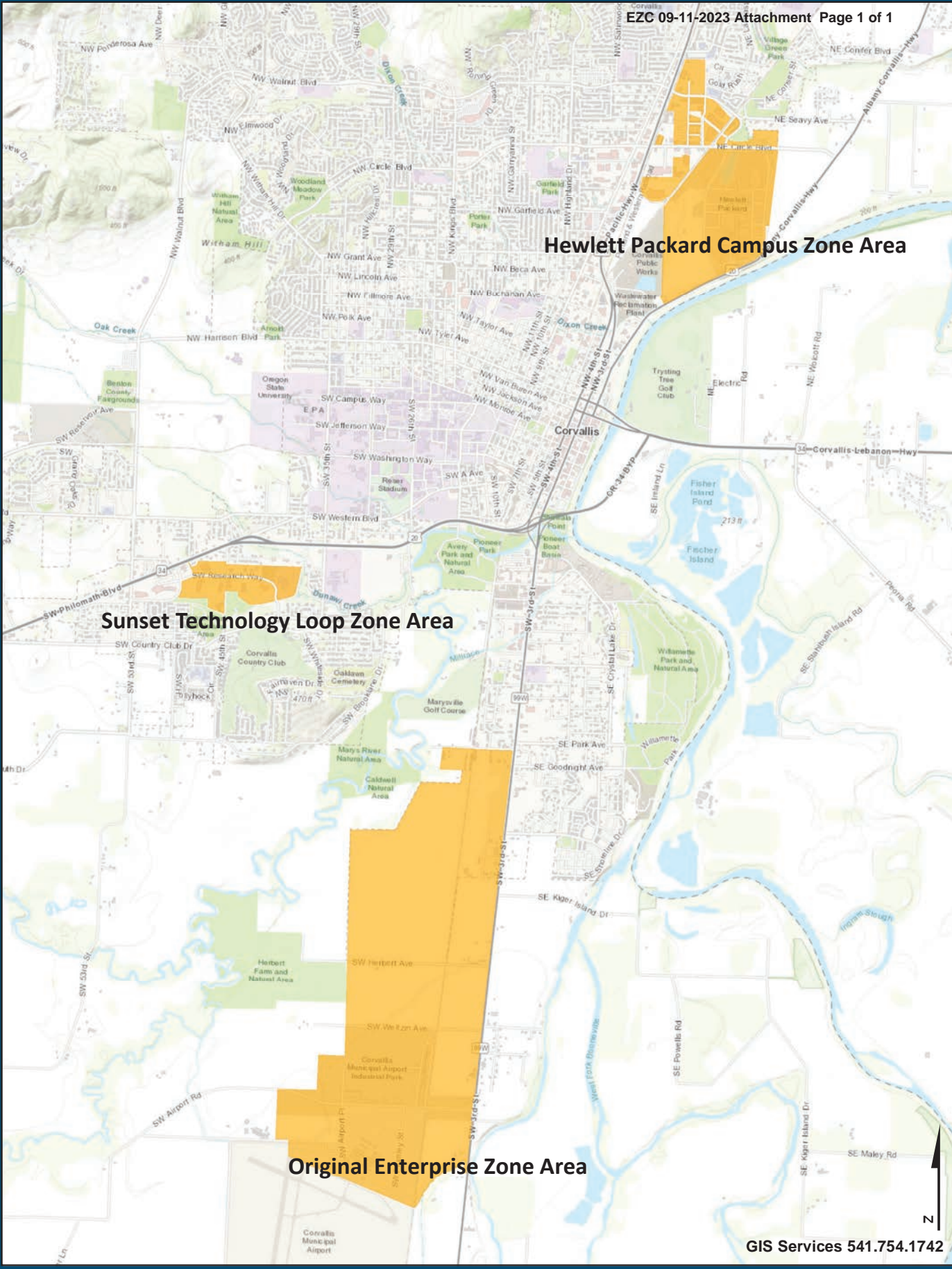
- a. Develop incentive-based mechanisms as possible alternatives to regulatory approaches;
- b. Understand the full costs and benefits of actions to ensure that decisions are fully informed;
- c. Measure resource use, environmental health, and costs to determine progress;
- d. Establish clear, measurable goals to guide county efforts toward sustainability;

- e. Employ the knowledge, expertise and creativity of county employees and residents to develop solutions;
- f. Build upon existing private and public efforts throughout the county, region and state to ensure cooperative and efficient results;
- g. Integrate strategies to enhance the effectiveness of new and existing efforts;
- h. Collaborate and cooperate to remove barriers and find solutions; and
- i. Emphasize on-going learning and adaptive management as techniques to continually inform and improve the process.

5.0 Summary:

All county agencies and employees will take actions to promote sustainable practices within county government. As an initial step, all departments shall focus on internal government operations. We will:

- a. Adopt Sustainability Practices within Department Operations to Reduce Waste
- b. Create a Sustainable Work Group
- c. Assess Options for Sustainability Indicators and Targets
- d. Conduct Business, Community and Public Outreach
- e. Identify Further Efforts



Benton Corvallis Enterprise Zone Boundaries

RESOLUTION 2023-25

A RESOLUTION APPROVING A THREE-YEAR PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF CORVALLIS, A CO-SPONSOR OF THE BENTON CORVALLIS ENTERPRISE ZONE, AND NATURAL POINT, INC.

Minutes of the October 16, 2023, Corvallis City Council meeting, continued.

A resolution submitted by Councilor Ellis.

WHEREAS, Natural Point, Inc. is expanding and investing in plant construction and equipment; and

WHEREAS, Natural Point, Inc., intends to add new employees, which will be more than ten percent of current employment, as required by ORS 285C.200; and

WHEREAS, Natural Point, Inc., satisfies the Benton County Enterprise Zone Tax Abatement Goals as required by ORS 285C.155; and

WHEREAS, Natural Point, Inc. anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Benton County average; and

WHEREAS, Natural Point, Inc., which is located at 3658 SW Deschutes St, Corvallis, OR 97333, has applied for a three-year property tax abatement for which it qualifies through its inclusion in the Benton Corvallis Enterprise Zone; and

WHEREAS, the City of Corvallis has requested support of this agreement from the other co-sponsors of the Benton Corvallis Enterprise Zone; and

WHEREAS, The City of Corvallis is a co-sponsor of the Benton Corvallis Enterprise Zone.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the application for a three-year enterprise zone tax abatement is hereby approved by the Corvallis City Council.

DocuSigned by:
Charlyn Ellis
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Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

Benton/Corvallis Enterprise Zone

