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

***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, these 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.

***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 <u>carried 3-0.</u>

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 one of the top priorities for the Association of Oregon Counties in 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

Pat Malone, Chair Erika Milo, Recorder

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