

**Board of Commissioners**

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way

Corvallis, OR 97333

bentoncountyor.gov

AGENDA*(Chair May Alter the Agenda)***BENTON COUNTY BOARD OF COMMISSIONERS****Tuesday, January 16, 2024, 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	Click for Zoom link	Dial 1(253) 215-8782	Click for Facebook LiveStream link
	Zoom Meeting ID: 875 4564 8554		
	Zoom Passcode: 716084		

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Review and Approve Agenda**3. Comments from the Public**

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.

4. Work Session

- 4.1 10 minutes – Monthly Public Health Update – April Holland; Health Services
- 4.2 5 minutes – Recognition of Dr. Martin Luther King, Jr.'s Birthday – Xanthippe Augerot, Board Chair
- 4.3 10 minutes – Discussion of Proposed Revisions to Benton County Code (BCC) Chapters 4, 5 and 6 – James Morales, Records and Elections

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

5. Consent Calendar

- 5.1 Approval of the November 28, 2023 Tuesday 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 10 minutes – First Reading of Ordinance 2024-0322 Proposing Revisions to Benton County Code, Chapters 4, 5, and 6 – *James Morales, Records and Elections*

7. New Business

- 7.1 10 minutes – Approval of Application for Oregon Parks and Recreation Local Government Grant – *Tomi Douglas, Jesse Ott; Natural Areas, Parks, and Events*
- 7.2 10 minutes – Approval of Submission of Street Name Recommendations to the City of Corvallis for the New Courthouse/District Attorney's Office Facility – *Gary Stockhoff, Public Works*

8. Other

ORS 192.640(1)" . . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. 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.

WORK SESSIONS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/16/24

View [Agenda Tracker](#)

Suggested Placement * Work Session and Meeting

Department * Records & Elections

Contact Name * James Morales

Phone Extension * 6832

Meeting Attendee Name * James Morales

Agenda Item Details



Item Title * Proposed Revisions to Benton County Code (BCC) Chapters 4, 5 and 6

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 * 20

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement*

☐ Yes

☒ No

Page 5 of 58

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Chapter 4, identify elections impacted, remove confusing titles and unrelated precinct committee person section. Correct an erroneous filing date. Being clear on which candidate is elected whether or not RCV is used.

Chapter 5, clarify the explanatory statements are not subject to Judicial Review and that the requirements are outlined in Chapter 6. Add language to clarify the advisory measure ballot title and explanatory review process. Specify the election dates on which an advisory measure may appear on the ballot.

Chapter 6, adds flexibility to voters' pamphlet distribution requirements, cite availability of translated voters' pamphlet information. Clarify word, space and photo requirements related to statements and arguments.

Options *

1. Direct staff to present the proposed BCC Chapters 4, 5 and 6 revisions for a first reading on January 16, 2024.
2. Identify additional revisions and direct staff to bring forward the re-revised proposed changes to BCC Chapters 4, 5 and 6 for a first reading on January 23, 2024.
3. Direct staff to make no changes to the existing language in BCC Chapters 4, 5 and 6.

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](#).

Mandated Service Description

If this agenda checklist describes a mandated service or other function, please describe here.

Governing election requirements within the Benton County Code.

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

Clarification and translation in governing county code.

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

Encouraging civic engagement and supporting democratic principles.

Item Recommendations and Motions

Staff	Staff recommends the Board adopt Ordinance No 2024-0323 Amending Chapters
Recommendations *	4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.
Work Session	I move to ...
Motions *	No Motion.
Meeting Motions *	I move to ...
	...adopt Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

Staff Recommendations

Staff recommends the Board enact Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

Meeting Motion

I move to enact Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

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 4 County Elections and	
Candidates_Proposed2024.pdf	154.7KB
Chap 5 Ballot Measures_Proposed2024.pdf	134.7KB
Chap 6 Voters Pamphlet_Proposed2024.pdf	160.43KB
Ordinance BCC 4 5 6 amendments 2024.docx	18.95KB

Comments (optional)

If you have any questions, please call ext.6800

Department Approver

JAMES MORALES

1.

Department Approval

Comments

Signature

James V. Morales

2.

Counsel Approval

Comments

Signature

Vance H. Chokey

3.

County Administrator Approval

Comments

Signature

Raana Kiriakowski

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot, Chair

Nancy Wyse, Vice Chair

Pat Malone, Commissioner

Approved As To Form:

Vance M. Croney, County Counsel

CHAPTER 4

ELECTIONS AND CANDIDATES

ADMINISTRATION

4.001 Purpose.

The purpose of this chapter is to provide clear guidance to county offices and other interested parties in the conduct of elections held in Benton County. [Ord. 99-0153; Ord. 2019-0291]

4.002 Definitions.

(1) “**Electoral District**” means the physical boundaries within Benton County of any elected position. [Ord. 99-0153; Ord. 2019-0291]

~~SPECIAL ELECTIONS~~

4.101 Primary Elections.

Each qualified major party may nominate one candidate in the Primary Election for each county partisan office position to be filled at the General Election. Non-partisan county office positions shall be nominated and elected in accordance with ORS 249.088 and 249.091.

4.105 General Elections.

One candidate shall be elected to fill each county office position appearing on the General Election ballot.

4.110 Special Elections.

The Board of Commissioners may call a special election by order. The order shall state the purpose for calling the special election, the propositions to be voted upon, and the date on which the election shall be held. [Ord. 11, adopted May 6, 1986; Ord. 85-0002; Ord. 90-0062; Ord. 2019-0291]

~~**4.102 Filing Deadlines.** Special district nominations shall be filed not later than the 70th day before the election and in compliance with existing election law. [Ord. 2019-0291]~~

~~COUNTY OFFICES ELECTIONS GENERALLY~~

4.201 Election to Fill a Vacancy.

If an election is required to fill a vacancy in an elected County office pursuant to Benton County Charter Chapter V Section 22(4)(a)(A), the election shall be conducted pursuant to Benton County Charter Chapter VII Section 25(1). [Ord. 90-0062; Ord. 2019-0291]

4.205 Ballot Specifications for Partisan Offices.

If an election is held to fill a vacancy in a partisan county office, the candidate's party affiliation as listed in the candidate's petition or declaration of candidacy or certificate of nomination shall appear first following the name of the candidate on the ballot, followed by up to two minor party nominations received by that candidate, if applicable. Abbreviated party names as established by the Secretary of State can be used. [Ord. 90-0062; Ord. 2019-0291]

4.210 Candidate Petition or Declaration of Candidacy for County Office.

(1) A person eligible pursuant to the Benton County Charter may become a candidate to fill partisan or non-partisan elected County office, or to fill a vacancy in a partisan or non-partisan elected County office, by filing either a petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by a filing fee set by order of the Board of Commissioners. The Board shall set the amount of the filing fee based on the filing fee provided in state law for a declaration of candidacy for an elected County office.

(3) In lieu of filing a declaration of candidacy and paying a fee, a person may become a candidate for an elected County office by filing a petition of candidacy as follows:

(a) If the person is filing a petition of candidacy to fill a nonpartisan elected County office, at the time of filing, the petition shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition, these signatures shall include those of electors registered in each of at least one-fifth of the precincts in the electoral district.

(b) If the person is filing a petition of candidacy as a candidate of a major political party to fill a partisan elected County office, the petition shall contain the signatures of electors who are members of the same major political party as the candidate. The petition shall contain at least 500 signatures or the number of signatures at least equal to two percent of the vote in the County for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. In addition, the signatures shall include those of electors registered in at least one-fifth of the precincts in the electoral district. [Ord. 90-0062]

4.215 Filing Deadlines.

(1) A petition for candidacy or declaration of candidacy shall be filed not later than the ~~61st~~70th day prior to ~~the a primary or general election or any other special~~ election.

(2) The certificate of nomination of a candidate for public office shall be filed in accordance with ORS 249.722. [Ord. 90-0062; Ord. 2019-0291]

4.220 Contents of Petition or Declaration.

(1) A petition or declaration of candidacy shall contain the information required in ORS 249.031.

(2) A declaration of candidacy shall also include a statement that the required fee is included with the declaration.

(3) A petition of candidacy shall also include the required signatures as provided by BCC 4.210~~05~~(3). [Ord. 90-0062; Ord. 2019-0291]

4.225 Certification of Signatures.

The Benton County Elections Office shall ~~verify~~~~certify~~ the signatures on a petition of candidacy for genuineness, while ensuring that the signer meets all of the necessary requirements for signing and that the signer has signed no other petitions regarding the same contest ~~prior to certification~~. [Ord. 90-0062; Ord. 2019-0291]

~~**4.230 Precinct Committeepersons.**~~

~~The election of major party precinct committeepersons will take place in accordance with the applicable provisions of ORS Chapter 248 [Ord. 99-0153; Ord. 2019-0291]~~

4.235 ~~Certificate of~~ Nomination for Partisan Office.

A minor political party, assembly of electors or individual electors may nominate one candidate for ~~office or to fill~~ a vacancy in a partisan county office by preparing and filing a certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.240 Contents of Certificate of Nomination.

(1) A certificate of nomination shall state:

- (a) The name by which the candidate is commonly known. A candidate may use a nickname in parenthesis in connection with the full name.
- (b) The mailing address and residence of the candidate.
- (c) The office, and department or position number, if any, for which the candidate is nominated.
- (d) The name of the minor political party, if any, which nominated the candidate.

- (e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "Nonaffiliated" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the date the certificate of nomination is filed, shall be included.
- (2) A certificate of nomination made by a minor political party or assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the party or assembly. An affidavit shall be made on the certificate by the presiding officer and the secretary and sworn to or affirmed by them before one of the following: a judge, justice of the peace, County Clerk, or notary public. The affidavit shall state that the statements in the certificate are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of BCC 4.255.
- (3) The nominee must accept the nomination ~~by either signing the certificate of nomination, or filing a signed acceptance of the nomination~~ prior to or at the ~~same~~ time as the ~~filing of~~ certificate of nomination ~~is filed~~. [Ord. 90-0062; Ord. 2019-0291]

4.245 Entries in Register of Nominations Upon Filing Certificates.

- (1) Immediately after each certificate of nomination is filed, the Benton County Elections Office shall enter in the register of nominations:
 - (a) The date the certificate was filed.
 - (b) The name of each candidate.
 - (c) The office for which the candidate is nominated.
 - (d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairperson and secretary certifying it.
 - (e) If the certificate of nomination is made by individual electors, the total number of ~~verified~~~~certified~~ signatures contained in the certificate.
- (2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Ord. 90-0062; Ord. 2019-0291]

4.250 Nomination by Minor Political Party.

An affiliation of electors qualified as a minor political party pursuant to ~~ORS 248.008 may nominate a candidate in accordance with ORS 249.705 through 249.722~~~~state law may nominate a candidate to fill a vacancy in a partisan county office~~. [Ord. 90-0062; Ord. 2019-0291]

4.255 Nomination by Assembly of Electors.

(1) An assembly of electors is an organized body of not fewer than 250 electors in the County.

(2) An assembly of electors ~~shall~~may nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than ~~12~~8 hours. The signature, printed name, residence and mailing address of each member of the assembly ~~shall~~may be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the minimum number of electors required to constitute an assembly of electors shall have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the County. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be made, and the names and addresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

(4) Proof of publication of the notice ~~required~~in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the Benton County Elections Office with the certificate of nomination.

(5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the Benton County Clerk who will supervise the conduct of the nominating convention.

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the Benton County Elections Office. The signatures shall be verified by that office. A copy of the minutes, certified by the secretary of the assembly, and an affidavit of compliance, for the assembly, ~~from the Benton County Elections Office~~ shall be filed along with the certificate of nomination ~~at the Benton County Elections Office~~ on the next business day following the assembly.

(7) The Benton County Clerk or designee shall ~~supervise the conduct of~~attend the nominating convention. The County Clerk ~~or designee~~ shall ~~insure~~verify that, when the assembly of electors makes a nomination, the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors ~~or not~~.

(8) Vacancies shall be filled in the manner provided by ORS 249.735(7). [Ord. 99.0153; Ord. 2019-0291]

4.260 Nomination by Petition of Individual Electors.

- (1) A certificate of nomination by petition of individual electors shall contain signatures of electors in the electoral district equal to, but, ~~not less than,~~ one percent of the total votes cast in the electoral district for all candidates for presidential electors at the last general election.
- (2) Each elector signing a certificate of nomination by petition of individual electors shall include the residence address of the elector.
- (3) A certificate of nomination made by individual electors shall contain the name of only one candidate.
- (4) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the Benton County Clerk.
- (5) The certificate shall comply with the provisions set forth in ORS 249.740(3) and ORS 249.740(4).
- (6) The signatures contained in each certificate of nomination made by individual electors shall be ~~verified~~~~certified~~ for genuineness by the Benton County Elections Office.
- (7) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.265 The Candidate ~~Receiving More Than Fifty Percent of Votes~~ Elected to County Office.

- (1) In accordance with Benton County Charter Chapter VII Section 25(1) the candidate that receives more than fifty percent of the ranked choice votes is declared the winner. The winning candidate shall be the elected official of the county office.
- (2) The person elected shall take office immediately upon receiving the person's certificate of election and filing their oath of office with the Benton County ~~Elections Office~~Clerk in accordance with ORS 204.020. [Ord. 90-0062; Ord. 2019-0291]
- (3) If Ranked Choice Voting is not utilized, the candidate receiving the most votes shall be declared the winner.

CHAPTER 5

BALLOT MEASURES

ADMINISTRATION

5.005 Purpose.

The purpose of BCC Chapter 5 is to describe the process for initiative and referendum petitions, referral measures and the creation of ballot titles to be placed on the ballot in accordance with the County Charter, Code and applicable state law. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

5.010 Application.

A county measure may be submitted for inclusion on the ballot by qualifying petition, referral by the Benton County Commissioners or referral by the governing body of a local government in Benton County if:

(1) The measure is submitted in accordance with state and local laws applicable to the election for which the measure is to appear on the ballot; and

(2) All procedures set forth in BCC Chapter 5 relating to the preparation of the ballot title and to the explanatory statement for the measure shall be completed on or before the 70th day before the election at which the measure is to be submitted to the electors; and

(3) One or more of the following persons decides to include a measure on the ballot in the following manner:

(a) In the case of a measure proposed by initiative or referendum petition:

(A) All chief petitioners agree to include the measure, its ballot title and explanatory statement on the ballot, by filing with the Benton County Elections Office a statement of that decision, in such form as the County Clerk shall prescribe, at the time the prospective petition for the measure is filed with the Elections Office; and

(B) A petition containing sufficient numbers of qualified signatures to require submission of the measure to the electors shall be filed with the Elections Office on or before the 90th day preceding the election at which the measure is to be submitted to the electors; or

(b) In the case of a measure referred to the electors by a local government body:

(A) The local government decides to submit the measure, its ballot title and explanatory statement to its voters by **filing a notice of measure election on the form prescribed**, ~~an order~~ reflecting that decision with the Elections Office on or before the 81st day preceding the election at which the measure will be submitted to the electors. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

BALLOT TITLES AND EXPLANATORY STATEMENTS

5.105 Preparation of Ballot Titles and Explanatory Statements.

- (1) When a prospective petition is filed regarding a measure proposed by initiative or referendum petition, the Benton County Clerk shall convey two copies of the prospective petition to the County Counsel, who shall, within five (5) business days after receiving it, prepare a ballot title and explanatory statement for the measure and return a copy of the prospective petition, together with the ballot title and explanatory statement, to the Elections Office and to one of the chief petitioners.
- (2) In the case of a measure referred to the electors by the Board of County Commissioners, the Board shall file with the Elections Office a ballot title and explanatory statement for the measure at the time it files the ~~order~~form described in BCC 5.010(3)(b).
- (3) Ballot titles shall consist of:
 - (a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and
 - (b) A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
 - (c) A concise and impartial statement of not more than 175 words summarizing the measure and its major effect.
- (4) Explanatory statements shall comply with and be ~~subject to the requirements set forth in BCC 6.205, simple, and understandable, shall explain the measure and its effect and shall not exceed 500 words.~~ [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

5.110 Judicial Review of Ballot Titles ~~and Explanatory Statements.~~

Within seven (7) business days after the ballot title ~~and explanatory statements are~~ ~~is~~ received by the Elections Office under subsection (1) or (2) of BCC 5.105, any elector dissatisfied with the ballot title ~~or explanatory statement~~ may petition the Benton County Circuit Court for review of the title ~~or statement~~, and shall set forth the reasons why the title ~~or statement~~ does not conform to the requirements of BCC Chapter 5 or other applicable law. If the court finds that the ballot title ~~or explanatory statement~~ complies with the requirements of BCC Chapter 5 and other applicable law, it shall enter an appropriate order to that effect. If the court determines that the ballot title ~~or explanatory statement~~ does not comply with the requirements of BCC Chapter 5 or other applicable law, the court shall prepare an alternative ballot title ~~or explanatory statement~~. The title ~~or statement~~ so prepared shall replace that of the County Counsel for purposes of BCC Chapter 5. The order of the Circuit Court shall not be appealable. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

ADVISORY MEASURES

5.301 Definitions.

- (1) **“Advisory Measure”** means a ballot measure created by a local government for the purpose of gauging support or opposition to specific issues or ideas. Advisory measures do not mandate changes to the state constitution, state law or regulations or local government charters, local laws or ordinances or policies.
- (2) **“Local government”** has the meaning set forth in ORS 174.116. [Ord. 2019-0291]

5.305 Advisory Measures.

A local government, located wholly within the boundaries of Benton County, may refer no more than one advisory measure to the electorate of the district in any election in accordance with BCC sections 5.301 thru 5.375. A local government that submits an advisory measure to the district electorate in Yes/No format, need not be located wholly within Benton County. [Ord. 2019-0291]

5.315 Filing Requirements.

- (1) A local government may file with the Benton County Elections Office an order calling for a local advisory measure. The order shall include the ballot title of the advisory measure, the method of voting to be utilized (Yes/No or Ranked Choice Options) and the election date on which the measure shall appear on the ballot.
- (2) In the case of a Yes/No advisory measure referred to the electors by a local government, it shall file with the Elections Office a ballot title and explanatory statement in accordance with BCC 5.105(3) & (4).
- (3) In the case of a Ranked Choice Option advisory measure referred to the electors by a local government, it shall file with the Elections Office a ballot title and explanatory statement in accordance with the following:
 - (a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and
 - (b) The question shall provide 3 to 5 Options for voters to rank. Each ranked choice option shall not exceed 8 words or 40 character spaces whichever is less, to plainly identify each option on the ballot, to meet this requirement abbreviations may be utilized. Options will be identified as Option A, Option B, Option C, etc., and shall not be included in the word/character count; and
 - (c) A concise and impartial statement of not more than 150 words summarizing each measure option.
- (4) Explanatory statements shall explain each advisory measure option in an impartial, simple, and understandable manner. Advisory measure statements with three ranking options shall be limited to 400 words, four options shall be limited to 500 words and five options shall be limited to 600 words or less. [Ord. 2019-0291]

5.325 Advisory Measure Filing Deadlines.

A local government shall file its order for an advisory measure with the Benton County Elections Office, on or before the 81st day preceding the election at which the measure is to appear on the ballot. [Ord.2019-0291]

5.335 Advisory Measure Ballot Title & Explanatory Statement Review.

(1) Petition for Review.

(a) Any elector registered and qualified to vote on the subject advisory measure may file a petition with the Elections Office, for an administrative review of the **advisory measure** ballot title and/or explanatory statement, not later than the 5th day after the last day on which a notice of election can be filed.

(b) A petition filed under this section shall contain a statement of reasons why the **ballot title and/or** explanatory statement is not impartial, is insufficient, or unclear.

(c) Upon receipt of a petition, the County Clerk, or the Clerk's designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the local government shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the **ballot title and/or** explanatory statement. At the conclusion of the hearing, the County Clerk may modify the **ballot title and/or** explanatory statement to comply with the requirements of this section. The reviewed ballot title and/or explanatory statement, modified or not modified by the County Clerk, shall be certified for use in the election.

(2) The Clerk's review of the advisory measure ballot title and explanatory statement shall be the first and final review in order to ensure the timely availability of voters' pamphlets and ballots for the election. [Ord. 2019-0192]

5.345 Printing Advisory Measures on the Ballot.

Ballots shall be printed in accordance with ORS Chapter 254 and in a manner that will provide each qualified elector with the opportunity to rank advisory measure options in the order of preference. [Ord. 2019-0291]

5.375 Cost and Election Date for Advisory Measures

Local governments that refer an advisory measure to their voters shall pay the full apportioned cost for the advisory measure submission. ~~without regard to the~~ The election date on which ~~the~~ an advisory measure may appear on the ballot shall be limited to election dates other than those set for even year Primary and General Elections in ORS 203.085. [Ord. 2019-0291]

CHAPTER 6

VOTERS' PAMPHLET

6.005 Purpose.

The purpose of BCC Chapter 6 is to authorize and direct the Election Office in the production and mailing of a county voters' pamphlet, as directed by the County Clerk. The voters' pamphlet will provide electors with information necessary to make an informed choice in elections by allowing candidates and measure committees the opportunity to put forward information and arguments concerning ballot issues. [Ord. 99-0153; Ord. 2019-0291]

6.105 Preparation and Mailing of Benton County Voters' Pamphlet.

When directed by the County Clerk, the Elections Office, under the supervision of the ~~Supervisor of Elections~~ **Manager**, shall prepare and mail a county voters' pamphlet as follows:

- (1) The Elections Office shall prepare and have printed a county voters' pamphlet, which will include filed information on all candidates and measures that will appear on the ballot.
- (2) The voters' pamphlets ~~shall~~ **may** be distributed to all households within the jurisdiction(s) taking part in the election. One pamphlet ~~will~~ **may** be distributed to each household, regardless of how many voters reside in that household. All the measures and candidates that will appear on the ballot for the election may be included in one voters' pamphlet. Additional means of distribution may be utilized if it is determined ~~that the additional distribution is necessary to make pamphlets available to all households of the electoral district.~~
- (3) No voters' pamphlet will be prepared unless there are candidate statements or **measure** explanatory statements filed with the county.
- (4) The voters' pamphlets shall be distributed not later than the 7th day before the election or the last day for mailing ballots.
- (5) Voter pamphlets may be distributed **electronically or** by including one in each ballot envelope mailed to voters. If the voters' pamphlet is distributed in this manner, the information in the pamphlets may be district specific, ~~but, shall include all other information prescribed in this section and BCC 6.110.~~ [Ord. 99-0153; Ord. 2019-0291]

6.110 Other Required Items in Voters' Pamphlet.

In compliance with state election law the following items shall be part of the Benton County voters' pamphlet or the combined voters' pamphlet, if inserting with a state produced pamphlet, ~~in addition to those items previously listed:~~

- (1) The requirements for a citizen to qualify to vote.
- (2) The requirements to register to vote.
- (3) The hours that the Benton County Elections Office will be open on Election Day, as well as the location of all ballot drop sites throughout the county and the hours during which voters will be able to deliver ballots to those drop sites.
- (4) Instructions to voters concerning their rights and duties dealing with the election process to include: how voters may obtain an absentee ballot, how to request a second ballot if the first was spoiled or that voters may cast a ballot in-person by coming to the Elections Office.
- (5) The ballot title of each measure, the explanatory statements, and any arguments submitted, in accordance with the terms of this ordinance.
- (6) Any candidate statements submitted in accordance with the terms of this ordinance.
- (7) Such other information **and language translations** as may be necessary, **required**, or appropriate. [Ord. 99-0153; Ord. 20190291]

6.205 Explanatory Statements.

- (1) Filing Deadlines.

Not later than the filing deadline for the notice of election provided in state statute.

- (a) Any authorized governing body which institutes a measure to appear on the ballot, shall submit an impartial, simple, and understandable statement explaining the measure and its effect.
- (b) For measures instituted by petition to the authorized governing body, the governing body may submit an impartial, simple, and understandable statement explaining the measure and its effect.

- (2) Contents.

The explanatory statement shall contain words and numbers only and shall not exceed 500 words, shall be typewritten, and shall be an impartial, simple, and understandable statement, which explains the measure and its effects. This shall be in addition to the ballot title requirements set forth by state statute.

- (3) Availability to Public.

A full and complete copy of the explanatory statement shall be available to the public in the Elections Office.

(4) Challenge and Review.

- (a) Any elector registered and qualified to vote on the subject measure may file a petition with the Elections Office, for an administrative review of the explanatory statement, not later than the 5th day after the last day on which a notice of election can be filed.
- (b) A petition filed under this section shall contain a statement of reasons why the explanatory statement is not impartial, is insufficient, or unclear.
- (c) Upon receipt of a petition, the County Clerk, or the Clerk's designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the filing body shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the explanatory statement. At the conclusion of the hearing, the County Clerk may modify the explanatory statement to comply with the requirements of this section in a manner that reflects the drafter's intent as closely as possible. The modified explanatory statement, or the original explanatory statement, if not modified by the ~~Supervisor of Elections~~ **Manager**, shall be certified and included in the voters' pamphlet. [Ord. 99-0153; Ord. 2019-0291]

6.305 Arguments.

(1) Filing Deadline.

Arguments supporting or opposing a measure must be filed not later than the 5th day after the last day on which the notice of election may have been filed.

(2) Form of Argument.

- (a) The argument filed shall be in words and numbers only, shall be typewritten, and shall be ~~printed on~~ no more than ~~29.8 square inches, which allows a maximum of~~ 325 words.
- (b) The Elections Office shall reject any argument which:
 - (i) Contains any obscene, profane, scandalous or defamatory language.
 - (ii) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, **gender**, religion or manner of worship.

- (iii) Contains any language that may not legally be circulated in the mail.
- (iv) Otherwise does not comply with this ordinance.

(3) Filing Fee.

Shall be established by resolution approved by the Benton County Board of Commissioners.

(4) Subscription and Disclaimer.

The argument shall also contain the name of the submitting organization or person; whether the argument supports or opposes the measure; and a disclaimer in substantially the following form;

"The printing of this argument does not constitute an endorsement by Benton County, nor does the County warrant the accuracy or truth of any statements made in the argument."

- (5) The language referred to in BCC 6.305(4) shall not be included in the 325 word limitation set forth in BCC 6.305(2). [Ord. 99-0153; Ord. 2019-0291]

6.405 Candidate Statements.

(1) Filing Deadline.

Not later than the filing date set forth in state statute for filing for the position, a candidate may file with the Benton County Elections Office a typewritten statement of reasons why the candidate should be nominated or elected; and a photograph of the candidate.

(2) Contents of candidate's statement.

- (a) The candidate's statement shall consist of words or numbers only and shall not exceed 325 words. The candidate's statement shall begin with a summary of the following: Occupation, education and occupational background, and prior governmental experience.
- (b) The Elections Office shall reject any candidate's statement which:
 - (i) Contains any obscene, profane, scandalous or defamatory language.
 - (ii) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, **gender**, religion or manner of worship.

- (iii) Contains any language which may not legally be circulated in the mail.
- (iv) Otherwise does not comply with this ordinance.
- (c) Each candidate's statement submitted shall be subscribed and sworn to before a notary or a Deputy Clerk in the Elections Office, and the subscription shall be in the following form:

"I hereby subscribe and swear under penalty of law that the above submitted candidate's statement is true and accurate to the best of my knowledge and belief."

(3) Photograph Requirements.

A candidate, at the time of filing a candidate's statement, may submit ~~two identical 5" X 7" glossy~~ a photograph~~s~~ for use in the voters' pamphlet. A candidate shall not submit for inclusion in the voters' pamphlet a photograph that was taken more than two years before the date the photograph is filed with the Elections Office.

- (a) A photograph submitted for inclusion in the voters' pamphlet shall:
 - (i) Be a conventional photograph with a plain background; and
 - (ii) Show the face or head, neck and shoulders of the candidate; and
 - (iii) Be of sufficient quality and size for reproduction.
- (b) A photograph submitted for inclusion in the voters' pamphlet shall not:
 - (i) Include the hands or anything held in the hands of the candidate;
 - (ii) Show the candidate wearing a judicial robe, a hat or military, police or fraternal uniform;
 - (iii) Show the uniform or insignia of any organization; and
 - (iv) Include the display of any flag or pennant.

(4) Filing Fee.

Each candidate's statement filed shall be accompanied by the required fee, \$25 for unpaid offices and \$100 for paid offices. The Elections Office shall reject any candidate's statement tendered for filing unless accompanied by the specified fee.

(5) Language.

The subscription language provided for in BCC 6.405(2)(c) shall not be included in the 325 word limitation set forth in BCC 6.405(2)(a). [Ord. 99-0153; Ord. 2019-0291]

6.505 Miscellaneous.

(1) Spacing and Type Size.

The ~~Supervisor of~~ Elections **Manager** shall have the authority to determine type size and spacing to be used in the printing of explanatory statements, arguments and candidate's statements. The ~~Supervisor of~~ Elections **Manager** shall exercise this authority only for the purpose of ensuring that each explanatory statement, argument or candidate's statement occupies no more than one page of the printed voters' pamphlet. ~~A page for the purpose of this means 46.5 square inches, or one of the two columns on each page of the voters' pamphlet.~~

(2) Deadline.

A measure, explanatory statement, argument, or candidate's statement, together with the required fee, must be filed with the Elections Office not later than 5 PM of the day the document or fee is due. If the day the document or fee is due is a Saturday, Sunday, or holiday, the document or fee can be filed by 5 PM on the next business day. If a person is physically present within or in line to enter the Elections Office, in order to deliver the document or fee, the person shall be considered as having begun the act of delivering the document or fee. The person shall then be permitted to file so long as that person does not leave prior to completing the process with the Elections Office.

(3) Forms.

The Elections Office may develop and require the use of standardized forms for any or all of the filings authorized or required by this ordinance. [Ord. 99-0153; Ord. 2019-0291]

6.605 Disposition of funds.

(1) The Benton County voters' pamphlet shall be published and distributed under the authority of the Benton County Clerk.

(2) Revenues derived pursuant to this ordinance shall be utilized to offset the cost of producing and distributing the voters' pamphlet. If the revenues generated, as a result of argument fees,

candidate's statement fees or other revenues exceeds the total cost of producing and distributing the voters' pamphlet, the balance shall be used to offset the election costs. [Ord. 99-0153; Ord. 2019-0291]

CONSENT CALENDAR

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Livestream: <http://facebook.com/BentonCoGov>
Tuesday, November 28, 2023
9:00 a.m.

Present: Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Jef Van Arsdall, Sheriff; Vance Croney, County Counsel; Rachel McEneny, County Administrator

Staff: Dean Barnes, Dawn Dale, Sheriff's Office; Jen Brown, Sean McGuire, Sustainability; Shannon Bush, Laurel Byer, Darren Nichols, Linda Ray, Webster Slater, Inga Williams, Community Development; Rick Crager, Financial Services; Cory Grogan, Public Information Officer; April Holland, Health Services; Adam Loerts, Information Technology; Amanda Makepeace, BOC Staff; Erika Milo, BOC Recorder; Gary Stockhoff, Public Works

Guests: Robert Biscoe, Ken Eklund, Brian Horn, Peggy Joyce, Kevin Kenaga, Peggy Lynch, Debbie Palmer, Marge Popp, [first name not given] Priest, Mark Yeager, residents; John Harris, Horsepower Productions

1. Opening:
1. Call to Order

Chair Malone called the meeting to order at 9:03 a.m.

2. Introductions
3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda:

11. Executive Session under ORS 192.660[2][e] – Real Estate Transactions

3. *Comments from the Public

*Phil Ermer, resident, Professional Engineer, expressed concerns that the Benton County media policy could restrict freedom of the press and called on the Board to present two sides of an issue. Ermer also asked the Board to ensure that when Benton County considers new construction, those projects abide by recently passed State measures to address environmental damage from embodied carbon.

{Exhibit 1: Phil Ermer Public Comment}

Wyse noted that the Board did change the Benton County media policy to address concerns about freedom of the press.

Paul Blackburn, resident, expressed concerns about the County restricting freedom of speech. Blackburn warned of negative consequences from carbon reduction and stated that climate change and carbon levels are not really a problem.

Keith Lembke, resident, was pleased that the media policy had been amended, but cautioned against eroding public trust in government by manipulating information. Let the public determine if a policy is good or bad based on what they see.

[first name not given] Priest, resident, emphasized that the government is not the arbiter of truth, and the County should present both sides of an issue. Priest described the media policy as government overreach.

Kevin Kenaga, resident, expressed concerns about the Board's handling of Disposal Site Advisory Committee (DSAC) meetings and changes to the Solid Waste Advisory Committee. Kenaga asked if the Board had reviewed the recent Environmental Protection Agency report on Coffin Butte Landfill. Kenaga urged the Board to change its policy on freedom of speech and return to monthly DSAC meetings to provide a platform for public feedback.

4. Work Session

4.1 *Monthly Health Update – April Holland, Health Services

Holland reported that statewide COVID-19 hospitalization data and other markers show that transmission has decreased from midsummer 2023 levels. Testing positivity numbers are below 10%, down from a peak of 15% in mid-September 2023. COVID-19 wastewater monitoring indicates that most Oregon communities are in a plateau, with some sustained increases in central and northwestern Oregon. This indicates an upcoming time of increased transmission.

Wastewater has not shown significant influenza signals yet. Influenza season will probably begin in January 2024. Respiratory Syncytial Virus (RSV) wastewater signals are still relatively quiet, with only a handful of hospitalizations a month ago. RSV causes significant morbidity and mortality in very young and elderly populations.

The percentage of Emergency Department visits for these three respiratory illnesses remains relatively low compared to this time last year. No one COVID-19 variant is dominant; descendants of Omicron continue to branch, but none have caused more severe illness.

Through mid-November 2023, about 13,800 Benton County residents received the new fall 2023 COVID-19 vaccine, up from 1,500 in October 2023. Benton has the second highest COVID-19 vaccination rate in Oregon; 11% of residents have been vaccinated with the most recent vaccine, including 41% of those aged 65 and older. Staff are pleased with the Community Health team's outreach and the level of community awareness. The RSV vaccine is available. The influenza vaccine is recommended for all persons aged six months and older. An intra-nasal influenza vaccine is also available. Over 26,000 Benton residents have received the 2023-24 influenza vaccine. Benton County is second in the state for overall population vaccinated for influenza, at 28%. Benton County is sixth in the state for influenza vaccination in people aged 65 and older. Holland advised everyone to get the updated COVID-19 and influenza vaccinations, refrain from attending events when ill, wear a mask on mass transit, and test for COVID-19 before gatherings, especially if other attendees are high-risk. Many rhinoviruses are also circulating.

Responding to a question from Malone, Holland replied that the Federal government is providing free tests again at <https://special.usps.com/testkits>, as well as in the lobbies of many County facilities, including the Sunset and Health Services Buildings.

Responding to a question from Malone, Holland replied that RSV transmission is usually highest in January-March, but in 2022, the season started in late October, so staff are monitoring and

sharing data. It has not yet been determined whether RSV vaccination will eventually be recommended annually like influenza vaccination. The vaccine is mainly intended for those most affected by RSV. RSV has not been a large contributor to hospitalizations and deaths.

{Exhibit 2: Health Update Presentation}

4.2 *Special Report: Board Update on Solid Waste Program – Darren Nichols, Community Development

Nichols read a special report (**exhibit 3**) about challenges in re-structuring solid waste and sustainable materials handling in Benton County and statewide. Nichols reviewed the development of community values (including Equity for Everyone and Health in All Actions) and the past several years of staff work, which culminated in the Benton County Talks Trash (BCTT) Work Group in 2022-23. The Work Group produced a comprehensive history of Benton County solid waste and Coffin Butte Landfill (CBL), plus 125 pages of Findings and Recommendations. The County can help change how Oregonians think about solid waste, shifting from an “end-of-life” (landfilling) mindset to a “complete lifecycle” (sustainable materials) mindset. This level and scope of work has not been done in Oregon before. The County must continue to include under-represented voices.

However, serious shortfalls with the Disposal Site Advisory Committee (DSAC) must be addressed. Nichols stated that DSAC has created an unsafe, toxic workplace for the public, volunteers, and staff. DSAC members have misled the public and wasted public resources through a chronic lack of progress. In late 2021, multiple DSAC and Solid Waste Advisory Committee (SWAC) members described bullying and expressed concerns for their personal safety if they stayed on the Committee. Some members did not feel safe in their homes. In early 2022, five DSAC members resigned.

Nichols described incidents of DSAC members engaging in disinformation to local media and the public. One or more committee members impersonated a county official to publish a misleading “public notice” in a local media outlet.

In a public meeting on October 25, 2023, a resident verbally threatened Community Development staff with gun violence. The Corvallis Police Department investigated and prepared a report but did not file charges. This type of behavior is wrong and is not acceptable anywhere. DSAC is not making progress on its main responsibilities; it has not adopted meeting minutes or produced a State-required Annual Community Concerns Report for 2021 or 2022.

Nichols stated the County cannot tolerate abusive behavior or threats. In consultation with the County Administrator and Counsel, staff recommend that the Board suspend all DSAC meetings until DSAC can be restored as a safe place for public dialogue with clear sideboards that protect DSAC members, the public, and staff. The County is committed to developing a comprehensive plan for solid waste and sustainable materials, including disposal. The County is committed to equity, safety, and well-being for everyone. The County is committed to collaboration with the community, public and private partners, and local and state agencies.

Wyse commented that there has been a great deal of dysfunction with DSAC, even though all parties share the goal of serving the community and addressing these issues. Wyse felt that a few individuals have one goal in mind, and if they cannot get their way, they will continue to disparage the County’s good work. The public is not well served by this. It is beyond inappropriate for any staff or Board members to be threatened. Wyse asked about next steps if

the Board suspends DSAC. Wyse felt that the same members would continue to behave this way; Wyse preferred to replace some members and move forward with DSAC's mandated work.

McEneny commented that staff have spent considerable time on this matter; this is a necessary pause. The County is committed to providing those deliverables and a safe place for staff and the public. Staff will consider various approaches and bylaws changes, then return to the Board in late January 2024. Transparency is important, but DSAC is not functional now; staff need Board support to regroup and provide a path forward.

Wyse supported taking a pause but felt the same members would continue to spread disinformation and challenge the Board's authority to pause DSAC meetings.

Augerot agreed with pausing to cool off and review bylaws into 2024. The work is important, as are CBL neighbors' concerns; the health implications of CBL methane emissions have been published in local news media. Augerot looked forward to seeing the Environmental Protection Agency (EPA) report. The amount of finger-pointing is frustrating. Everyone should direct much of this effort towards the environmental regulators (Department of Environmental Quality, EPA, Occupational Health and Safety Administration) who have the clout to act. Augerot concurred on shifting to a more collaborative dialogue and insisting on clear regulation from authorities that have the responsibility to do so. Augerot agreed with Nichols' proposed approach.

Malone called Nichols' report comprehensive and sobering. The County and the community will find ways to listen with civility and respect and to compromise, because everyone is in this together. The County will find common ground and welcome all members of the community.

Nichols noted that DSAC is appointed by the Board and authorized by State law as part of the County's requirements to operate a regional landfill.

Malone emphasized that the Board of Commissioners takes the policy leadership role on solid waste, sustainable materials, and all other issues. While advisory bodies remain best practice in many governance situations, the responsibility to set policy and establish the direction of Benton County will remain with the elected officials who represent the County. Malone agreed that there is a serious problem with DSAC; this committee needs a pause, and it is unacceptable to threaten committee members or staff because of disagreement.

MOTION: Wyse moved to suspend meetings of DSAC and any activity of DSAC until the Community Development Department can come back to the Board after the first of the year with a plan to move forward with that committee. Augerot seconded the motion, which **carried 3-0.**

Malone opined that the County is on the right track with the solid waste effort. The County takes this matter seriously.

{Exhibit 3: Nichols Special Report}

Chair Malone recessed the meeting at 10:03 a.m. and reconvened at 10:15 a.m.

5. Consent Calendar

5.1 Approval of Two Appointments to the State Transportation Fund Advisory Committee, Kristen Jocums and Katharine Hunter-Zaworski, Order #D2023-090

5.2 Approval of the October 17, 2023 Tuesday Board Meeting Minutes

MOTION: Wyse moved to approve the Consent Calendar of November 28, 2023. Augerot seconded the motion, which **carried 3-0.**

6. Proclamations

6.1 Proclaiming November as Native American Heritage Month, Proclamation #P2023-020 – *Nancy Wyse, Benton County Board of Commissioners*

Wyse read the Proclamation aloud. This month honors the contributions of the 574 Federally recognized Tribes and over 200 Tribes that are advocating for Federal recognition. Oregon currently has nine Federally recognized Tribes, and several other Tribes. This year's theme is "Celebrating Tribal Sovereignty and Identity." Benton County supports Tribal sovereignty and honors the history that took place here, including the violent re-location of the Kalapuya Tribe. This was and will remain the home of the Kalapuya and Alsea Tribes.

MOTION: Augerot moved to proclaim November as Native American Heritage Month, Proclamation #P2023-020. Wyse seconded the motion, which **carried 3-0.**

7. Public Hearing

PH 1 In the Matter of a Public Hearing Regarding Solid Waste Collection: Annual Rate Increase Request, Order #D2023-092 – *Darren Nichols, Community Development*

Chair Malone opened the Public Hearing at 11:03 a.m.

Staff Report

Nichols explained that Coffin Butte Landfill (CBL) operator/waste hauler Republic Services (RS) has proposed a 4.8% fee increase to begin January 1, 2024, for an average additional \$1.89 per month per account.

Wyse had questions for RS and could not decide this matter without an RS representative present.

Augerot noted that in the previous Order (#D2023-053) about approving the refuse rate index (RRI) for RS, point number three states: "The Counsel recommended to the Board that the RRI be adjusted, with the condition that RS provides an annual report with financials to the County no later than October 1." In the old process, the report would have gone to DSAC and SWAC, then to the Board. Augerot asked if the County had received a 2023 annual report.

Nichols could not confirm in the absence of Solid Waste Coordinator Daniel Redick.

Augerot commented that the report usually appears in a Board packet so the Board can query RS before taking action. Augerot would prefer not to act before seeing the report. Also, Augerot disagreed with the part of the fee structure which provides a discount for higher-volume waste containers, thus incentivizing waste. Augerot would prefer to offer a disincentive.

Nichols concurred that a discount for producing more waste is counter to Benton County Talks Trash recommendations and the Board's stance.

Augerot would like to see all CBL reports before making decisions about RS.

Wyse wanted to ask RS if there is evidence that the high-volume discount is effective, or if it causes more people to throw recycling into the garbage.

Counsel suggested taking public testimony today, then continuing this Hearing to another meeting when Redick and an RS representative are present.

Public Comment

Marge Popp, resident, noted that the staff recommendation for this rate increase includes a waste reduction incentive, which says that rates per pound will no longer decrease with larger containers. This is a good change but will also augment the annual rate increase and add to RS profits at the expense of residents. Instead, the rate increase should be offset by the amount generated by this change, creating a revenue-neutral adjustment.

Mark Yeager, resident, noted that the fees being discussed are hauling rates, not landfill rates. Yeager stated that the County's 10-year hauling agreement with RS gives the company a monopoly and does not include rate adjustment details or allow the County to verify the need for rate increases. The current RS rate structure incentivizes waste generation, which increases RS profits and County funds. Yeager called for County staff and RS to totally re-vamp the rate structure to reward customers for reducing waste and reduce the flow of garbage to CBL.

The Board and staff discussed a date for the extended Public Hearing.

Responding to a question from Wyse, Counsel explained that there is no mandated deadline to take action. The rate change cannot go into effect until 60 days after Board approval.

Wyse directed Nichols to inform RS that she could not approve the increase without speaking to a representative.

Augerot recommended extending the hearing to a regular Board Meeting that is livestreamed, rather than a Goal Setting Meeting. Community Development did well at justifying the increase in a transparent way; perhaps the County should expect the same from RS. The Board has not interfered much with this decision in the past, usually approving an increase based on the standard agreement to use the RRI. This is the first time the Board has had leverage over these fees in a while, and the Board may want to use it.

Wyse felt the Board has also learned the lesson of not just going along with ordinary business and can do better.

Chair Malone continued the Public Hearing to December 19, 2023, to ensure that the Board can consider all relevant information.

8. New Business

8.1 Revision of Fee Schedule for Civil Division Real and Personal Property Sales for the Sheriff's Office, Order #D2023-078 – Dawn Dale, Dean Barnes; Benton County Sheriff's Office

Dale explained that fees were last adjusted in December 2022. This increase is based on the average hourly rate based on actual costs of Patrol salary and benefits and adjusted for the

second half of the calendar year based on the negotiated 4% wage increase (effective July 1, 2024) in the collective bargaining agreement between the County and the Benton County Deputy Sheriffs Association. The rate will increase from \$69.65 to \$72.37 per hour. The civil staff rate is adjusted for the second half of the calendar year based on the 3.25% budgeted wage increase, effective July 1, 2024. The civil staff rate will increase from \$51.70 to \$54.30 per hour. The collective bargaining agreement with the American Federation of State, County, and Municipal Employees is up for negotiations in 2024, and could differ from the budgeted amount.

Barnes added that there were no judicial foreclosures last year. Court-ordered foreclosures involve many steps and a great deal of staff time to process.

MOTION: Wyse moved to approve the revised fee schedule for the sales of real and personal property conducted by the Benton County Sheriff's Office Civil Division, Order #D2023-078. Augerot seconded the motion, which **carried 3-0.**

8.2 Policy Revision for Approval - A100 Technology Acceptable Use Policy – Adam Loerts, Information Technology

Loerts described the proposed changes to the Technology Acceptable Use Policy, which affects all employees and affiliates that use County technology. The changes are listed in the packet.

Wyse noted it would be helpful in future to include a redline version and a final version in the packet. Wyse asked if the Board could make changes to the policy as presented.

Counsel confirmed, but extensive changes should go back to the subcommittee for review.

To correct a grammatical error, Wyse proposed changing the phrase 'may not be performed on County computers, up to and including, "side businesses" or moonlighting are not permitted' (packet page 78) to: 'may not be performed on County computers. "Side businesses" or moonlighting are not permitted.'

Loerts agreed with the change.

Augerot noted that the definition of 'outside of the area of County facilities' was not addressed in this policy but should be addressed later in the Telework Policy. Some employees work a long distance away.

Loerts replied it is difficult to create a policy that covers all eventualities, so that definition was intentionally left ambiguous here. The Telework Policy can examine that. Temporarily working elsewhere (conferences, vacations) is included in the Telework Policy, whereas remote work involves an agreement with a defined location.

MOTION: Augerot moved to approve the policy as revised by Commissioner Wyse. Wyse seconded the motion, which **carried 3-0.**

8.3 Revising Fees for Permits, Applications, and Services in Public Works, Community Development, and Planning Division for 2024, Order #D2023-091 – Gary Stockhoff, Public Works

Stockhoff presented the annual request to increase fees and charges. Most fees have no change, while the most staff-intensive processes have gone up 5% (the maximum allowed). The

Department of Environmental Quality and the EPA require new stormwater development fees in Public Works and Community Development; these took effect in March 2023.

Augerot noted that the structure of the fee increase in the Order is confusing. The part stating that ‘Community Development, the Planning Commission, and the Public Works Department revised fee schedules as shown in attachments A and B shall be approved as of January 1, 2024’ is clear, but the second part says, ‘Community Development and Public Works shall consider annual incremental fee increases by the amount of 5%, or the western region Consumer Price Index (CPI) plus 2%, whichever is greater,’ which is not what the appendices recommend. It is unclear whether the second paragraph of the Order (packet page 96) refers to considering that approach in future. The 5% in Attachment B conflicts with 5.9% in the final paragraph of the Order.

Stockhoff clarified that the rate is the CPI plus 2%; the 2022 CPI was 3.9%, so the County could have increased by 5.9%, but typically increases no more than 5%. The second paragraph has been standard for years but could be reworked in future. The intent was to cap fees at 5%.

Augerot recommended striking the final paragraph for clarity, since the Board is approving the fee increases as proposed in the attachments.

Counsel explained that attachments A and B describe which fees are being increased. Counsel agreed with Augerot that the second paragraph in the Order conveys a different meaning. If the Board intends to adopt fees as described in the attachments, the second paragraph is unnecessary. If the Board intends to increase fees up to 5%, then the attachments are not necessary. Historically, the former method was used.

Stockhoff added that if the increase were more than 5%, justification would be needed in the packet. Stockhoff agreed that the second paragraph could probably be removed.

Nichols opined this was a case of using standard order language from a prior year and proposed striking the last paragraph and approving the specific fee schedule.

Counsel clarified that this referred to the last paragraph in the Order, which starts, ‘Be it further ordered.’

Nichols noted that staff last discussed this matter with the Board about a year ago, when Nichols committed to look comprehensively at land use fees. Staff have mostly accomplished that. Attachment A is a clean version of specific fees proposed. Attachment B explains staff thought process. The goal is to increase accuracy, clarity, and transparency, so the public knows the cost of filing a land use application and staff can estimate workloads.

Bush added that the base fee increase is mostly 5%, with a few larger increases based on actual hourly staff costs.

Nichols noted that in 2022, the County required a \$10,000 deposit towards the cost to process a land use application in the landfill zone. However, the applicant would pay the actual amount in addition to the deposit or be reimbursed if actual cost was lower than the deposit. Creating a \$10,000 land use appeal fee was an oversight, corrected in this version. The deposit fee is now \$5,000 and actual costs will be billed to the applicant or appellant, whoever files the request.

Wyse asked if \$5,000 to appeal plus actual cost of time could result in a fee over \$10,000.

Nichols confirmed that is very possible. Processing the last application to expand CBL used about \$40,000 of staff time, while the application fee only covered \$3,000-4,000. Since then, staff have also used an outside planning firm to process these applications, so these will be direct costs that Benton County will pass on to the applicant or appellant.

Wyse supported recouping County costs by the appellants but did not want people to feel that the County was trying to prevent appeals through the high fee.

Nichols replied this was taken into consideration, but such projects require many resources.

Wyse asked Nichols to investigate how much other jurisdictions charge for a similar process.

Malone commented that the landfill issue comes up rarely. Malone felt that staff were doing a good job.

MOTION: Augerot moved to approve Order #D2023-091 in the matter of increasing fees for Public Works, Community Development, and Planning Departments, with the revision to drop the paragraph that begins 'Be it further ordered.' Wyse seconded the motion, which **carried 3-0.**

The new fees take effect on January 1, 2024.

9. Departmental Reports & Requests

9.1 Board Appointment of Ad Hoc Sustainable Materials Management Planning (SMMP) Committee – *Darren Nichols, Community Development; Sean McGuire, Sustainability Program*

Nichols thanked McEneny, Brown, and McGuire for helping the County think through sustainability issues, including how to engage the community in dialogue. Staff released a Request for Proposals for consultants to help develop the County's first Sustainable Materials Management Plan with staff, the Board, the community, and regional partners. Staff request that the Board appoint the list of voluntary members to an Ad Hoc SMMP Committee, including resident Steven Chase as Chair. Chase has 46 years of public service experience. Nichols asked the Board to help identify other candidates. Staff will return with recommended draft operating principles and bylaws for the Ad Hoc Committee with input from members, the Board, and the consultant. The length of Committee membership is open-ended because there is not yet a consultant, scope of work, or contract in place. The list includes representatives from Marion, Lane, Lincoln, Tillamook, and Polk Counties, and Oregon State University (OSU) through liaison John Deuel. This group and the consultant will begin to shape the scope of work for the Sustainable Materials Management Plan and identify the draft committee structure.

Augerot praised the list and suggested adding community organizations involved in waste reduction, such as Vina Moses Center Executive Director Ilene McClelland, who expressed interest earlier, and Habitat for Humanity/ReStore. In the past, the County talked to RS about investing in a Materials Recycling Facility (MRF) at CBL. RS said this was not feasible due to space concerns, and not economical because Benton generates such a small proportion of CBL waste, but the County needs to renew that emphasis. If the County includes the suggested group with some DSAC and SWAC members, this offers a good range of people from around the County, but there is not much representation from the City of Corvallis, which is responsible for 60% of the waste Benton County contributes to CBL. Augerot suggested the Linn-Benton

NAACP, Casa Latinos Unidos, and a few other non-profits. The County might also want to include Good Samaritan Regional Medical Center.

Wyse asked if these entities should be added to the motion.

Augerot replied that the suggested list allows for those additions, and this discussion shows the Board's interest in ensuring adequate representation from those sources.

Wyse concurred with that approach.

Malone concurred about the need for the MRF discussion. RS's statement that there is not enough waste volume should be re-examined given the significant demolition and construction in this area, especially by OSU. OSU should be well-represented on this Committee, as they generate considerable solid waste and would like to recycle/reuse more.

Augerot suggested adding Emergency Management expertise, since wildfires, earthquakes, and floods also generate large volumes of debris.

MOTION: Augerot moved to appoint Steven Chase as Chair and appoint additional members to the Ad Hoc Committee as recommended by staff with the consideration of including additional committee members to ensure representation of Corvallis community members and any community-based organizations that help to reduce waste volumes, and direct staff and the Committee to begin implementing the Board's charge to the Committee, in cooperation with any selected consultant contractor or contractors, to develop a Sustainable Materials Management Plan for Benton County and beyond. Wyse seconded the motion, which **carried 3-0.**

10. Other

Augerot mentioned a request that the Board contribute to the Corvallis Multi-Cultural Literacy Center for their first-ever fundraiser in December 2023. The Board has \$5,402 budgeted for sponsorships and contributions this biennium, and no funds have been expended yet. Augerot suggested donating \$200-400 to help defray the cost of the fundraiser.

Wyse asked about the origin of the suggested donation range.

Augerot replied the amount was suggested by staff.

Wyse was comfortable with a \$400 donation.

Malone proposed a \$300 donation.

MOTION: Augerot moved to provide \$300 towards the Corvallis Multi-Cultural Literacy Center for their fundraiser, to help defray those fundraising costs. Wyse seconded the motion, which **carried 3-0.**

11. Executive Session under ORS 192.660[2][e] – Real Estate Transactions

Chair Malone entered Executive Session at 12:02 p.m.

Chair Malone exited Executive Session at 12:28 p.m. and immediately reconvened the regular Board Meeting.

MOTION: Wyse moved to direct staff to pursue the purchase of real property from the National Intramural Recreational Sports Association (NIRSA) with clarifications discussed in Executive Session. Augerot seconded the motion, which **carried 3-0.**

Malone noted that acquiring the building at 4185 Southwest Research Way, Corvallis, would address space and capacity needs for Benton County Behavioral Health programs, particularly the Children & Family Services program. This is an important upstream program that helps people stay out of the correctional system.

11. Adjournment

Chair Malone adjourned the meeting at 12:31 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

The **Public Hearing** (First Reading of Ordinance 2024-0322 Proposing Revisions to Benton County Code, Chapters 4, 5, and 6)

and

Item 4.3 (Proposed Revisions to Benton County Code (BCC), Chapters 4, 5, and 6)

share the same materials.

Please click on each title below to see the document:

4.3 Proposed Revisions to Benton County Code (BCC) Chapters 4, 5 and 6 CHECKLIST

4.3 BCC 4 5 6 Amendments 2024 240116 Ordinance 2024-0322

4.3 Chap 4 County Elections and Candidates_Proposed2024

4.3 Chap 5 Ballot Measures_Proposed2024

4.3 Chap 6 Voters Pamphlet_Proposed2024

Public Hearing Motion

NEW BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/16/24

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Natural Areas, Parks and Events

Contact Name * Tomi Douglas

Phone Extension * 5037666090

Meeting Attendee Name * Tomi Douglas and Jesse Ott

Agenda Item Details



Item Title * Approve application for Oregon Parks and Recreation Local Government Grant

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

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement*

☐ Yes

☒ No

Page 46 of 58

Item Issues and Description

Identified Salient Issues*

The Natural Areas, Parks, and Events (NAPE) Department is interested in applying for the Oregon Parks and Recreation Department (OPRD) Local Government Grant. The grant funding pool has doubled since the last round, and NAPE would like to apply for a \$75,000 grant for Hubert K McBee Park for toilet facilities. The grant requires a County match; however, the donated property qualifies as the match, so no County funds would be needed.

Options*

Approve the request to apply for the OPRD Local Government Grant, or

Decline to approve the request to apply for the OPRD Local Government Grant.

Fiscal Impact*

☐ Yes

☒ No

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 *

Restoring McBee Park and adding accessible facilities supports wellness, recreation, and makes our community more vibrant and healthy.

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 *

Restoring McBee supports our desire to grow public access to open spaces and recreation and preserve forests/trees.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends the Board of Commissioners approve the Natural Areas, Parks, and Events Department request to apply for the 2024 Oregon Parks and Recreation Local Government Grant.

Meeting Motions * I move to ...
...approve the Natural Areas, Parks, and Events Department request to apply for the 2024 Oregon Parks and Recreation Local Government Grant.

Staff Recommendation

Staff recommends the Board of Commissioners approve the Natural Areas, Parks, and Events Department request to apply for the 2024 Oregon Parks and Recreation Local Government Grant.

Meeting Motion

I move to approve the Natural Areas, Parks, and Events Department request to apply for the 2024 Oregon Parks and Recreation Local Government Grant.

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.

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

AMANDA MAKEPEACE

1.

Department Approval

Comments

Signature

Rachel L McEneny

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Karen Kniatowski

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/16/24

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Gary Stockhoff

Phone Extension * 5417666010

Meeting Attendee Name * Gary Stockhoff

Agenda Item Details



Item Title * Review and Approve Street Name Recommendations for New Courthouse/District Attorney's Office Facility

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 * 20 min

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement*

☐ Yes

☒ No

Page 53 of 58

Item Issues and Description

Identified Salient Issues *

In conjunction with construction of the new Courthouse/District Attorney's Office facility, the County is required to construct a new City collector street off of Highway 20. The City of Corvallis will ultimately approve the street name, but the County has the opportunity to submit potential street names. The City allow for the submission of up to three potential candidate names and further requests that we prioritize the names submitted.

The approval process through the City will take one to two months. Staff plans to submit the naming application by February 1, 2024 to ensure name approval is secured by the end of March.

Staff developed a list of potential street names based on information already gathered as part of naming of Benton County's Kalapuya Building. Four names were selected to be advanced to a public outreach process. Those four names are 1) Carson Drive, 2) Champinefu Drive, 3) Moore Drive, and 4) Southworth Drive. The configuration and ultimate path of the new street place it in the "Drive" category.

Participants in the outreach process were asked to select their preferred name during a polling process that was open for two weeks. At the conclusion of the voting period, the street names are prioritized as follows:

- Champinefu Drive (112 votes)
- Carson Drive (108 votes)
- Moore Drive (59 votes)
- Southworth (49 votes)

In accordance with the outline of the City's Street Naming application, it is recommended that staff submit Champinefu Drive as the #1 choice, followed by Carson Drive as #2, and Moore Drive as #3.

Options *

- 1) Approve submittal of prioritized street names to the City of Corvallis with Champinefu Drive as the #1 choice, followed by Carson Drive as #2, and Moore Drive as #3; or
- 2) Reprioritize submittal of the street names to be submitted to the City of Corvallis.

Fiscal Impact *

- ☐ Yes
- ☒ No

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 *

N/A

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 *

N/A

Item Recommendations and Motions

Staff

Recommendations *

Approve submitting Champinefu Drive, Carson Drive, and Moore Drive as the preferred street names for the new collector street for the Courthouse/District Attorney's Office facility.

Meeting Motions *

I move to ...

...approve submitting Champinefu Drive, Carson Drive, and Moore Drive as the preferred street names for the new collector street for the Courthouse/District Attorney's Office facility.

Staff Recommendation

Approve submitting Champinefu Drive, Carson Drive, and Moore Drive as the preferred street names for the new collector street for the Courthouse/District Attorney's Office facility.

Meeting Motion

I move to approve submitting Champinefu Drive, Carson Drive, and Moore Drive as the preferred street names for the new collector street for the Courthouse/District Attorney's Office facility.

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.

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

1.

Department Approval

Comments

Signature

Gary Stockhoff

2.

Counsel Approval

Comments

Signature

Vance H. Cliney

3.

County Administrator Approval

Comments

Signature

Roxana Kniatkovski

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace