

**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 Cronney, 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 was any evidence that doing away with the high-volume discount is effective or if it causes people to throw garbage into the recycling.

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 informed Nichols that she could not approve the increase without first hearing from a representative of RS.

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.*

Testimony to County Commissioners by Phil Ermer, PE on 11/28/2023.

Topic 1:

Please allow for freedom of the press, as laid out in Oregon's ethics laws and the First Amendment. Do the people of Benton County really want reporters interview requests denied because of bias as perceived by the County Commissioners? It is stated that Reporters will be given an "opportunity to change this position in the future" if not in alignment with county doctrine. Does presenting 2 sides of an issue really cause that much concern for County Commissioners?

Is this a formal codifying of policy that has existed for months? During the recent Bond Measure election, the GT was given information on the environmental damage that will be caused by the embodied carbon due to the building of the Courthouse complex, yet none of that information ever appeared in the paper.

When this policy is formally challenged in Courts and with the State, is this how today's County Commissioners want to be remembered in history?

Topic 2:

The State of Oregon is forward thinking on the environment. Regarding any construction that the County is considering, the State of Oregon recently passed measures to address Embodied Carbon in construction that is part of the larger climate omnibus bill, [HB 3409](#). That is specifically related to SB 522, SB 869, SB 871, and Executive Order 17-20, Section 3.B.

Please ensure that Benton County is abiding by all State Law now on the books. Please consider environmental damage before moving into new construction.

The specifics:

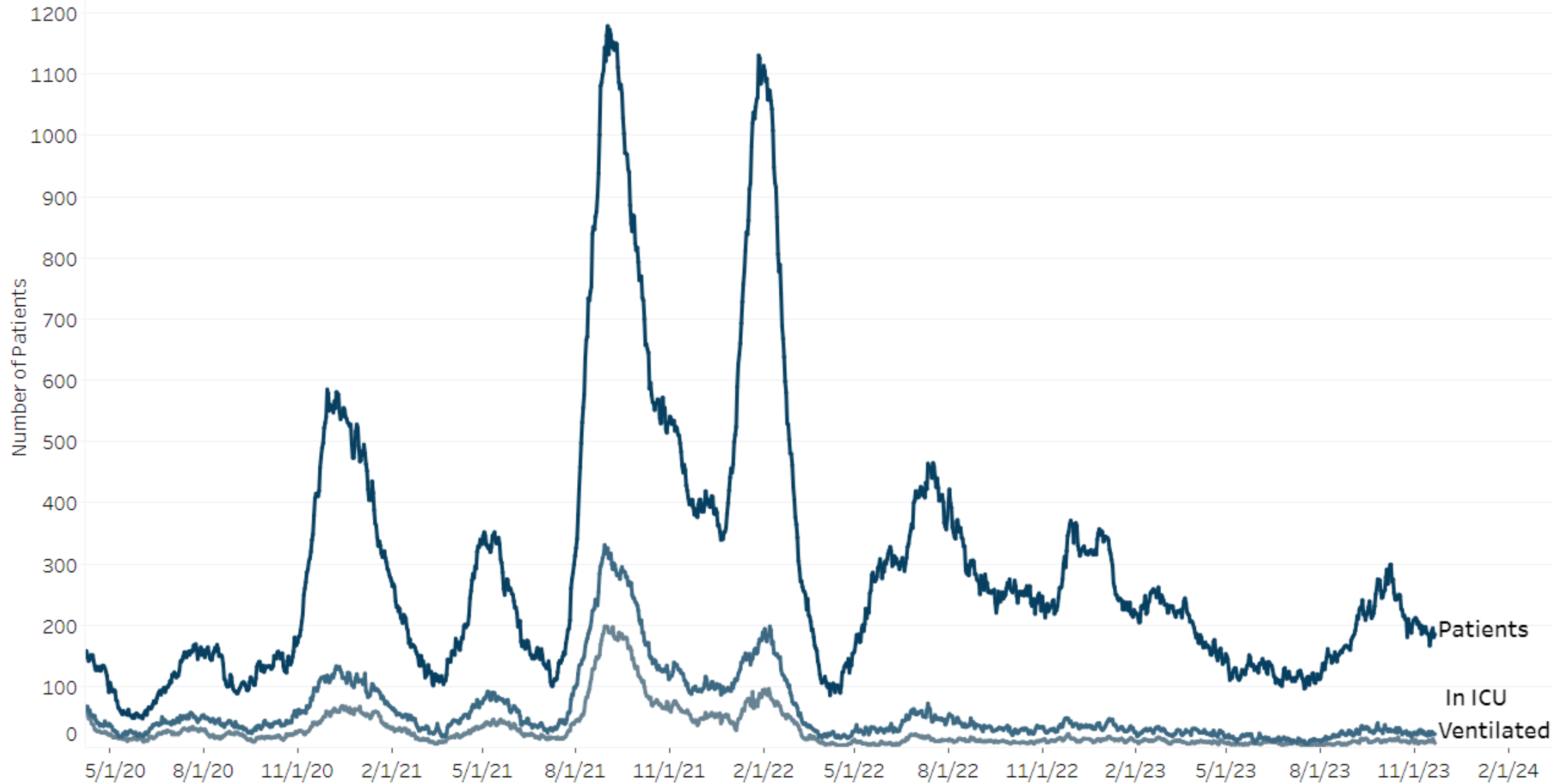
Oregon now require studies to address these emissions: [SB 522](#) (consumption-based emissions for all materials, in coordination with Oregon Global Warming Commission), [SB 869](#) (in coordination with Building Codes Division, study opportunities to reduce embodied carbon of building materials in building code and other means), [SB 871](#) (incorporate embodied carbon into Statewide Sustainable Design Standards). We do also have a directive through [Executive Order 17-20, Section 3.B](#) to consult on state buildings to reduce embodied carbon of building materials.

Update: COVID-19 and other respiratory illness

11/28/2023

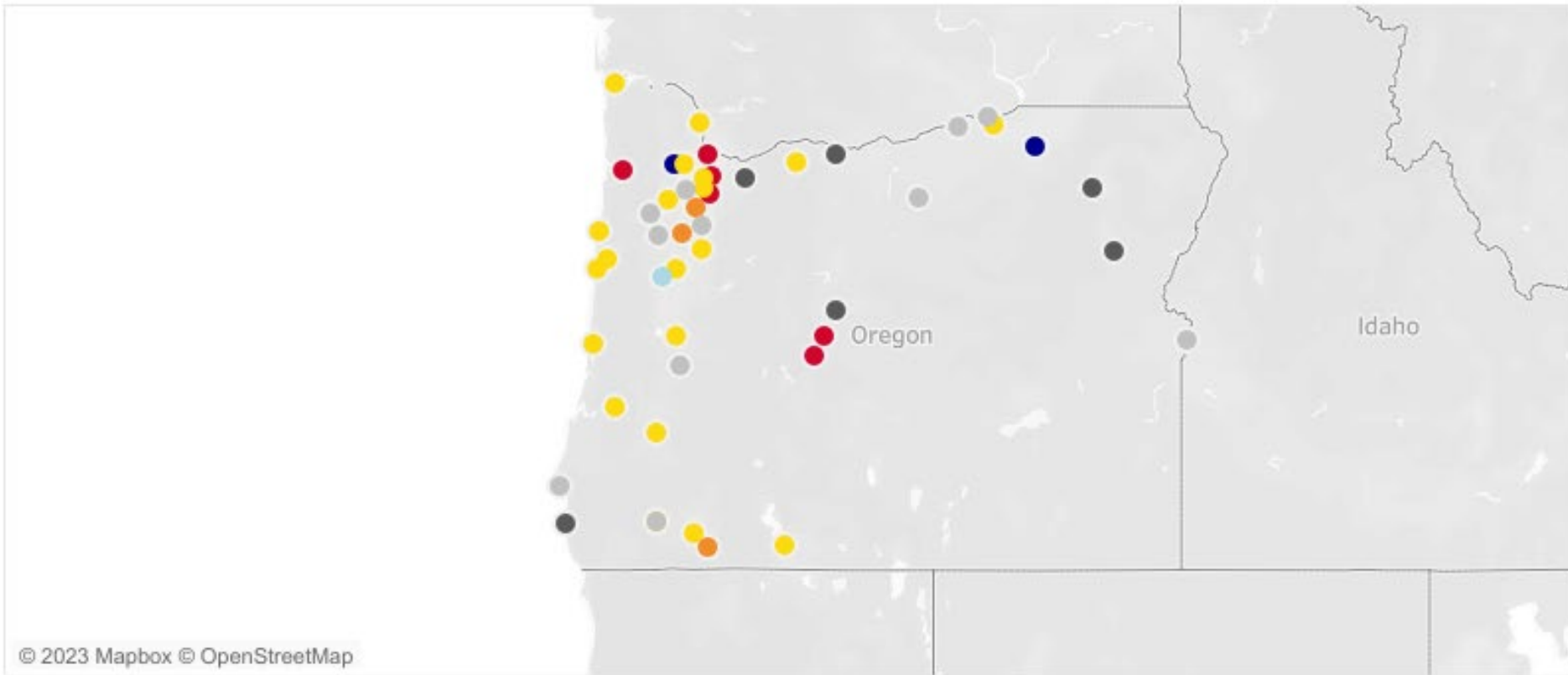


Statewide COVID-19 Hospitalizations

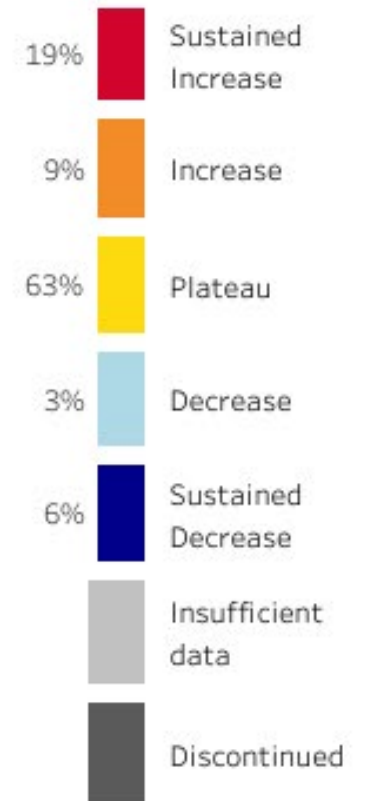


Wastewater - SARS-CoV-2

SARS-CoV-2 Map



Trend categories:

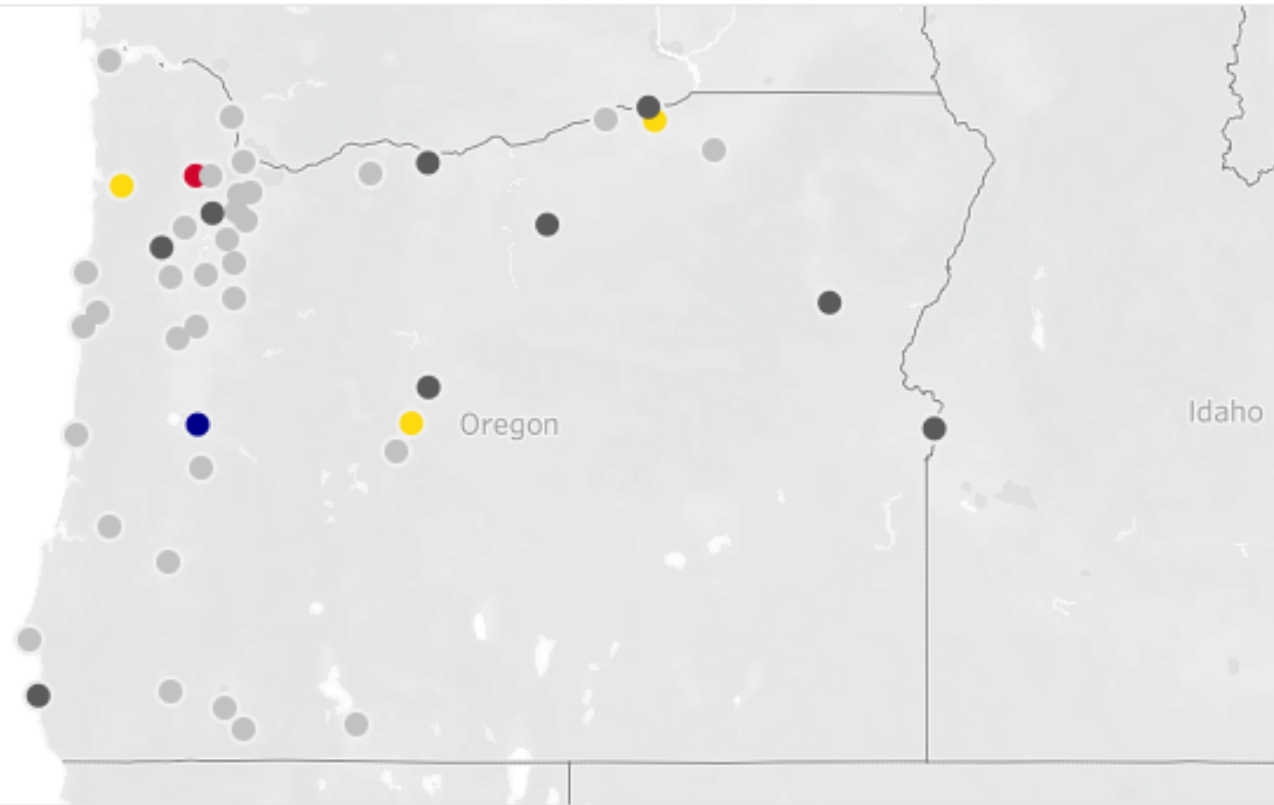
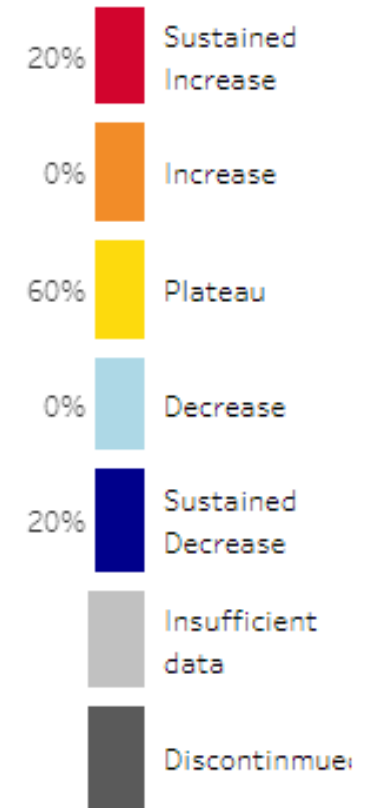


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Wastewater - Influenza

Flu Map

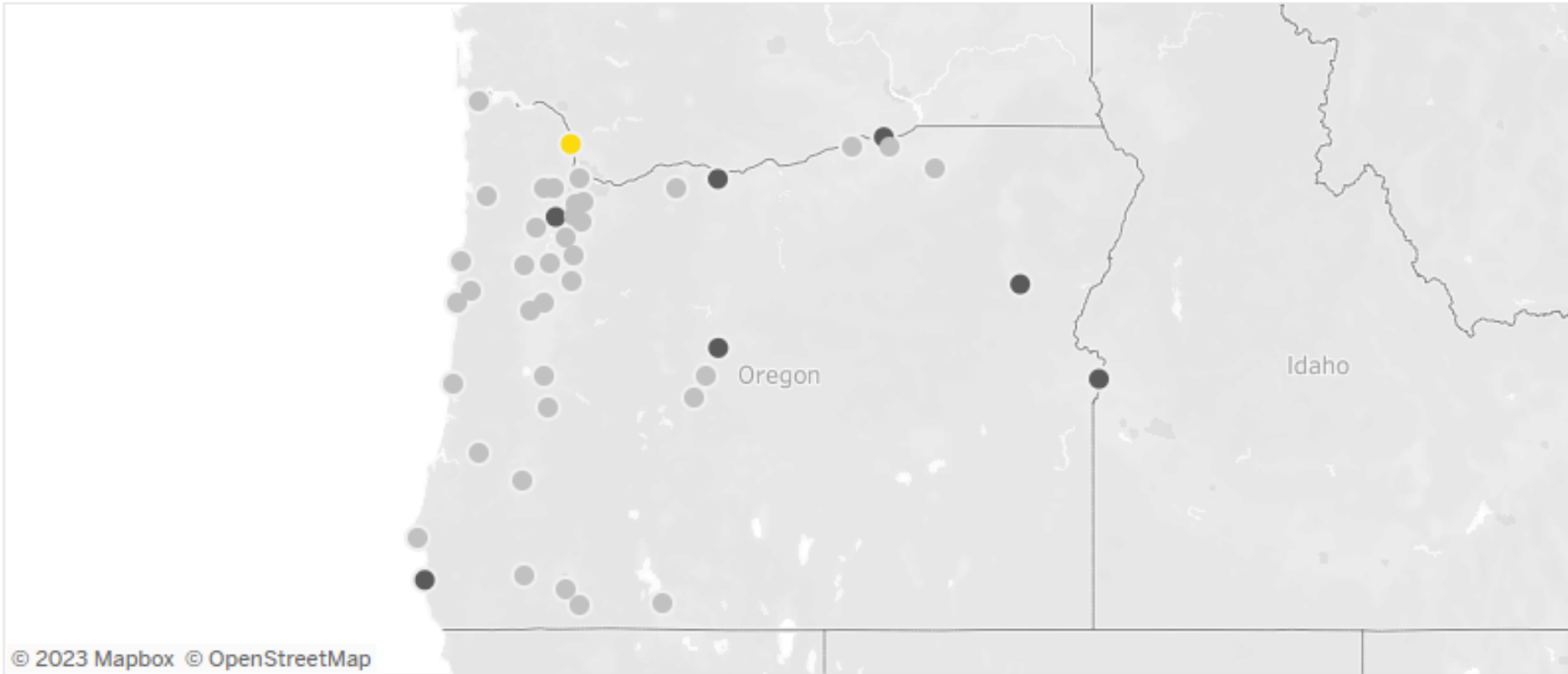
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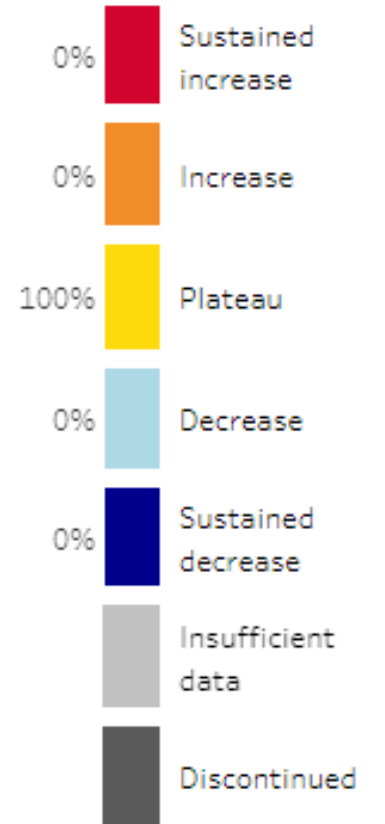
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Wastewater - RSV

RSV Map



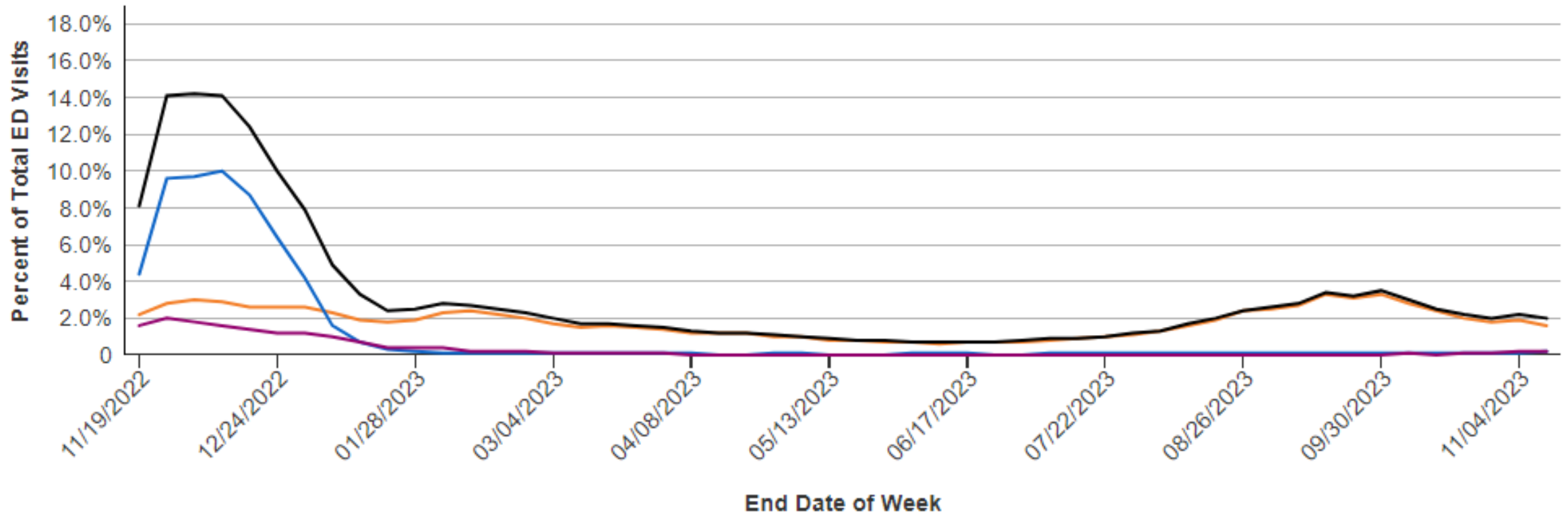
Trend categories:



Weekly Emergency Department Visits by Viral Respiratory Illness Type and State, as a Percent of All Emergency Department Visits

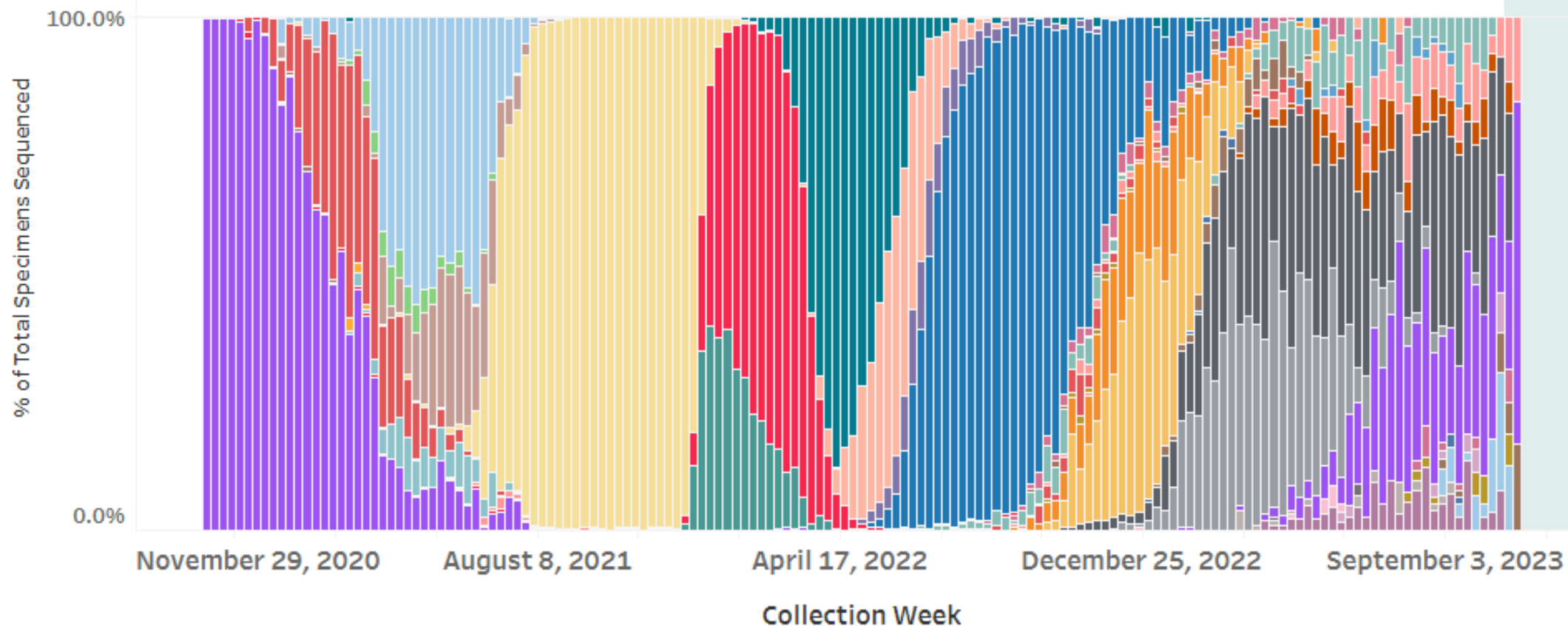
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Oregon ▾



Variant Proportions Over Time

*Samples collected and sequenced in this time period may not yet be reported.



Lineage Legend

XBB.1.5	■	XBB.1.9.2	■	BA.2	■	BA.2.75.2	■
XBB	■	FD.2	■	BF.11	■	B.1.1.529	■
XBB.1.9.1	■	BQ.1	■	BF.7	■	BA.4	■
XBB.1.16	■	BQ.1.1	■	BA.5.2.6	■	BA.1.1	■
XBB.1.5.1	■	BA.5	■	BA.2.75	■	BA.2.12.1	■
XBB.2.3	■	BN.1	■	BA.4.6	■	All other variants	■

Updated Fall 2023 Covid vaccine

- Monovalent better targeted to the most common circulating strains
- Recommended for all ages 6 months and older
- For all 5 years and older, previously vaccinated or not, one shot recommended
- <5yrs, previously vaccinated, also single vaccine; unvaccinated younger 2-3 doses

RSV vaccination

- RSV vaccination now approved for pregnant individuals 32-36 weeks gestational age in the fall season to deliver protection to infant after delivery
- RSV monoclonal antibody shot newly approved for infants 0 to 8 months heading into RSV season or toddlers with high risk conditions entering their second RSV season
- RSV vaccination now approved for persons 60 and older

Influenza vaccine

- Now available and recommended for all persons six months and older
- Similar to prior seasons without big changes in strains targeted

A jolly and well community

- Get updated COVID and annual influenza vaccinations
- Don't attend events when ill
- Test before gatherings if others are high risk
- Mask on mass transit



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**Testimony to Benton County Board of Commissioners
Darren Nichols, Community Development Director
Board Meeting – Kalapuya Building, November 28, 2023**

Good morning, commissioners:

For the past two years I have served as your Community Development director. During that time, the department has worked on a wide range of issues, including solid waste and disposal.

This morning I'd like to spend a few minutes:

- recapping the work we've done on solid waste and sustainable materials,
- provide a snapshot of where we are on those efforts, then
- look at where we need to be headed – and why that matters.

Community Values

With input from more 3,400 community members, our 2040 Thriving Communities Core Values are based on two fundamental principles: equity for everyone and health in all actions.

Equity for Everyone means: We appreciate the inherent value of each community member, honor differences, celebrate diversity, and foster inclusion.

Health in All Actions means: We recognize and will address the well-being of our people by including health considerations in all policies, practices, activities, and operations.

Based on the shared principles of equity and health, the Core Values ensure we have:

- Vibrant, safe, and livable communities that promote creativity, forward thinking, a sense of place, and high quality of life; and
- Supportive people and resources in welcoming communities that actively build social connections, personal interactions, and community resources that foster belonging.

The community has clearly voiced its values for today and for the future.

Re-framing “solid waste” → “sustainable materials”

In 1974, Benton County developed its first solid waste management plan for a regional landfill at Coffin Butte. In the nearly 50 years since then so much has changed in the world around us, including the materials that are placed into the economy and at the landfill. As a result, we are overdue for a comprehensive plan to responsibly and sustainably manage those materials.

Building from the 2040 principles, in late 2021 we began to reframe how the Benton County community and western Oregon think about solid waste – shifting from an end-of-life paradigm to instead focus on impacts from the complete lifecycle of “sustainable materials.”

We have spent the past two years reframing the discussions on solid waste and sustainable materials; identifying a clear, constructive path forward on solid waste and disposal; and enlisting the support of many other jurisdictions and agencies.

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In 2022-23, dozens of community members, interested parties and industry representatives, and state and local agency partners, worked together as part of a community-driven work group to understand the history of solid waste management in Benton County, to understand the laws around solid waste and how those have been applied, and to develop findings and recommendations for how this community and the region could move forward together on solutions for managing sustainable materials.

The Benton County Talks Trash facilitated process provided dozens of open public meetings and unlimited opportunities for public input (verbal, written, in-person and remote).

From that work, and for the first time ever, we now have:

- a commonly understood history of solid waste and the Coffin Butte landfill, along with
- 125 pages of Findings and Recommendations, the overwhelming majority of which are consensus based, many with unanimous consent and more than 1000 pages of community input and thoughtful discussion on solid waste issues.

Where do we need to be headed?

Over the coming months, Benton County has an opportunity to work with others to change the way Oregonians think about solid waste, challenging ourselves and our state to shift our thinking from an “end of life” (landfilling) mindset to a “complete lifecycle” (sustainable materials) mindset. We cannot regulate, litigate, threaten or coerce these solutions.

The only way to achieve the outcomes our community needs will be through tools of collaborative governance – information sharing, agreement seeking, trust building and consensus. We know the solutions that participants *work on together* yield the most innovative, the most durable, and the most supported public policies. We know this and we’ve proven it across the Pacific NW on some of the most complex and contentious environmental challenges.

The list of regional partners willing to help Benton County collaboratively and constructively address the future of sustainable materials is strong and growing – we have expressions of support now from several cities and counties, from state agencies, academic partners and industry representatives, and importantly from level-headed community leaders who are willing to work together to solve solid waste challenges.

Please understand – this is not easy work. The level and scope of this effort has not been done in Oregon before. With the sustainable materials management planning process, we are poised to convene Benton County, the mid-Willamette Valley, and western Oregon for a collaborative problem-solving effort that can change the face of materials management for generations.

We don’t have all the answers, of course. No one does. But, while no one of us has the answers, together we do have the skills, experience, information, and values to answer this challenge.

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To lead in these partnerships, to harness the collective support and shared interests of a wide range of partners, the Board of Commissioners, with your advisory committees and staff, must strive to provide public spaces that are safe and open to new and different ideas and that actively seek to understand the best options going forward. These conversations will not be easy. Information will need to come from many voices and many sources. We must continue to include unrepresented and underrepresented voices in the collaborative dialogue.

Fortunately, the Benton County Talks Trash effort set the table for collaborative dialogue and constructive solutions.

Unfortunately, we still need to address serious shortfalls with our disposal site advisory committee. The committee has created an unsafe workplace for the public, volunteers and staff; committee members have dangerously misled the public; and the committee has ineffectively wasted public resources. Today, I want to specifically address concerns with the committee around bullying, disinformation, threats of violence, and a chronic lack of progress.

Bullying

Commissioners, over the years your disposal site advisory committee’s discussions have been emotional and at times tense. Conflict is expected discussing solid waste and disposal. In late 2021, however, the tenor of the committee’s public meetings began to become toxic.

Multiple solid waste advisory committee and disposal site advisory committee members expressed concerns for their personal safety, saying they no longer felt safe participating in committee meetings and could not continue to serve on the disposal site advisory committee. Committee members were afraid of retribution from newly appointed members, concerned that dissenting voices were being silenced by bullying, and they did not feel safe in their own homes with their families. In early 2022, five committee members resigned.

Since then, I have witnessed committee members assert on record in a public meeting how their “superior A+ intellect” could imagine better outcomes than intellects inclined to work with others. One committee member explained to me privately how two appointed officials were “going to win, because, you know, they’re smarter than [he] is,” referring to another colleague participating in the community driven solid waste consensus process.

No member of our community is “smart enough” or “privileged enough” to demean or talk down to others. No intellect, academic discipline, education level, retirement status, or other distinction is an acceptable reason to berate the perspectives or viewpoints of any other person.

Disinformation

Some disposal site advisory committee members have engaged in a persistently inaccurate and confusing public disinformation campaign. Committee members have been repeatedly quoted in

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a local media outlet stating errors of fact and asserting intent for which they have no basis, and which are simply false. Others have repeatedly espoused inaccurate interpretations of state and federal law and attempted to subvert the clear direction and policies of the Board of Commissioners.

Committee members are not qualified to interpret state law and are not authorized to set policy; Oregon statutes clearly and rightfully leave much discretion to the County Board. Yet multiple committee members have gaslighted the public on social media and other local media outlets, inaccurately quoting state law and misstating or misinterpreting County actions.

On or around October 11, one or more committee members impersonated a county official to publish a misleading “public notice” in a local media outlet directing the public to send comments to a county staff email and to a personal email. The chair then attempted to direct the County’s public information officer to post that notice to official County media outlets, falsely alleging that he had been instructed to do so by staff. Around that time, the chair also solicited via email comments from neighbors, erroneously alleging that the County had lost prior public comments.

These continued misstatements and disinformation have understandably confused and frustrated a public that is honestly trying to understand complex solid waste issues.

Threats of violence

On October 25, 2023, in a public meeting and apparently acting on frustrations relating to this disinformation, a member of the public verbally threatened county staff with gun violence. Committee leadership simply responded by reminding the community member to mute their microphone. Following the shock of that moment, we reported the incident to the Corvallis police department, which investigated the incident with the individual, and prepared a report but did not file charges.

There is no other way to state this - this type of behavior is wrong. We don’t permit threats of violence in our schools, our courts, our campuses, our airports, or our public meetings. The threat of violence and the committee’s response are simply not acceptable... anywhere.

Lack of Progress

The committee’s continued decline in civility impedes inclusion and diversity of participation. The committee is not making progress on its key responsibilities, despite meeting repeatedly and spending hours in public meetings demeaning staff and the Board and sending hundreds of emails to staff and commissioners disparaging the County’s performance, the committee has not adopted meeting minutes and has not adopted a state-required annual community concerns report for 2021 or 2022 – two of its core functions.

After watching the behavior of the committee erode to unsafe levels, in my professional opinion, the disposal site advisory committee is no longer open to, or listening to, other perspectives. It

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has become a self-reinforcing echo chamber for a few passionate voices who live near the landfill. While we understand the passion behind those perspectives, we cannot tolerate abusive behavior or threats, and we cannot allow a few loud voices speak for Benton County or for the rest of Oregon.

Recommendations

We don't come to this recommendation lightly. Following extensive discussion with the County Administrator and County Counsel, our recommendation to you today is that the Board suspend all disposal site advisory committee meetings until the committee and its community forum can be restored as a safe workplace and as a safe space for public dialogue, with clear sideboards to protect committee members, the public and staff from abusive behavior and any threat of violence.

As a public servant with more than twenty years of professional experience, including several years helping communities and regions find collaborative solutions to some of the most challenging public policy issues, I'm confident we are on the right path – working with other agencies and organizations on collaborative solutions to solid waste and disposal, and reframing to focus on holistic, sustainable materials solutions will yield outcomes that fit our 2040 values.

We are committed to advance Benton County's effort to develop a comprehensive plan for solid waste and sustainable materials, including disposal. We are committed to equity, inclusion, safety, and well-being for everyone. We are committed to work in collaboration with the community, with public and private partners, and with local and state agencies across Oregon.

Thank you for your consideration of the request on this critically important issue.