

**MINUTES OF THE MEETING  
BENTON COUNTY BOARD OF COMMISSIONERS**

Livestream: <http://facebook.com/BentonCoGov>

**Tuesday, December 19, 2023**

**9:00 a.m.**

**Present:** Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Rick Crager, Acting County Administrator

**Elected Official:** Jef Van Arsdall, Sheriff

**Staff:** Jenn Ambuehl, Finance; Tomi Douglas, Natural Areas, Parks & Events; Cory Grogan, Public Information Officer; Maura Kwiatkowski, Amanda Makepeace, BOC Staff; Sean McGuire, Sustainability; Erika Milo, BOC Recorder; James Morales, Elections and Records; Darren Nichols, Linda Ray, Community Development

**Guests:** Lorraine Anderson, Bill Gellatly, Sheridan McCarthy, Stanton Nelson, Marge Popp, Richard Weber, Jeff Winkleblack, Mark Yeager, residents; Aaron Fast, Julie Jackson, Kenny Larson, Republic Services; John Harris, Horsepower Productions; Craig Hendrickson, Kristi Schrock, Fair Board

**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**

A minor change in item 5.2 was noted (see below).

**3. \*Comments from the Public**

Mark Yeager, Benton County resident, read part of his written comment, refuting Nichols' report at the November 28, 2023 Board Meeting, which stated that some Disposal Site Advisory Committee (DSAC) members had threatened violence against staff and other community members. Yeager denied that this had occurred. On November 29, 2023, a former DSAC member submitted comment asking the Board to investigate Nichols' statements, but, according to Yeager, the Board had not done so. Yeager described the conduct of staff and leadership around this matter as obstructive and manipulative, and stated that the Board was misjudging community sentiment about expanding Coffin Butte Landfill (CBL).

**{Exhibit 1: Mark Yeager Public Comment}**

Marge Popp, City of Corvallis resident, read part of her written comment addressing Nichols' report at the November 28, 2023 Board Meeting, which Popp described as containing sweeping

and derogatory allegations against members of DSAC. Referring to video timestamps from the meeting, Popp quoted Nichols as saying that some DSAC members had created an unsafe workspace, dangerously misled the public, wasted public resources, and contributed to bullying, disinformation, threats of violence, and a chronic lack of progress. Popp denied these statements and asked for details and examples. Popp stated that Nichols had mischaracterized the event when a member of the public threatened County staff with gun violence. Popp quoted the investigator, Corvallis Police Officer Rhoda Krause, as concluding in the report that she “did not develop probable cause to believe a crime occurred.”

**{Exhibit 2: Marge Popp Public Comment}**

Bill Gellatly, Corvallis resident, read part of his written comment, expressing concerns that Nichols had used descriptions of DSAC members’ behavior as a reason to suspend DSAC. There are still issues with workplace safety, methane emissions, and capture of run-off water at CBL. Gellatly stated that the root cause of the DSAC situation was overlooked, and asked what broke down regarding the definition of DSAC’s roles, responsibilities, and limitations. Gellatly questioned whether it was appropriate for Nichols to generalize DSAC member behavior in such a strong and biased way, including the debunked charge of a threat of violence by DSAC. The Board is now even further away from satisfactory resolution or completion of DSAC’s charge.

**{Exhibit 3: Bill Gellatly Public Comment}**

Augerot noted that McEneny is actively reviewing the situation and speaking with DSAC members. Staff are reviewing bylaws for DSAC and other advisory committees because the County recognizes that some of its processes are not clear enough, including roles and responsibilities. This is a pause for DSAC, but there is important work to be done; the County does not discount the importance of methane-related issues, monitoring, and other potential water quality issues at CBL. The County wants to address those issues in the appropriate ways and forums, including DSAC. Augerot urged everyone to be as constructive as possible in order to address the true problems.

Wyse agreed with many of Augerot’s comments. Wyse stated that her goal is to get DSAC back up and running and get the overdue report done. The situation is dysfunctional, and everyone needs to figure out how to make it functional again. Regarding the verbal threat of violence, Wyse emphasized that it is never appropriate for anyone to threaten another person in that way. Wyse declared that she would stand up for staff or anyone against such a threat.

**4. Work Session**

**4.1 Monthly Health Update – April Holland, Health Services**

The item was not heard due to staff absence.

**5. Consent Calendar**

**5.1 Reappointments to the Cascades West Area Commission on Transportation of Pat Malone and Gary Stockhoff**

**5.2 Approval of the November 7, 2023 Tuesday Board Meeting Minutes**

**5.3 Approval of the following Appointments and Reappointments:**  
**Board/Committee:                      Order:                      Appointees:**

<b>5.3.A. Reappointment to Budget Committee</b>	<b>#D2023-094</b>	<b>Elizabeth Irish</b>
<b>5.3.B. Reappointment to Environment, Natural Resources Advisory Committee</b>	<b>#D2023-095</b>	<b>Deb Merchant, Chris Andersen, Robert Swan, Jason Schindler, Mike Hughes</b>
<b>5.3.C. Reappointment to Fair Board</b>	<b>#D2023-096</b>	<b>Rick Freeman</b>
<b>5.3.D. Appointment to Natural Areas &amp; Parks Board</b>	<b>#D2023-097</b>	<b>Duncan Rothe</b>
<b>5.3.E. Appointment to Planning Commission</b>	<b>#D2023-098</b>	<b>Sara Cash</b>
<b>5.3.F. Reappointments to Planning Commission</b>	<b>#D2023-099</b>	<b>Nick Fowler, Evelyn Lee, Elizabeth Irish</b>

Malone noted that item 5.2 had been corrected to indicate an adjournment time of 11:08 a.m.

**MOTION:** Wyse moved to approve the Consent Calendar of December 19, 2023. Augerot seconded the motion, which **carried 3-0.**

**MOTION:** Augerot moved to appoint Sharon Thornberry to the Community Services Consortium Community Action Advisory Council. Wyse seconded the motion, which **carried 3-0.**

The next item heard was 7.1.

## **6. Public Hearings**

### **PH 1 In the Matter of a Public Hearing Regarding Supplemental Budget 240601, Resolution R2023-024 – Jenn Ambuehl, Financial Services**

Chair Malone opened the Public Hearing at 11:04 a.m.

#### Staff Report

Crager presented the first budget supplement for 2023-25. On meeting packet page 35, the Resolution adoption date should read December 19, 2023 not December 5, 2023 as published. Staff request a budget adjustment of \$17.43 million for the biennium. The largest category is non-departmental, related to capital adjustments made in the last budget process. The largest changes at fund level are in Fund 303: Building Development for all capital projects. Changes include:

- \$2.6 million adjustment to Fleet Operations, mainly due to supply chain issues; vehicle orders did not arrive when expected.
- \$2.4 million increase due to an unanticipated Oregon Housing & Community Services grant for rehousing initiatives.

- \$475,00 additional in the Beazell Trust Fund from unanticipated timber harvest. Some funds will be used for maintenance and operating contingency.
- \$100,000 additional from the Corvallis Rural Fire District for rural evacuation routes; the remainder is unspent funds carried over from the previous biennium.
- \$132,000 additional in the General Trust Fund from grants and carryover.
- \$11.6 million in the Capital Fund for the Crisis Center and Emergency Operations Center (EOC) due to cost increases and receipt of additional legislative funds. The total EOC budget is \$8.8 million, and the new Courthouse has a \$76.9 million outlay this biennium. Since the legislature did not provide funds for a Homeless Navigation Center, that amount was removed.

#### Public Comment

No comment was offered.

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

**MOTION:** Augerot moved to adopt Resolution R2023-024 in the matter of Supplemental Budget 24061 with the correction of the active date to December 19, 2023. Wyse seconded the motion, which **carried 3-0.**

Crager noted that the next adjustment will be in spring 2024, and will probably be fairly large, since it includes redoing the Community Health Centers.

### **PH 2 Continuation of the November 28, 2023 Public Hearing Regarding Solid Waste Collection: Annual Rate Increase Request, Order #D2023-092 – Darren Nichols; Community Development; Julie Jackson, Republic Services**

Chair Malone reconvened the November 28, 2023 Public Hearing at 11:12 a.m.

#### Staff Report

Nichols explained that Solid Waste Coordinator Daniel Redick had resigned. Republic Services (RS) representatives are present, as the Board requested at the first session. Benton County Code (BCC) Chapter 23 includes the process for setting refuse hauling and collection rates. For about the last 10 years, the County operated under a 2013 Board Order, which allowed RS to return with an annual rate increase unilaterally. However, that Order expired on December 31, 2020 with the Board's adoption of a new franchise agreement, putting both parties back under the eight-step rate change process in Chapter 23.5.10. On October 9, 2023, staff received the RS request to increase rates (Attachment 1, packet page 59), then received the suggested rates on October 19, 2023. Chapter 23 requires the hauler to provide that request 90 days before those rates can take effect, and requires the Board to decide at least 30 days before, so if the Board approves today, those dates must be moved to around January 20, 2024. Also, Redick's report noted that the current rate structure includes an incentive that rewards consumers who produce more waste: a 32-gallon refuse cart costs less than 20-gallon cart (a 60% increase in cart volume, but only a 7% increase to the charge). The rate in the 32-gallon cart drops about 33% compared to the 20-gallon cart, from \$2.42 per gallon to \$1.62 per gallon. The County does not want to incentivize production of additional waste.

Augerot noted that under BCC, the County typically receives an RS annual report prior to this decision, in September or October, yet the report is not scheduled to be presented till January 2024.

Nichols concurred. The presentation was delayed by the Benton County Talks Trash project, and the County has not yet received the report. BCC Chapter 23.5.10(5) contains a provision that the Board can require an annual report and any other needful information before making the rate increase decision.

Augerot added that the report usually goes to the advisory committees first, then to the Board.

Jackson explained that from 2009-2013, rate increases were based on a larger rate review process every two to three years, and ranged from 7-9%. RS and the Board agreed there was a better method, so the Refuse Rate Index (RRI) method was adopted, for an average increase of 2.9% per year. This is a more predictable and consistent approach, which customers anecdotally prefer. RS was unaware that the Refuse Rate Order had expired; RS signed the new hauling agreement in June 2020, and submitted a refuse rate agreement packet in fall 2020 that was approved, so the 2023 rate increase still reflects that rate. RS's preference is to use the RRI again and return to the Board with future options.

Augerot agreed that the RRI makes rate increases more predictable and stable, so it makes sense to use the RRI now and later have RS staff renew the old agreement or develop a different approach. However, Augerot did not like the incentivization of more waste; a larger can should cost more per gallon, not less, to motivate people to use recycling and compost cans more and produce less garbage. Augerot would like to have seen an annual report before now; Augerot had other concerns, such as environmental issues, but those do not relate to the franchise agreement and waste disposal service for the community.

Jackson stated that the analysis of can sizes does not take into account that one person with a 20-gallon cart may produce more waste per capita than a family of four with a 90-gallon cart. It is difficult to regulate how much waste a person makes. There are pros and cons for each system. RS is willing to incentivize smaller cart size. Also, recycling and yard debris cost more to process than solid waste. People using the small cart might produce more recycling and yard debris. Everyone understands the need to produce less waste overall; that is the pro for incentivizing a rate for smaller carts.

Wyse asked for any documentation or metrics showing that incentivizing larger or smaller bins has an impact on the amount of garbage produced.

Jackson replied that RS can glean some information from the City of Portland. About 10 years ago, Portland went to every-other-week garbage collection and weekly yard debris collection; initially there was more cross-contamination, but Jackson was not sure if that leveled out.

Wyse stated that she would support incentivization of smaller containers if that demonstrates a real impact. If it does not make a difference, Wyse would hesitate to raise rates on constituents. Wyse asked if RS had that incentivization now.

Jackson replied no. Portland subsidizes lower cart rates from higher cart rates; people with a larger cart pay more per gallon of waste.

Augerot favored that approach.

Wyse commented that the approach sounded good, but would like to see documentation first.

Jackson replied that RS will gather information from the Oregon Department of Environmental Quality.

Wyse asked if the Board could change its approach for the following year if desired.

Jackson confirmed.

Wyse noted that the Sustainable Materials Management Plan (SMMP) process could also provide future direction. Wyse asked if Jackson had met with the other Benton County jurisdictions, and if those had all raised rates, and by how much.

Jackson replied that the other communities had all approved the rate increases. RS uses the RRI in most jurisdictions in the Willamette Valley, except the City of Salem. Corvallis uses a different rate for industrial, residential, and commercial customers, and increased fees about 5.4% this year, whereas RS is asking Benton for a 4.8% increase. In jurisdictions that include fuel in the RRI, which Benton does not, the rate is very volatile. In 2022, the RRI indicated an 8.8% increase, but RS only requested 4%. In jurisdictions that include fuel, fees increased 13.4% at that time. In 2023, jurisdictions that include fuel had a 1% increase. Benton's rate increases are very predictable.

Malone seconded the notion of determining effective ways to reduce solid waste going into CBL. One option is a higher rate for customers who throw away more. It is important to know what is most effective to incentivize people to recycle more.

Jackson shared that the Recycling Modernization Act (RMA), effective July 1, 2025, should expand which materials can be recycled. The RMA mainly involves plastics recycling and will provide a statewide list of collected materials. Because this is an Extended Producer Responsibility program, there will probably be more types of recyclable plastics than RS currently has markets for. Materials Recycling Facilities will accept more plastics and send some for a secondary sort. RS has opened a plastics polymer facility, so some material from Oregon can be sent there and remanufactured. All this will help reduce waste.

Malone also favored relatively modest annual adjustments. Malone asked if renewing the agreement annually works best for RS.

Jackson confirmed.

Wyse clarified that she did not want to incentivize making more trash, but suspected that increasing the range of recyclable materials would have more impact on waste reduction. There needs to be a reason for a rate increase.

#### Public Comment

Mark Yeager, resident, requested that the Public Hearing remain open, since RS may provide additional information to the County. The packet published late on December 15, 2023 for this meeting provided no new information. At the previous Public Hearing, Yeager offered concerns about rate complexity and incentivizing production of more waste. A broader look at the rate structure is needed, and the rates should be easier to understand. The cans in question are only residential, not commercial. There is lots of general evidence that when customers pay more per unit of waste, they throw fewer things away. The public should have an opportunity to review the RS reports.

Marge Popp, resident, approved of discontinuing the perverse incentive to produce more waste by lowering prices on quantities, but as Nichols presented the change, this would produce more revenue for RS. The County should first analyze how the change would affect the revenue stream, and make that clearer to the public. Popp requested that this be a revenue-neutral process, and if greater revenue is generated, that it be used to benefit Benton County, not RS.

Chair Malone closed the Public Hearing at 11:41 a.m.

Augerot summarized the requests from the community: 1. Continue the Public Hearing again, keeping the record open, so the Board and the public can see the annual report on RS operations. 2. Allow time to address Wyse's request for information on the effectiveness of changing the rate structure to incentivize lower volumes of waste. Augerot asked Jackson whether that analysis could be done by January 16, 2024, or if Jackson suggested that the Board approve the rate increase now and work on a changed approach for next year. Augerot would like to take into account Popp's point about not just increasing the cost of a 32-gallon cart and increasing RS profits without return to the community; instead, the cost of a 20-gallon cart could be reduced. Augerot would also like to consider Jackson's point that sometimes large households need larger cans, and sometimes have the most strained budgets, so a rate increase hits harder. The County does not want to incentivize dumping waste on the roadside, either.

Jackson was unsure how to simplify rates significantly. Smaller carts could be subsidized with larger carts, but it would be difficult to complete the work by January 16, 2024. The refuse rate adjustments are meant to work with inflation and RS's rising costs, so RS's preference is to proceed with the RRI increase for 2024, then explore how Benton County wants to adjust rates, and return at the end of 2024. RS was willing to postpone the decision into January 2024 so everyone can see the annual report.

Wyse was also very interested in seeing the report.

To maintain process consistency, Augerot preferred to see the report before the rate increase, as usual. Augerot agreed that a thorough rate analysis would take time, and the SMMP analysis and a better understanding of the RMA will change the dynamics of incentives and waste streams. It is necessary to think carefully and holistically about the three waste streams (garbage, compost, recycling), and consider both preserving CBL airspace in the long-term, and environmental factors such as methane and potential leachate toxicity. Augerot preferred to address the rate analysis in a more thoughtful and all-inclusive manner. Augerot favored using the RRI, and also favored delaying the decision until after the Board and the community can see the annual report.

Wyse was willing to use that approach. The Board can wait, see the annual report, make a decision for 2024, then see how the situation unfolds and take the SMMP process into consideration.

Augerot wanted to include what was learned in that process, and how to be most effective in changing the incentive structure, not just shifting problems from one waste stream to another.

Responding to a question from Wyse, Counsel advised continuing this Public Hearing so the Board can accept new evidence such as the annual report. The Chair can decide whether to receive additional comment at that time.

Responding to a question from Malone, Jackson replied that the annual report will be available in the first week of January 2024.

Counsel added that continuation of this Public Hearing must also include the introduction and acceptance of the annual report.

After discussion, Malone continued the Public Hearing to the January 16, 2025 Board Meeting so the Board can review the RS annual report.

Jackson added that RS would prefer to present information about incentives and smaller cart sizes as a separate item.

Malone favored that approach.

**PH 3 Continuation of the December 5, 2023 Public Hearing Regarding an  
Amendment to Benton County Code, Chapter 9, Ordinance 2023-0322 –  
*Tom Douglas, Natural Areas, Parks, and Events***

Chair Malone reconvened the December 5, 2023 Public Hearing at 11:54 a.m.

Staff Report

Counsel clarified that the County accepted public testimony through December 5, 2023, then closed the record, so the community member emails received this week are not included in the packet or the record of this Hearing. The purpose of the continuation was to verify that the changes directed by the Board have been incorporated into the Ordinance. There is an incorrect redline on packet page 70, Ordinance Exhibit A. On packet page 77, staff corrected the incorrect strikethroughs, and the version on pages 77-80 is the correct redline version that was attached to the Ordinance.

Douglas confirmed. The process was documented in the agenda checklist. This redline should track all the changes discussed in the Hearings.

Deliberations

Augerot noted that although the record was closed, she was open to the request in the emails to include the word ‘only’ in 9.810(2)(d), packet page 79, in blue, last paragraph on the right side of page. The altered passage would read, “community rodeos conforming to Northwest Professional Rodeo Association animal welfare rules and Future Farmers of America sponsored events: this exemption applies to activities only using animals not listed in 9.805.4.” Augerot felt this was clearer from a legal standpoint.

Malone preferred to leave the language unchanged.

Wyse expressed an understanding of the intent, but felt this change complicates the matter and preferred to leave the language unchanged. If anyone later questions how the Board interpreted this Ordinance, there is sufficient information about the Board’s intent on record.

Augerot thanked everyone who participated in this process.

**MOTION:** Wyse moved to enact Ordinance #2023-0322 and conduct a first reading. Augerot seconded the motion, which **failed 2-1 (Augerot and Malone opposed)**. The motion died.



**MOTION:** Augerot moved that the Board accept this redline version of the Ordinance with the addition of the word ‘only’ in Benton County Code 9.810(2)(d). Wyse seconded the motion, which **carried, 2-1 (Malone opposed)**.

Counsel clarified for the record that the word ‘only’ goes in subsection (d), second sentence, after the word ‘using’ and before the word ‘animals.’ Counsel conducted the first reading (short title). Second reading to occur January 2, 2024 as a regular business item. Effective date February 1, 2024. Counsel instructed Makepeace to correct the dates in the Ordinance.

Chair Malone closed the Public Hearing at 12:07 pm.

## **7. Departmental Reports & Requests**

### **7.1 In the Matter of Changing the Name of the Board of Property Tax Appeals (BOPTA) to the Property Value Appeals Board (PVAB) and Increasing the Terms of Members to Two Years, Order #D2023-100 – James Morales, Records and Elections**

Morales explained this is a response to changes by the Oregon legislature in House Bills (HB) 2031 and 2237. County clerks requested the name change because some appeal petitioners thought they could appeal the amount of tax they pay, rather than the value of their property. HB 2237 initially asked for a four-year term for PVAB members instead of a one-year term because the positions require a great deal of training. Staff requested a two-year term since this is how often members are required to take the State training. The changes will take effect later this year.

**MOTION:** Augerot moved to adopt revisions to the Board of Property Tax Appeals Bylaws to reflect the name change from the Board of Property Tax Appeals to the Property Value Appeal Board and to increase the term served by appointed board members from a one-year to a two-year term, in accordance with the statutory changes adopted by the 2023 Oregon Legislature in House Bills 2031 and 2237. Wyse seconded the motion, which **carried 3-0**.

### **7.2 Discussion Regarding a Resolution to Support Establishment of a Continuum of Care for the Linn, Benton, and Lincoln Counties Region and Registering with the United States Department of Housing and Urban Development in 2024 – Board of Commissioners**

Augerot explained that Community Services Consortium (CSC) staff have been working to pull Benton County out of the Rural Oregon Continuum of Care (ROCC) and form an independent Continuum of Care with Linn and Lincoln Counties. This will provide more autonomy on how to conduct the point-in-time count for homelessness and in applying for Federal grants. In the ROCC, all counties had to be in agreement about grant applications and gain some benefit from those grants. Benton is very different from the remainder of the rural area, which mainly consists of southern and eastern Oregon. As an independent entity, Linn-Benton-Lincoln will have much more ability to address homelessness issues as needed, and already work closely together on these issues. CSC Director Pegge McGuire has spoken to all the local municipalities and the Lincoln County Board of Commissioners. Each County needs to make a Resolution establishing this Continuum of Care and leaving ROCC.

Malone asked if there were any downsides to the change.

Augerot replied that ROCC shares one staff person, so later the three Counties will need staffing at CSC to support the application process. That cost will be borne by CSC, possibly with some eventual cost-sharing by the three counties. There are sources to support creation of the position, and it has already been advertised. Marion and Polk Counties, who also recently withdrew from ROCC, have more than tripled the amount of grant revenue coming in, so they are able to cover staff costs because they have a better ability to raise funds and address the challenges in that region.

**MOTION:** Augerot moved to approve Resolution #R2023-028 supporting the establishment of a Continuum of Care for Linn, Benton, and Lincoln Counties and registering said unit with the Department of Housing and Urban Development in 2024. Wyse seconded the motion, which **carried 3-0.**

Chair Malone recessed the meeting at 9:37 a.m. and reconvened at 11:00 a.m. with Public Hearing 1.

**8. Other**

No other business was discussed.

**9. Adjournment**

Chair Malone adjourned the meeting at 12:07 p.m.



Pat Malone, Chair



Erika Milo, Recorder

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

Agenda #3 Exhibit 1  
Date: 12/19/23  
Submitted by: Mark Yeager

December 19, 2023

Testimony before BC BOC - DSAC Suspension

Good morning - My name is Mark Yeager; I am a resident of Benton County.

On November 28, at your regular meeting, your Community Development Director (CDD) unleashed an unprecedented assault on the character and integrity of the individuals serving on the Disposal Site Advisory Committee (DSAC) with unspecific and unsubstantiated allegations of threats of violence against staff and other community members.

The irony of the Community Development Director (CDD) invoking the 2040 Thriving Community Core Values at the beginning of his presentation was not lost on me. *Equity for everyone* – except for those residents that are directly affected by the landfill and its impacts; *Health in All Actions* – again, except for the health impacts imposed by the landfill for residents in the vicinity of the landfill and those future members of our County saddled with the long-term cleanup costs of the dump.

Contrary to the assertions made by the CDD, at no time, in any meeting or other communication did any member of the Committee threaten any member of the staff. Likewise, the lack of productivity from the Committee was a direct result of staff and Commissioner obstruction of the Committee's efforts, over the objections of the DSAC members.

This supposed surprise report to the Board, wherein Board members feigned shock, and the Chair read a prepared statement regarding the role of advisory committees, was followed immediately with a multi-page County media release. Clearly this was pre-planned theater.

On November 29, a former member of DSAC submitted to this Board a detailed, 3-page rebuttal of the allegations made by the CDD, and asked this Board to hold him accountable. I want to enter that letter into the record of this meeting. To date, no member of this Board has pursued that letter request for investigation into the facts.

Your effort to eliminate all meaningful discussion of the impacts from, and long-term options to, continuing expansion of the dump, began with PC unanimous denial of a 2021 landfill expansion request. You created the BCTT group and promptly kicked off two members for repeatedly asking questions you determined with off limits – “we will have no discussion of the long-term future of the dump in our process.”

Again, the irony of the 1,000 plus page BCTT report beginning (on page 15) with a homage to the indigenous tribes, from whom these lands were stolen, “we recognize and honor the ongoing stewardship and spiritual relationship between the land and people indigenous to this place” is shocking. *We honor our ongoing stewardship by dumping millions of tons of toxic trash on your lands. Really?*

And it goes on to say that “we thank them for continuing to share their knowledge and perspectives on how we care for, impact, and protect the land we live on.” Seriously, you must be joking, right?

On August 15 of this year, you illegally “dissolved” the County’s Solid Waste Advisory Council (SWAC), whose members are the same as DSAC. So, it was only a matter of time before you “suspended” DSAC in order to move those community members aside. Apparently, you had no problem violating your own Code, but couldn’t bring yourselves to violate state law.

Having served on dozens of Boards, committees, and task forces at the national, state and community level in my 45-year career, including several terms as a member of SWAC and DSAC I have never been subjected to this level of staff and leadership stonewalling and manipulation. And now to have this staged performance and attempt to blame everything on the committee members, it is truly reprehensible.

Having committed privately to Republic Services that you will approve their application to expand the dump so that you can get some measly amount of extra dollars in your coffers, you appear to be willing to go to any lengths to achieve that end including falsely accusing all volunteer members of DSAC.

You need to examine the chaos you have created around this whole landfill issue. You have been completely transparent in your intentions to approve a landfill expansion, no matter what. That began in December 2020, when your County Attorney gave the staff report to the Commission explaining the newly negotiated (and you got taken to the cleaners by Republic Services in those negotiations) 20-year franchise agreement.

Not unlike the shellacking you took for your handling of the "Justice Center Improvement Project" debacle, you are completely misjudging the sentiment of this community regarding your efforts to expand the dump.

Hope you have a wonderful Holiday season. See you next year!

Agenda #3 Exhibit 2  
Date: 12/19/23  
Submitted by: Marge Popp

Public Comment 2023 12 19 Good morning, Commissioners

My name is Marge Popp and I am a resident of the city of Corvallis.

Today, I want to address the allegations Darren Nichols, Benton County Director of Community Development made at the October 28th BoC meeting. As you are all aware, Mr. Nichols made sweeping and derogatory accusations against members of the Disposal Site Advisory Committee.

Where I come from, if you accuse somebody of something, you better be able to prove it.

It is in that spirit, that I ask these questions regarding direct quotations of Mr. Nichols' statements from the official Zoom transcript.

At timestamp (266) 00:36:13 Mr. Nichols charges:

The committee has created an unsafe workspace for the public, for volunteers and for staff.

How exactly did the committee create a workspace for anyone when it was county staff who set meeting dates, registered meeting participants, developed the agenda and exercised complete control of the Zoom process during meetings. Since at least late 2021, all SWAC/DSAC meetings have been conducted via Zoom.

(267) 00:36:20.260

Committee members have dangerously misled the public.

How exactly have committee members done that, the website is completely under county staff control. Some committee members have expressed their views in the media. I believe that is their prerogative in our country. If Mr. Nichols disagrees with statements they have made, he needs to articulate those statements and express why he feels they are misleading. And he needs to explain why the statements are dangerous. To whom are they dangerous?

He goes on

the Committee has ineffectively wasted public resources.

First of all, ineffectively wasting resources suggests that it might be less of a problem than we might think. But, perhaps, Mr. Nichols meant to say they were wasting resources. What resources was the committee wasting? And how did the committee waste those resources?

①

(268) 00:36:32.950

Today I want to specifically address concerns with the committee around bullying, disinformation, threats of violence, and a chronic lack of progress.

Bullying, disinformation and chronic lack of progress are general terms. What incidents specifically is Mr. Nichols referring to? Threats of violence is quite specific and is simply false. At no time did any member of SWAC/DSAC make threats of violence to anyone.

Let me skip to the incident that likely suggested this charge to Mr. Nichols.

(302) 00:40:52.110 --> 00:41:02.9

On October 25th. in a public meeting, and apparently acting on frustrations related to this disinformation. A member of the public verbally threatened county staff with gun violence.

Here Mr. Nichols goes on to describe an event that he mischaracterizes and appears to purposefully distort. It will take a much longer time than I have here to unpack this section completely. Suffice it to say, how does Mr. Nichols know this individual is acting on frustration of anything. let alone disinformation? Officer Krause, the police official who responded to a call from county staff to report a threats complaint, and who interviewed the member of the public mentioned above, concludes his police report by saying "I did not develop probable cause to believe a crime occurred. This case is for documentation only."

(278) 00:37:36.390

In early 2022, 5 long serving committee members resigned.

We know this is false and that only two members resigned in early 2022 by consulting the advisory group minutes. That information was sent to you on November 29. We also know that Mr. Nichols was aware of this by an editing remark he made to the BCTT Report History section in which he strikes out the sentence fragment 'four members resigned' with the comment, 'Check with Daniel, I believe one or two members' terms expired.' The final report, after edits from Daniel, then reads correctly 'three members finished their terms and two other members resigned.'

(273) 00:37:03.730

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 and worried that that would spill over into their personal lives. They were concerned that dissenting voices were being silenced by bullying behaviors and they did not feel safe in their own homes with their families.

How many SWAC and DSAC members expressed these fears? Who are they? When did they express these fears? If they expressed their fears in late 2021, why did the Board of Commissioners appoint their tormentors to their vacant spots? If they only expressed these fears recently, why did they wait to express them? And what precipitated their sudden desire to come forward?

(279) 00:37:43.090 --> 00:37:50.489

Since then I've personally witnessed committee members assert on record in public meeting how their superior A plus intellect could imagine better outcomes than intellects inclined to work with others.

How many committee members made this startling comment? I have asked former SWAC members, current DSAC members, and BCTT members and no one recalls such a statement. In fact, the most common response to my query was "That's bizarre!" Since Mr. Nichols witnessed this in public meetings, surely there exists recorded evidence. May we hear that evidence?

(281) 00:37:55.620 --> 00:38:10.040

One committee member explained to me privately how 2 appointed officials were quote going to win, because, you know, they're smarter than he is. Referring to another colleague participating in the community driven consensus based solid waste process.

Mr. Nichols admits that he is repeating a private conversation that, no doubt, the participant felt was privileged. Who exactly was the powerless colleague being derided? Who were the powerful appointed officials? What is even meant by the term official?



(287) 00:38:40.540 --> 00:38:51.400

Some disposal Site advisory committee members have engaged in a persistently *inaccurate and confusing public disinformation campaign*. Committee members have been repeatedly quoted in a local media outlet, stating errors of fact and asserting intent for which they have no basis, and which are simply false.

What persistently inaccurate and confusing disinformation were committee members spreading? What repeated quotations contained factual errors? What were those factual errors? What intent were they asserting about what? Mr. Nichols is providing us with his opinions, but does he have any proof?

(291) 00:39:22.330 --> 00:39:31.009

Others have repeatedly espoused *inaccurate interpretations of State and Federal law, and attempted so to subvert the clear direction and policies of this Board of Commissioners*.

Again, what inaccurate interpretations of which State and Federal laws is Mr. Nichols talking about? Who are these members? How many of them are there? How have these interpretations subverted the direction and policies of the Board of Commissioners?

(293) 00:39:44.710 --> 00:39:46.849

On or around October eleventh, one or more committee members impersonated a county official to publish a misleading quote public notice in a local media outlet.

This begs the question, how many committee members does it take to impersonate a county official? But seriously, who are these individuals?

A public notice was posted but it has no official Benton County logo or other identifying marks and it reads 'The DSAC chair is asking for any community member that brought concerns....' How is this misleading anyone?

I eagerly await Mr. Nichols responses.

NOTE: The timestamped paragraphs in blue have been taken directly from the official Zoom transcript of Mr. Nichols testimony.

Agenda #3. Exhibit 3  
Date: 12/19/23  
Submitted by: Bill Gella

**Public Comment to BC Board Of Commissioners 12/20/23 by Bill Gellatly**

Good morning - I'm Bill Gellatly, a ten-year resident of Corvallis. Some of you already know of my long connections to Benton County, and my passion for open and transparent government.

I have spoken twice regarding Solid Waste policies and practices, first at a meeting of the Board of Commissioner and second at a special meeting of the Task Force just prior to the publishing of the now-well-known 1,000-page report.

When I read in the G-T (12/30/2023) that the DSAC had been suspended, or more precisely "paused," I reached out to two members of the DSAC committee who I know through other local organizations. I heard accounts of how Darren Nichols' impassioned descriptions of members' behavior had led to the recommendation to suspend DSAC. Of greater concern to me were accounts of remaining issues such as workplace safety at Coffin Butte, concerns about methane emissions and satisfactory capture of runoff water.

I suspect that a skilled facilitator could have intervened, responded to, and diffused any anxiety **with** the technical concerns. Yes, it may have called for engaging more technical expertise, but, had this taken early priority, any ire or rancor among committee members might well have been kept down to constructive level.

My interpretation after listening to the recording of the November 28<sup>th</sup> board meeting is that Mr. Nichols used the behavior of committee members, rather than the conflicts about DSAC content to propose the "pause." I find that extremely disappointing. I believe that the root cause was missed or overlooked.

I can only conclude that the breakdowns regarding DSAC content had occurred over many months. I was already aware of breakdowns and departures within SWAC prior to the issuing of the big report. Frustrations leading to those departures may have been the seeds that spread to DSAC.

My review leads me to three questions:

- What broke down surrounding the definition of the roles, responsibilities, and limitations for this advisory committee? For example, did the advisory committee know that their work output would be considered, but not necessarily adopted in their entirety by Staff?
- Was it appropriate for Darren Nichols to generalize DSAC member behavior in such a strong (and biased) way in an obviously well-rehearsed statement.
- Given the inflammatory significance of an already-investigated "threat" by non-member, was it even slightly appropriate to make a debunked charge a part of his comments?

My purpose today is to suggest that, as commissioners, you take what may be an uncomfortable step back to review the process through which you engaged Mr. Imperati. The front page of Sam's website prominently makes this statement: **"Our Goal is resolution, not just settlement, where the parties walk away equally unhappy!"**

Perhaps this Commission and county Staff are just as unhappy as the members of the DSAC, but please think this through. It is clear to me that you are now even further away from a satisfactory resolution or completion of the charge given to DSAC.

Thank you.