



MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Livestream: <http://facebook.com/BentonCoGov>
Tuesday, January 23, 2024
9:00 a.m.

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

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

Staff: **Rick Crager**, **Gabrielle Dibble**, **Debbie Sessions**, Finance Services; **Dawn Dale**, **John DeVaney**, **Brian Lee**, Sheriff's Office; **Cory Grogan**, Public Information Officer; **April Holland**, **Lacey Mollel**, Health; **Maura Kwiatkowski**, **Amanda Makepeace**, BOC Staff; **Adam Loerts**, Information Technology; **Tracy Martineau**, **Chip Polito**, **Tammy Webb**, Human Resources; **Sean McGuire**, Sustainability; **Erika Milo**, BOC Recorder; **James Morales**, **Darla Rush**, Records & Elections; **Darren Nichols**, Community Development; **Matt Wetherell**, Juvenile Department

Guests: **Steven Chase**, Sustainable Materials Management Planning Task Force Chair; **John Harris**, Horsepower Productions; **Ken Eklund**, **Joel Geier**, **Becky Merja**, **Debbie Palmer**, **Catherine Stearns**, residents; **Susan Walenza**, Philomath resident

1. Opening:
1. Call to Order

Chair Augerot called the meeting to order at 9:00 a.m.

2. Introductions
3. Announcements

Augerot thanked staff who put in overtime and extra effort during last week's ice storm, including Public Works, Public Health, and Emergency Management. Augerot looked forward to the after-action discussions and doing even better next time to serve community needs.

2. Review & Approve Agenda

No changes were made to the agenda.

3. Comments from the Public

Susan Walenza, Philomath resident, shared concerns about large trucks entering and leaving Coffin Butte Landfill (CBL), toxic smells emitting from CBL trucks, the increasing size of CBL, adding garbage from outside of Benton County, and CBL's impacts on wildlife.

Joel Geier, BC resident, former member of the Disposal Site Advisory Committee (DSAC), described serious environmental and workplace safety problems at CBL, referencing the Environmental Protection Agency's report on leaking methane from CBL, the testimony of landfill workers, and videos and photos from the CBL workers' union. Geier stated that the County has not enforced its own conditions of approval on CBL, despite numerous complaints. In early 2022, new DSAC members started pointing out factual errors in annual reports from CBL operator Republic Services (RS). DSAC members asked RS for monitoring data on great blue herons. The County shut down DSAC for over a year. Geier commented that Community Development Director Darren Nichols' statement that DSAC members threatened other members is false and should be retracted. Staff should work on the real landfill problems that concern the community.

4. Work Session

4.1 Review of Disposal Site Advisory Committee (DSAC) Revised Bylaws – *Darren Nichols, Community Development*

Nichols explained that in December 2023, the Board requested revised bylaws to improve the function of DSAC and provide additional protections for community members and staff. Today's revised version is a first draft. DSAC is a State-mandated body that advises the Board and provides a community forum for concerns about Coffin Butte Landfill (CBL). DSAC also monitors CBL operations and identifies areas for improvement, holding landfill operator Republic Services (RS) accountable to the community. DSAC is an important part of County governance that also needs to work well with the Board, staff, and the community. State statute sets expectations but also gives counties some flexibility on DSAC responsibilities. Oregon Revised Statutes (ORS) 459.320 and 459.330 clearly defer to the Board of Commissioners. Staff propose changing the number of committee members to be between five and 11. To provide transparency, Nichols also encouraged the Board to consider the amount of public notice given prior to a special meeting.

Augerot commented that the bylaws were last updated four or five years ago. Updating bylaws for advisory committees is a periodic effort. It is important not to create precedents for other bodies based on the experience in one. The goal is to have a place for community input in a structured manner, where everyone understands how to participate, and where the Board, RS, and the Department of Environmental Quality (DEQ) can hear the community. Augerot expressed concern that this version of the bylaws provides final say to the Community Development (CD) Director, rather than sharing that authority with the DSAC Chair. Also, the County can appoint the chair, but in most of Benton's advisory committees, the members elect the chair, and Augerot hesitated to change that. Augerot praised the idea of including a code of conduct or ethical guidelines, but the County does not currently have such, so that document must be created in order to refer to it.

Wyse stated that in her experience with city councils in Benton County, it is unusual for the chair of an advisory body to have final authority. If a group is doing work for the County, someone must direct that work. Wyse was willing to add 'the Community Development Director or the Board of Commissioners' to the bylaws.

Augerot clarified that in many cases here, the final say is given to the CD director, but that is only appropriate in some instances. Setting the agenda must be a joint endeavor

to represent community and County needs. If there is disagreement, the final say could go to the CD Director, or something similar that indicates more of a partnership.

Nichols read the current language aloud: 'The agenda shall be developed jointly by the Chair and the CD Director or their designee. In the event of disagreement, final agenda decisions shall be made by the CD Director or their designee. Committee members may add items of business only with the concurrence of the CD Director or their designee, and the Board of Commissioners may add items of business at any time.'

Augerot and Malone indicated agreement with that language.

Nichols added that the bylaws clearly ensure that it is the Board's responsibility and discretion to provide guidance to staff.

Wyse suggested that the DSAC members decide on a joint code of conduct at the first DSAC meeting; that code could be reviewed annually and referenced in the articles.

Augerot recommended developing a code of conduct and ethics and including a reference in the bylaws of all County advisory committees, not just DSAC.

Malone also supported having consistent rules in all County advisory committees.

Augerot noted that the County also lacks a formal whistleblower policy, which should be addressed. Augerot suggested asking Human Resources Director Tracy Martineau if the employee policy manual contains such a policy.

Responding to a question from Malone, Nichols confirmed that Counsel had reviewed and provided input on the revised bylaws.

Malone suggested that the phrase 'electors of Benton County,' section 1.5.a, be changed to 'registered voters' to avoid confusion with the Electoral College in a presidential election.

Augerot and Nichols concurred.

Nichols explained that member terms will be one year with no more than two consecutive terms. As currently structured, if the group had 11 members, half the members would turn over every year, which could burden staff.

Augerot noted that the bylaws say 'term of designated employee of permittee shall be two years,' but do not designate term length for other members. Augerot preferred to continue operating on a two-year basis.

Nichols replied that the bylaws do not specify, other than the term limit.

Augerot suggested asking Teresa Larson, Counsel's Office, if committees have been operating on that basis. The language must have fallen out during previous amendments.

Malone liked the flexible number of members, but felt that five members would be thin if a member were absent.

Augerot suggested increasing the minimum to seven.

Wyse asked whether the committee could still meet if a member stepped down and the position remained vacant for a while.

Augerot replied that different committees have interpreted that in different ways. Augerot felt the committee should be able to meet even if there is not a full committee. The Board can increase the number of members at any time.

Wyse did not have a strong opinion about five versus seven as a minimum. In future, the Board can use its discretion or see if DSAC wants more members. There is language to have non-voting members, or to add up to 11.

Augerot advised changing the minimum to seven members.

McEneny noted that DSAC Chair Ken Eklund has received a copy of the draft bylaws and will comment soon.

Augerot summarized that the County could omit the ethics code reference for now, think about how to address that for all committees and boards, look at a whistleblower policy, and look at the instances where bylaws direct the CD Director to have the final say, considering whether each is essential. Augerot was most interested in the last point. The goal is a joint endeavor with a clear structure and a clear relationship specified between staff lead and Chair. Augerot asked to hear Eklund's comments on the bylaws before the next iteration is developed.

4.2 Sustainable Materials Management Plan (SMMP) Progress Report – *Darren Nichols, Community Development; Steven Chase, Chair of the SMMP Task Force*

Augerot noted that Chase is Chair of the SMMP Task Force (not Chair of DSAC as stated on the published agenda). The Task Force guides the SMMP.

Nichols reviewed the background, including the formation of the Benton County Talks Trash Work Group (WG), which recommended that the County develop an SMMP. This approach addresses the full lifecycle of materials, intervening as far upstream as possible to minimize solid waste. The County has issued a Request for Proposals (RFP) for outside firms to advise on the SMMP, along with a more regional task force. Staff have approached other key players who might help. So far, the following have committed to participate in the Task Force: Benton County Planning Commission, Linn County, Benton County Sustainability, Polk County, Marion County, the City of Corvallis, Wasco County, Klamath County, Republic Services, Lane County, Community Services Consortium (CSC), Oregon's Metro Regional Government, Governor Tina Kotek's Regional Solutions Team, the Department of Environmental Quality (DEQ), several community members, Oregon State University, the City of Albany, and other Benton departments including the Sheriff's Office, Health, and Public Works.

Dibble described the SMMP RFP process. The County received four responses. Question and Answer sessions and interviews were available to the public. The top two

proposals were reviewed by Chase. Next, staff will present the proposals to the Task Force for review and provide a recommendation to the Board.

Chase emphasized the importance of clarity of mission and the expectations of the Board. Chase described his personal background, degrees in Environmental Studies and Public Administration, and employment history as a Public Planning Director, Chief Regulator of oil and natural gas rigs, Environmental Coordinator, and Deputy City Manager.

Chase outlined five missions and some expectations for the Task Force:

1. Provide Benton County and western Oregon with a plan of action that fosters legislation, rulemaking, authority, and funding in support of sustainable materials management.
2. Explore innovative opportunities such as new research and emerging best practices.
3. Examine the entire waste stream within the framework of western Oregon job creation and retention efforts.
4. Regional focus: if, with the closure of other facilities, CBL becomes western Oregon's only regional landfill, the Task Force can provide the Board with other opportunities for facilities development that lessen effects on Benton County.
5. Address how Benton County can be a good steward of this information within the context of the Thriving Communities initiative and the County's economic development platforms.

Chase added that as staff develop bylaws, he will create an agenda for the first Task Force meeting on February 2024. The State Environmental Protection Agency (EPA) will be invited to discuss its preparations for the Recycling Modernization Act.

Nichols noted that while Benton's legal authority over solid waste disposal is very small, Benton has a big opportunity to lead the future of western Oregon, which necessitates engaging with as many regional counties and cities as possible. Lincoln, Yamhill, and Tillamook Counties are also strongly interested in partnership. The Board can continue to engage with county and State colleagues.

Wyse observed that this process will better document the barriers Benton and all counties face in addressing solid waste issues. These areas are regulated by the DEQ and EPA, not the County. A process and plan will hopefully show the State where local governments need the most support.

Malone noted that one of the County's original questions was, "Will there be another landfill in western Oregon?" It is legally possible, but about 30 landfills have closed in western Oregon in the past few decades, and none have opened. This emphasizes the importance of CBL and keeping materials out of the landfill. The County is inviting friends and neighbors to participate in serious discussions and is getting a lot of positive response, which is an encouraging start.

Augerot reprioritized Chase's items: the goal is the County and regional SMMP, to lessen the environmental footprint of that waste stream on Benton and other counties. So the first item is Chase's #3: to examine the waste stream and its interaction with other facilities in this ecosystem, and what can be extracted from that waste stream, which leads to the innovation aspect. So both aspects happen in tandem. Augerot

asked Chase to clarify the intention for #5: Stewardship. Augerot felt the 2040 Thriving Communities Initiative should be used as a lens to examine any strategy in the SMMP from both an economic and an environmental standpoint.

Chase confirmed that #5 referred to the 2040 Initiative as an overall lens that provides context.

Augerot asked which contractor would help Benton County with this work.

Nichols reviewed that the RFP was issued in September 2023. Staff encouraged respondents to assemble teams of experts who could do all the work, including technical analyses, communication, and legislative strategy. The RFP is still active. The proposals received so far probably need more to convene western Oregon and communicate effectively among stakeholders, so staff are also contacting key partners who may provide expertise, coordination, or other resources. Chase and Nichols will discuss these matters over the next few weeks. Staff are still evaluating four proposals.

Responding to a question from Augerot. Nichols confirmed that the next step is to contact potential co-funders who could participate in the Task Force, and to investigate possible leaders to form the strategic action plan and community engagement.

Chase added that he will provide good meeting management with a focused agenda, and report the results of each meeting to the Board, in consultation with Nichols.

The Board favored this approach. Chase to convene the first DSAC meeting and report to the Board in late February 2024.

Wyse requested a tentative timeline via email of the information Nichols and Chase presented.

Chair Augerot recessed the meeting at 10:26 a.m. and reconvened at 10:32 a.m.

4.3 Recommendation for Non-represented Employee Compensation Plan
– *Tracy Martineau, Tammy Webb, Chip Polito, Human Resources; Rick Crager, Financial Services; Rachel McEneny, County Administrator*

[Note: a revised version of the presentation was shown during the meeting.]

Martineau introduced Polito, who is helping with the County compensation study of non-represented jobs. Martineau reviewed how the study was conducted (see presentation). The County partnered with consulting firm Gallagher to collect comparable market data for a set of representative benchmark jobs. This enables the County to determine the competitiveness of pay and salary ranges by job. Forty-nine benchmark jobs were identified; 46 have current incumbents. Market data was obtained for about 96% of the jobs, which represents 48.5% of job titles in the scope of the study, and 50% of employees in the study (a typical amount).

Polito explained that the data in such studies has a 50/50 public/private weighting. While reviewing job matches, the consultant looks for data outliers, some of which are omitted.

Martineau added that staff also used a geographic location adjusted to the City of Portland. Cost of living in the City of Corvallis is comparable to Portland, and the data is better. Comparisons used base salaries, with no work out of class. Minimum, market average, and maximum salary ranges were established. Benton salaries are compared to the market median (50th percentile).

Responding to a question from McEneny, Martineau replied that the County first engaged with Gallagher in February 2023. Gallagher is experiencing staffing shortages.

Augerot asked whether there was concern about the data being stale.

Polito replied that the data was manually aged to January 2024.

Martineau showed that Benton lags the market median, which has been apparent in recruitment and retention challenges. Initially, staff intended to examine the market at the 50th and 75th percentile, but as Crager and McEneny reviewed the emerging data, staff were very concerned about the expense of the 75th percentile. The number can be changed if desired. Compared to local and published surveys, Benton County is misaligned by about 15% across the board.

Polito described the process to provide the salary ranges, which were slightly modified to better represent the distance between salary grades. Premium jobs were removed from the regression.

Martineau added that this had been done for the last several years because certain jobs (such as deputy district attorneys and physicians) moved faster in the market than other comparable jobs in the same class.

Wyse requested a slide of the regression analysis by email.

Martineau provided six recommendations:

1. Anchor ranges to the 50th percentile (market median).
2. Go back to dividing ranges into 12 steps for clarity and ability to predict future salaries. Human Resources has received a lot of feedback since converting to percentage-based increases. Staff found it very confusing and unpredictable; the consultant agreed this was a logical step. Martineau recommended using steps 1-9 for annual increases and steps 10-12 for exceptional performance, with more specific criteria for the latter. A few employees will land on steps 10-12; Human Resources is comfortable with that in this context.
3. To alleviate salary compression and the difficulty of attracting and retaining high quality employees to the Sheriff's Office, place Law Enforcement (LE) command staff in the same position on the new salary range to create a reasonable salary difference between the ranks and the deputies, effective January 1, 2024. Martineau has discussed this with Van Arsdall.

Van Arsdall added that some sergeants make less than top-step deputies, so the concern is compression and enticing qualified people to promote up through the ranks.

Martineau continued:

4. Effective January 1, 2024, place other non-represented employees on the new step that is closest to, but not less than, their current salary. Human Resources is also conducting a pay equity study that will result in further movement.
5. Bring employees who fall below the minimum of the new range up to the minimum.
6. Move three jobs to a different classification, because the price of the job has increased more quickly in the market, or the job may make more sense in other classifications.

Crager discussed the financial impact of these recommendations. Bringing all LE staff to current compensation ratio status will cost about \$600,000. Bringing 31 employees up to minimums will cost \$346,223. Bringing all other employees to the minimum will cost about \$145,000. The total salary impact is \$1,071,024, for a maximum total impact of about \$1.5 million (this varies due to other payroll costs). This is a one-time change. First, staff will try to absorb the costs within existing budgets, which included management increases. These changes will address the Employment Cost Index, which the County usually evaluates in July. So far, County expenses in 2024 are lower than predicted. If current budgets do not cover the cost, the County might need to use fund balance, which continues to grow aggressively.

Augerot observed that the Board and staff had previously discussed whether the County wanted to lead the market rather than match it, which would mean using the 75th percentile, but that would be very expensive.

Crager concurred. These recommendations put Benton in a very competitive salary position compared to other counties.

Augerot agreed. At that time, staff did not know the market average.

Polito shared that the 75th percentile total cost would be \$2.5 million, or \$3 million including the Public Employees Retirement System.

Martineau explained that one option for the Sheriff's Office is to give command staff their own classification instead of the general management classification. However, those employees have better alignment and career progression within the management classification. Next, staff will complete the pay equity analysis and adjustments.

Polito noted that the preliminary cost estimate of pay equity anomalies was under \$200,000.

Martineau shared that the County is required by law to perform a pay equity analysis every three years, so this one is somewhat late.

Responding to a question from Augerot, Polito replied that the County has about 130 non-represented employees.

Martineau commented that because this data is freshly matched to the market, an additional ECI adjustment will not be needed on July 1, 2024. Staff are considering maintaining the current policy and using step increases instead of performance pay. In the new salary ranges, below the midpoint is 4%, the midpoint is 6%, and above is 3%, which is close to the current approach. Staff are discussing a 4% lump sum incentive.

There is currently an exceptional performance step increase option. Martineau intends to create a Performance Incentive Review Committee to develop criteria and guidance for exceptional performance.

Crager stated that the pay equity analysis should have a low financial impact. Specific adjustments might need more discussion around July 1, 2024.

Wyse asked Martineau to clarify the 4% lump sum incentive.

Martineau explained that unlike a step increase, the incentive is not added to the base salary and does not compound.

Wyse asked if there would be criteria, or if the incentive is awarded after a review.

Martineau would like the Leadership Team to discuss that. Exceptional performance is likely to be more connected to performance measures and outcomes.

McEneny asked how often these studies should be repeated.

Polito replied it is good to review this annually, then do a major study every four to five years.

MOTION: Malone moved to implement the nine step salary ranges for annual pay increase, and additional 10, 11, and 12 steps exclusively to recognize exceptional performance, implementation to be effective January 1, 2024. Wyse seconded the motion, which **carried 3-0.**

MOTION: Wyse moved to address the compression issue in the Benton County Sheriff's Office through the adjustment as recommended by Human Resources Director Tracy Martineau. Malone seconded the motion, which **passed 3-0.**

5. New Business

5.1 Discussion Regarding Alsea Health Center – Lacey Mollel, Christine Mosbaugh, Community Health Centers

Mollel and Mosbaugh updated the Board on the Alsea Health Center (AHC), which has been temporarily closed since August 1, 2023. Mollel explained that the Health Resources Services Administration (HRSA) does not recognize temporary closures, so the County deleted that site. Since the closure, the Health Department has connected with community partners and performed ongoing community engagement, including two community meetings in November 2023. At the meetings, staff described the challenges of the patient-centered medical home model. The community asked how Alsea Human Services County Service District taxes would be used during the closure.

Mosbaugh explained that Health reached out to similar communities, including Asher Community Health in Wheeler County. Staff talked to Alsea School District about the possibility of a school-based clinic and how to connect better with Alsea families. The Roundhouse Foundation provided referrals and networking. Staff have asked the local InterCommunity Health Network Coordinated Care Organization about opportunities

with existing funds. The community has many ideas; Health wants to offer resources and full backing.

Since these conversations, Alsea residents appointed a Health Services Work Group, conducted a survey, and met in December 2023. Health has committed to meet at least monthly with the group. The next meeting is on February 9, 2024. Pending financial opportunities: House Bill (HB) 2872 passed, which will continue to fund Health Centers, but there will not be a decision about new access point funding from HRSA until March 2024. HB 5378, the Lower Costs, More Transparency Act, also passed; legislators are working on a long-term solution to get Health Centers past the current funding cliff, then open more access points. Alsea applied for Oregon Health Authority's Climate Adaptation Communicable Disease Prevention Emergency Preparedness grant to fund a community health needs assessment, with results to be issued in February 2024. Other community-led efforts are underway. To offer primary care services in Alsea, the County needs confirmation that it is not eligible for new access point funding. Staff recommend continuing the closure of AHC while continuing to collaborate and plan with local partners.

Malone wondered if the closure should again be called 'temporary' in the recommendations.

Mollel replied that is being discussed with the community. Staff can add 'temporary' with a timeframe. Staff will revisit this until the Work Group provides clear community direction, and until there are clear funding sources for the County or another partner to take over healthcare services.

Augerot noted that the word 'temporary' was omitted partly because the initial closure set up an expectation of reopening AHC on a date certain. Most Alsea residents now understand that there is insufficient information for a date certain; the County is waiting to find out about open enrollment for new access points, which would allow changing AHC funding and structure. Augerot was comfortable without adding 'temporary' given that the second clause says, 'while continuing to engage in collaboration with local partners to plan for current and future Benton County services and future healthcare services in Alsea.'

Mollel shared that the Community Health Centers Board supports this. Some of those Board members are patients of AHC but currently getting services in Corvallis. Staff are committed to finding a long-term solution, whether that is with the County or a different direction.

Wyse was also comfortable not adding the word 'temporary,' but suggested adding an approximate timeframe for the next update.

Mollel suggested quarterly. Representatives from the Work Group could provide an update to the Board.

MOTION: Wyse moved to approve the ongoing closure of the Alsea site and continued investment in planning for current and future Benton County services, with at least quarterly updates from staff on the situation. Malone seconded the motion, which **carried 3-0.**

5.2 **Broadband Technical Assistance Program (BTAP) Application Letter of Support – Adam Loerts, Information Technology**

Loerts explained that in late 2023, the Board contracted local company Rural Prosperity (RP) to help the multi-county Broadband Action Team pursue rural broadband funding, including Federal funding. On behalf of the Economic Development Association of Lincoln County, a BAT member, RP requests a signed letter of support for its BTAP grant application. The grant would fund technical assistance for local broadband access expansion, including engineering studies for internet service providers, grant-writing services for RP, and extending RP's services to the County and consortium. The grant could extend the RP contract without further County investment.

MOTION: Wyse moved to sign the letter of support as presented. Malone seconded the motion, which **carried 3-0**.

6. **Public Hearing**

***PH 1 Continuation of the January 16, 2024 Public Hearing, First Reading of Ordinance 2023-0323 Proposing Revision to Benton County Code (BCC) Chapters Four, Five, and Six – James Morales, Records and Elections**

Chair Augerot opened the Public Hearing at 11:15 a.m.

Staff Report

Morales explained that on January 16, 2024, the Board reviewed the proposed revisions to the elections sections of BCC Chapters Four, Five, and Six. Wyse sent Morales an email (exhibit 1) suggesting edits to clarify and simplify some of the language. Those edits are now incorporated. Morales summarized the original changes, including Advisory Measure guidance and translating voter's guide materials (see packet for details).

Wyse noted a few instances where her edits were not incorporated. On packet page 78, Section 7, the current text states: 'When the assembly of electors makes a nomination, the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors.' Instead, Wyse proposed: 'When the assembly of electors makes a nomination, the county clerk or their designee shall verify whether or not the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors.' This would clarify that the clerk or their designee will verify that this is happening.

Morales noted that 'verify' was in the earlier version, but Morales thought the Board asked to delete it.

Augerot did not recall the Board requesting the deletion.

Morales clarified that he thought the request was in Wyse's email, but this was a misunderstanding. The word 'verify' will be added back.

Wyse re-read her proposed version of the language (see above).

Augerot felt that this language was reasonable.

Morales to correct that text in the final version.

Public Testimony

No comments were offered.

Chair Augerot closed the public hearing at 11:27 a.m.

Deliberations

Wyse noted another proposed correction from her email. In Chapter 5.010 Application, (3)(b)(A) in the proposed version reads: 'The local government decides to submit the measure, its ballot title and explanatory statement to its voters by filing a notice of measure election on the form prescribed, an order reflecting that decision with the Elections Office on or before the 81st day preceding the election at which the measure will be submitted to the electors.' Instead, Wyse suggested, 'The local government submits the measure, its ballot title and explanatory statement to its voters by filing a notice of measure election on the form prescribed, with the Elections Office on or before the 81st day preceding the election at which the measure will be submitted to the electors.'

Morales acknowledged that the change to 'submits' instead of 'decides to submit' was omitted in error.

MOTION: Malone moved to adopt Ordinance #2024-0323 amending chapters four, five, and six of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading. Wyse suggested adding 'with the changes highlighted at the meeting for Chapter 4.255(7) and Chapter 5.010(3)(b)(A).' Malone accepted the amendment. Wyse seconded the amended motion, which **carried 3-0.**

Malone noted that the Ordinance number on the printed agenda ("2023-0322") was incorrect.

Augerot conducted the first reading (short title). Second reading to be held February 6, 2024; Ordinance effective March 7, 2024.

{Exhibit 1: Wyse email}

7. Information Sharing

7.1 Xanthippe Augerot, Chair

Augerot shared that the Board received a request from Toni Hoyman, Oregon State University, to send a letter of support for the Willamette Grange grant proposal. Augerot offered to write the letter for the Board to sign.

MOTION: Malone moved to initiate a letter of support for the Willamette Grange restoration. Wyse seconded the motion, which **carried 3-0.**

7.2 Nancy Wyse, Vice-Chair

No business was discussed.

7.3 Pat Malone, Commissioner

No business was discussed.

7.4 Rachel McEneny, County Administrator

No business was discussed.

8. Other

No other business was discussed.

9. Adjournment

Chair Augerot adjourned the meeting at 11:58 a.m.



Xanthippe Augerot, Chair



Erika Milo, Recorder

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

From: [WYSE Nancy](#)
To: [MILO Erika](#)
Subject: FW: For board meeting discussion: item 4.3
Date: Wednesday, January 31, 2024 10:39:55 AM
Attachments: [image001.png](#)



Nancy V. Wyse *(She/hers)*
Commissioner
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From: WYSE Nancy
Sent: Tuesday, January 23, 2024 11:21 AM
To: AUGEROT Xanthippe <Xanthippe.Augerot@bentoncountyor.gov>; MALONE Patrick <Pat.Malone@bentoncountyor.gov>; MCENENY Rachel <rachel.mceneny@bentoncountyor.gov>
Subject: FW: For board meeting discussion: item 4.3



Nancy V. Wyse *(She/hers)*
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From: WYSE Nancy
Sent: Tuesday, January 16, 2024 1:02 AM
To: AUGEROT Xanthippe <Xanthippe.Augerot@bentoncountyor.gov>; MALONE Patrick <Pat.Malone@bentoncountyor.gov>; MCENENY Rachel <rachel.mceneny@bentoncountyor.gov>; CRONEY Vance M <Vance.M.Crony@bentoncountyor.gov>; MORALES James V <James.V.Morales@bentoncountyor.gov>
Cc: MILO Erika <Erika.Milo@bentoncountyor.gov>
Subject: For board meeting discussion: item 4.3

Greetings,

I have some (five) proposed changes to agenda item 4.3 Proposed Revisions to Benton County Code Chapters 4, 5, and 6 for discussion during the board meeting. (Note: **red** = strikethrough from packet, because I couldn't figure out how to get strikethrough in this email)

1. **P. 15 and 18 of packet, the word “genuineness” is used. Would “authenticity” be a better word?**

4.225 Certification of Signatures.

The Benton County Elections Office shall **verify certify** the signatures on a petition of candidacy for **genuineness**, while ensuring that the signer meets all of the necessary requirements for signing and that the signer has signed no other petitions regarding the same contest prior to certification.

[Ord. 90-0062; Ord. 2019-0291]

(6) The signatures contained in each certificate of nomination made by individual electors shall

be **verified certified** for **genuineness** by the Benton County Elections Office. [4.260 (6)]

2. **Designee.** A “designee” is referenced four times. Two times as “County Clerk or designee” and two times as “County Clerk, or the Clerk’s designee”. I think we should be consistent, and also clarify who is designating the designee. I would prefer to change all four instances to “County Clerk or their designee”.

4.255 (7); 5.335 (1) (c); 6.205 (4) (c).

3. **Page 17 of packet, 4.255 (7)**

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

Suggestion:

The Benton County Clerk or their designee shall attend the nominating convention. When the assembly of electors makes a nomination, the County Clerk or their designee shall verify whether or not the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors.

4. **Page 19 of the packet, page 1 of chapter 55.010 (3) (b) (A):**

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

Suggestion:

(b) In the case of a measure referred to the electors by a local government body:
(A) The local government submits the measure, its ballot title and explanatory statement to its voters by filing a notice of measure election on the form prescribed, with the Elections Office on or before the 81st day preceding the election, at which the measure will be submitted to the electors. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

I think what this section means is that the local government *initiates* the process and makes it official by completing the actions listed. What it actually says though is that the government “*decides*”... A local government actually decides to submit a measure through a different process, ie city council process.

5. **6.105 (2)** The voters’ pamphlets **shall may** be distributed to all households within the jurisdiction(s) taking part in the election. One pamphlet **will may** be distributed to each household, regardless of how many voters reside in that household. All the measures and candidates that will appear on the ballot for the election may be included in one voters’ pamphlet. Additional means of distribution may be utilized if **it is** determined **that the additional distribution is necessary to make pamphlets available to all households of the electoral district.**

Suggestion: remove “it is”. Additional means of distribution may be utilized if determined necessary.



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