



**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, March 19, 2024
9:00 a.m.**

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

Elected Officials: **Matthew Donohue**, Presiding District Court Judge; **Jef Van Arsdall**, Sheriff

Staff: **Shannon Bush**, **Darren Nichols**, **Bailey Payne**, **Petra Schuetz**, **Inga Williams**, **James Wright**, Community Development; **Laurel Byer**, Public Works; **Cory Grogan**, **JonnaVe Stokes**, Communications; **Marilee Hoppner**, **Debbie Sessions**, Finance Services; **Maura Kwiatkowski**, **Amanda Makepeace**, BOC Staff; **Tracy Martineau**, **Jo Missler**, **Tammy Webb**, Human Resources; **Erika Milo**, BOC Recorder; **Matt Wetherell**, Juvenile Department

Guests: **Steve Chase**, Sustainable Materials Management Planning Task Force Chair; **Ken Eklund**, Disposal Site Advisory Committee Chair; **John Harris**, Horsepower Productions; **Julie Jackson**, Republic Services; **Karsen O'Bryan**, ABC House; **Kenneth Larson**, **Debbie Palmer**, residents; **Susan Walenza**, Corvallis resident

1. Opening:
1. Call to Order

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

2. Introductions
3. Announcements

No announcements were made.

2. Review & Approve Agenda

The following item was added under **9. Other:**

9.1 ABC House Fundraising Event Attendance – Nancy Wyse, Commissioner

3. Proclamation

3.1 Proclaiming April 2024 as National Child Abuse and Neglect Prevention Month in Benton County, Proclamation #P2024-004 –
Karsen O’Bryan, Executive Director, ABC House

O’Bryan explained that ABC House sees children in Linn and Benton Counties who have experienced physical abuse, sexual abuse, neglect and maltreatment, drug endangerment, or threat of harm. ABC House serves about 800 children per year, and has served almost 15,000 children since its start in 1997. O’Bryan read the Proclamation aloud.

MOTION: Malone moved to proclaim April 2024 as National Child Abuse and Neglect Prevention Month in Benton County, Proclamation #P2024-004. Wyse seconded the motion, which **carried 3-0.**

Augerot thanked O’Bryan and team for supporting children and families.

4. *Comments from the Public

Susan Walenza, Corvallis resident, expressed approval for changes to the Disposal Site Advisory Committee (DSAC) bylaws that incorporate a code of ethics and encourage a more civil process between DSAC and the County. Walenza emphasized having a cooperative, respectful relationship between the two. Alternative bylaws submitted by Eklund will also be considered. Republic Services owns some landfills with fires underground that have lasted for years. Walenza referenced concerns voiced previously by Coffin Butte Landfill (CBL) employee Robert Orton, and recommended that all safety and environmental concerns be addressed in a respectful and timely manner.

Augerot noted that Mark Yeager, resident, submitted an email comment regarding the proposed DSAC bylaws (Item 7.1). The email has been entered into the record.

{Exhibit 1: Yeager Public Comment Email}

5. Work Session

***5.1 Juvenile Program Update – Matt Wetherell, Juvenile Department**

Wetherell presented 2022 numbers regarding racial and ethnic disparities among Juvenile program-involved youth in Benton County. Numbers for 2023 will be available from Oregon Youth Authority (OYA) in April 2024. Wetherell meets monthly with the Juvenile Court Improvement Project, which includes staff from the Oregon Department of Human Services (ODHS). As of December 31, 2023, the County had 88 open cases; there are now 89. These are youths in Intake, Resource, Formal Accountability Agreements (FAAs), Petition, Probation, and OYA. Staff try to tie these youths to services, but cannot compel participation, so it depends on the willingness of youth and families to engage. Three youths are under Aid and Assist (cannot aid or assist in their own defense); this number may increase slightly. The Qualified Mental Health Professional (QMHP) currently sees 10 youths; typical case numbers range from eight to 19. Crossover cases are youth who are also served by ODHS; there are currently five

under Child Protective Services, and three in Permanency Services. The most common age group is 15 to 17. The recidivism risk level is where it needs to be.

There were 117 youth referrals in 2022. Of those, 77% were Caucasian, which matches the population of Benton County. In referrals, youth are placed in an FAA to divert them from the system. Of youths with Class A misdemeanors and felonies, 34% were Caucasian, and 7% were Hispanic (the second largest group).

The disposition of referrals by demographics shows that the County is operating equitably. In 2022, the County committed two youth to OYA. Staff do everything possible to keep youth local. Of the 177 youths who were put on some type of diversion (peer support, sanction, or FAA), 49 had formal dispositions. The race and ethnicity proportions in these groups are similar.

The Relative Rate Index compares the experiences of different groups of youth in the Juvenile Justice System. The OYA measure is one white youth to one Hispanic youth. In 2019, OYA found an error in the equation and adjusted it. After the change, the County rate was 2.31, meaning that for every White youth, the County had 2.31 Hispanic youths on services, in probation, or committed to OYA. Wetherell's goal is a rate of one to one or lower. This is a system-wide situation. The 2020 rate was 2.12, and the 2022 rate was 1.32. (There are no numbers for 2021, because the County had few youth in services during the pandemic).

Recidivism is the number of youths who return to the Juvenile Department with additional referrals. In 36 months, 33% recidivated; in 12 months, 29% did.

Regarding the issue of racial and ethnic disparity, Augerot asked which Juvenile services were reducing that number, and whether staff were also working with system partners to address the rate of referral.

Wetherell replied the office has a bi-lingual, bi-cultural counselor. In the referral process, schools handle many issues internally. Staff have not discussed this much with local Law Enforcement because Juvenile only sees the complex cases, not low-level referrals.

Wyse asked what years this data came from, and whether there was a trend.

Wetherell explained that the OYA method is calculated youth to youth, so overall trends are not available. The rate was last calculated in 2021. Wetherell does not have the resources to calculate the rate annually.

Wyse asked for Wetherell's sense of possible trends in Benton County over the past decade.

Wetherell replied that recidivism has slightly increased, partly due to case complexity, with many Mental Health cases. Violation is measured in two ways: technical violation (youth violated the terms of an FAA or contract of Probation orders) and non-technical violation (youth broke the law). Wetherell tends to avoid technical violations, which

pushes recidivism somewhat; this means the youth's behavior is so out of control that they will not follow the contract. Staff have projects in the works to address these issues.

Wyse asked whether Wetherell had identified systematic barriers, and whether some particular support could help.

Wetherell replied that has not been identified yet. These are statewide problems.

Chair Augerot recessed the Board Meeting at 9:30 a.m. and reconvened at 9:42 a.m.

Crager asked about the impact of Youth Investment Council funds.

Wetherell replied that funding sources include the County General Fund, OYA pass-through funds, and Youth Development Oregon (YDO) pass-through funds from the Department of Education. Wetherell passes YDO monies to Strengthening Rural Families, which has more reach to offer Prevention Circle Groups for boys and girls. Group facilitators, including some from Jackson Street Youth Services, trade back and forth, so the County's reach has expanded in the last few years. The County currently offers groups in the City of Monroe, through Corvallis School District, and in the City of North Albany (in partnership with Linn County Juvenile Department). Soon there will be groups in the Community of Alsea. The County has focused funding on intervention and prevention. The Juvenile Department is not necessarily serving the youth on supervision, so Wetherell has tasked Juvenile Mental Health staff to create groups that the department can run internally for those youth, instead of passing them to an external provider. Juvenile will also offer a new risk reduction group as soon as staff are trained.

Augerot commented that caseload had remained around 80-90 cases during her tenure as Commissioner. In comparison to other Oregon counties, Augerot asked if there was a rate per 10,000 of population, as with some of the other Justice System statistics.

Wetherell did not know of one, but could discuss with OYA. When Wetherell was hired, caseloads were about 125, and have consistently decreased. Most juvenile departments statewide have seen a decline in cases over the past four years.

Malone asked about differences and similarities between Juvenile Department counseling and Children and Family Services counseling in Behavioral Health (BH).

Wetherell replied that BH is a bill-for-service provider. Juvenile does not have to bill for services, so high-risk vulnerable youth can be immediately assessed by a counselor for risk of recidivism and mental health problems. Then Juvenile can refer the youth to a QMHP, who schedules an intake in one to two weeks. If the youth is on supervision or in an FAA, staff can compel those services, whereas BH services are voluntary. Juvenile's counseling staff meet with BH staff several times a month, and both departments refer patients to each other.

{Exhibit 2: Juvenile Court Improvement Project Data}

6. Consent Calendar

- 6.1 **Appointments to the Environmental and Natural Resources Advisory Committee, Order #D2024-028: Jackson Rheuben, Damilola Olajubutu, Sydney Tamplin**
- 6.2 **Approval of the Minutes of the February 15, 2024 Joint Meeting with the City of Corvallis**
- 6.3 **Approval of the Minutes of the January 16, 2024 Board Meeting**

MOTION: Wyse moved to approve the Consent Calendar of March 19, 2024. Malone seconded the motion, which **carried, 3-0.**

7. Old Business

- 7.1 **Approval of Revised Disposal Site Advisory Committee (DSAC) Bylaws – Darren Nichols, Community Development Director; Ken Eklund, DSAC Chair**

Augerot stated that her priority today was to approve the bylaws so DSAC meetings can resume. Community members are waiting to join DSAC, but the Board did not want to hold interviews until this item was clarified.

Nichols noted that the packet included the 2020 adopted bylaws, Oregon Revised Statute (ORS) 459 sections about DSACs, and the proposed 2024 bylaws (a clean copy and a redline comparison with the 2020 version). Throughout 2022 and 2023, DSAC faced increasing operational challenges, and failed to adopt minutes or produce the Oregon Department of Environmental Quality-required Community Concerns Reports for 2021 and 2022. At the October 2023 DSAC meeting, a community member threatened County staff with violence. In November 2023, the Board suspended DSAC meetings and directed staff to address concerns such as drafting new bylaws for safe and effective operation. Over three months, staff reviewed the bylaws and incorporated edits from the Equity, Diversity, and Inclusion Coordinator, the Sustainability Coordinator, Public Information Officer Grogan, County Counsel, County Administrator McEneny, and Nichols. Eklund also reviewed the proposed bylaws and made recommendations, several of which were included in the revised draft for Board feedback, after which Eklund and Augerot provided more comments. The resulting bylaws align with DSAC's responsibilities under ORS to ensure the Board, DSAC, and staff are fostering constructive dialogue between the community and the landfill operator, Republic Services, and to hear community concerns and review the operation of the regional disposal site.

Eklund read from prepared remarks, stating the staff-proposed changes all act to slow or stop DSAC processes. None of the changes aid or empower DSAC. This leads to problems such as attracting and retaining DSAC members, incentivizing work, maintaining good relations with the public, and providing diverse perspectives to the Board. The changes do not address the source of DSAC's difficulty in fulfilling its State-mandated tasks over the past 18 months. Eklund noted July 2022 was the last regular

DSAC meeting; from September 2022 to the present, the County prevented DSAC from meeting or restricted the agenda, so the committee's inability to complete its tasks was imposed, not a malfunction. The bylaws should prevent departments from similarly suppressing the work of future committees. Eklund requested that the Board add the article published in the packet addendum: 'Article 14: Facilitating Activities, Transparency.' Eklund read the article aloud and stated that if the Board does not incorporate the proposed Article 14 or equivalent, similar periods of turmoil will likely happen in the future. The current DSAC members would like the bylaws that are approved today to respect their work.

Augerot noted that part of the DSAC suspension occurred during the Benton County Talks Trash process, when the Board also suspended Solid Waste Advisory Committee meetings to focus on the 'one table' approach. Some other cancellations were due to lack of sufficient participants. Augerot had no desire to squelch an advisory committee, but such committees are County entities. The County needs to invite the community in, establish a mutually respectful and collaborative process, and meet the goals in ORS.

Malone commented that the County has tried to standardize various advisory committee bylaws to create consistency, and asked how this version addresses those issues.

Nichols indicated the staff version fits well with the standardized approach and consistent level of performance and operation among all County boards, committees, and commissions. For the 10 bodies Community Development oversees, this version seems consistent with those other bylaws and meets the unique needs and functions of DSAC.

Augerot shared that today's redline bylaws include three new sections at the end to address the code of conduct and ethics, continuous improvement and evaluation, and whistleblower protection. Those sections are unique to this set of bylaws. The sections address issues of continuing to learn, addressing each other fairly and ethically, and acknowledging all voices.

Wyse noted Augerot previously mentioned not being comfortable referring to a code of conduct if the County did not have one; Wyse concurred, and asked about the three proposed additions under article 12.

Augerot replied that the only Benton County document with a code of conduct is the Commissioners Handbook, which addresses how Commissioners behave among themselves and on behalf of the community. No general code of conduct is posted on the County's internal or external website. Augerot would like the Board to adopt a code of conduct to which the bylaws would refer.

Counsel recommended that the language in Articles 12 through 14 be included with the understanding that the County would develop and adopt a code of ethics. This code could become an addendum to bylaws for all Benton citizen advisory bodies.

Wyse felt that the process was backward, and suggested the County omit that part of the bylaws today, develop a code of ethics/conduct, then add a few sentences to all advisory group bylaws, including DSAC.

Counsel supported that approach, which could be discussed at a Work Session, then presented on a Consent Calendar as applying to all bylaws with the code of conduct/ethics language the Board had already approved.

Wyse had other changes and questions to discuss and preferred to bring the DSAC bylaws to a Goal-Setting Meeting for discussion.

Malone preferred to approve the bylaws today, as the next Goal Setting was not until April 9, 2024. Malone asked Nichols about the results of a four- to six-week delay in bylaws approval.

Nichols replied that staff felt these additions set expectations for Benton's citizen committees and staff. The delay would push the next DSAC meeting to May or June 2024, depending on scheduling and the speed of appointing members. Under State law, DSAC should meet quarterly; the first quarter of 2024 is almost over. DSAC needs to re-engage with the community and the landfill operator as soon as reasonably possible.

Wyse suggested the County hold one DSAC meeting under the existing bylaws while working on the new bylaws.

Nichols noted ORS gives the Board discretion over scheduling DSAC meetings.

Augerot observed that DSAC had not met regularly or made required reports; DSAC gives a formal voice to the community, especially Coffin Butte Landfill neighbors. Augerot was not comfortable delaying the approval that long, and would prefer to invite participation in a committee with a defined charter rather than one that will change.

Malone noted these bylaws were brought to the Board in February 2024, but were postponed due to a packet error. Articles 12 through 14 are useful and could guide other advisory committees. Malone favored Counsel's suggestion of applying these changes to all advisory committee bylaws when the code is solidified.

Wyse raised additional points and questions about the bylaws, and Board discussion ensued.

Wyse requested clarification of the reporting structure, as described in, 'The committee is a public body that reports to the Benton County Board of Commissioners through the Community Development Department.'

Nichols replied that DSAC will work directly with Community Development staff, and both committee members and staff are ultimately responsible to the Board.

Augerot pointed out this approach is embedded in most of the other advisory committee bylaws.

Under 'Article 3: Membership,' packet page 55, redline version, Wyse requested clarification on whether 'local organizations and citizen interest groups' referred to a local representative of an organization, or to someone who is incidentally a member of such an organization.

Counsel indicated this language was taken directly from ORS.

Augerot stated the language was designed so community members from local organizations and citizen groups had input, not representatives of national organizations. The Board also needs a formal procedure or policy on how to appoint members to advisory committees, which is not specified here.

To avoid confusion and disagreement, Wyse suggested clearly listing the roles and responsibilities of the DSAC chair and members in the bylaws.

Counsel noted that a more robust description of authority and roles is typically included in bylaws rather than a separate document.

Augerot observed that the language on roles in the current bylaws is similar to the language for all County advisory committees; there is no substantial change besides adding qualitative terms such as 'efficient' and 'respectful.' Augerot preferred to keep the bylaws simple and clean, and for the advisory committee and supporting staff to adopt their own standard procedures and practices.

Wyse read from 'Section 3: Responsibilities:' 'Committee members shall regularly attend meetings of the committee and any meetings of subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chair.' This appears to give the DSAC Chair the authority to assign any duties to committee or subcommittee members. Wyse suggested changing this to 'duties as agreed to by the Chair and the Director.'

Augerot referred to language in Article 5 which describes joint authority in assigning responsibilities to subcommittees.

Wyse felt there was a discrepancy between the two passages.

Malone commented that the question of authority was covered in Article 5.

Augerot recommended referring to 'Article 13: Continuous Improvement Evaluation' in the revised bylaws. Augerot preferred to adopt these bylaws as presented with the agreed-upon changes, leaving it up to members and staff to exercise a continuous improvement process, ensuring there is no ambiguity going forward. These bylaws will raise the bar for all of Benton's advisory committees, so there will be an opportunity to update them. These are living documents.

Counsel summarized that the Board agreed to the following changes to the proposed DSAC bylaws:

1. Under Article 2, second paragraph, second sentence: delete parenthetical references to '(Department)' and '(Director).' Reason: use consistent terminology.
2. Under Article 3, Section 1, item (3): change 'Employees of permittee' to 'Employees of permittee, at least one, not to exceed two.' Reason: clarify desired number of employee members needed to promote good dialogue between the community and the landfill operator.
3. Under Article 3, Section 1, third paragraph, sentence beginning 'The Board of Commissioners may appoint:' change 'how shall not vote' to 'who shall not vote.' Reason: correct a typographical error.
4. Under Article 3, Section 1, third paragraph: change 'a person holding a permit' to 'a person holding a solid waste permit.' Reason: clarify the type of permit.

Augerot concurred with Counsel's summary.

Eklund commented that the bylaws changes suggest that DSAC have a minimum of seven members. Eklund asked if DSAC would be unable to meet if membership fell below seven.

Counsel replied that the County has found that when it sets a number of members, committees often fall below that number. If there is no minimum, the committee may meet but not make decisions. If there is a minimum, the committee can make decisions.

Wyse asked whether the committee could still vote if one member could not attend.

Counsel confirmed; an appointed member is distinguished from a present member.

MOTION: Malone moved to adopt the revised Disposal Site Advisory Committee bylaws with the amendments listed by Counsel and direct staff to implement the bylaws with the Committee beginning March 19, 2024. Augerot seconded the motion.

Wyse stated that although she supported updating the bylaws, she would vote against the motion because she felt the process was rushed, the community should be able to see the new changes in context, and the process for the code of conduct was backward.

The motion **carried, 2-1 (Wyse opposed).**

Chair Augerot recessed the meeting at 10:50 a.m. and reconvened at 10:57 a.m.

7.2 Update Regarding Adult Drug Treatment Court (ADTC) – Presiding District Court Judge Matthew Donohue; Rick Crager, Assistant County Administrator

Crager explained that the Board suspended the ADTC in summer 2023. Donohue helped envision a different model of services with different funding. There is now a grant opportunity which would address facilities needs.

Donohue shared that the suspension was due to a lack of an ADTC provider for substance use disorders (SUD). Previously, the County was the provider. Another issue was the drop in participants (seven to eight, down from a high of 21-22 before the pandemic). Issues caused by Measure 110, the pandemic shutdown, and the resultant docketing backlog are now working out. The goal was to identify a new provider, incentivize participation, and re-examine the program. The Policy Committee (PC), consisting of Donohue, Crager, Chief Deputy District Attorney Ryan Joslin, Joel Pickard (Probation), and Clark Willis and Tracy Thompson (Oregon Department of Human Services), sought another provider. One provider currently provides Urinalysis and SUD services for Linn and Lane County Treatment Courts. The PC continues to look for other providers and is confident about securing funds to restart.

The Bureau of Justice Assistance offers \$900,000 four-year grants to implement an ADTC. The application is due May 2, 2024. The grant requires a 25% match in cash or in kind. The match can include salaries for participants (Donohue, Crager Court staff, PC members, District Attorney's Office staff, Probation staff, the State coordinator). Another need is a facility for the provider, who is not based in Benton County. There is an available storefront west of the historic Courthouse on Northwest Monroe Avenue, Corvallis. Donohue worked with Oregon Justice Department (OJD) to apply for grants to fund a grant coordinator, which Donohue believed has been approved. A family coordinator is also needed; Donohue was still working on whether that can be part of the match. Donohue, Crager, the PC, and the County grant contractor are working on the application. If this grant is not received, the project will start in 2025, because the Criminal Justice Commission (CJC) will offer implementation grants in its current budget, including a sustainability grant in fall 2025. OJD is a much more competitive grant process than CJC, but Donohue was fairly confident about the County's chances. The County needs to provide a Federal grant application, as the Court cannot directly apply. Ten percent of the grant can be used for administrative costs. There will probably be some contracting requirements, most likely for SUD and peer support. Donohue believed the money match requirements can be met.

Crager noted the lobbyists CFM Advocates are providing grant assistance. Last summer, the Board asked about the County's cost for grant and program administration. The County could cover its central cost allocation or use that as a match if necessary. The County would only need to procure two contracts and provide ongoing grant management. The biggest element is facilities. When Behavioral Health moves into the new building at 4185 Southwest Research Way, Corvallis, that will free up space at the Humphrey-Hoyer Building (557 Northwest Monroe Avenue, Corvallis) where the ADTC was before. The PC felt that location would be an ideal stopgap for ADTC, but the County must ensure there is enough room for Children and Family Services (CFS) at the new building, which has two tenants who may not move out until spring 2025. Also, the County's Humphrey-Hoyer lease will continue for through 2025. Hopefully, CFS will move into the new building in July 2024. The County will probably receive notice about the grant in August 2024.

Responding to a question from Malone about matching, Crager shared that the facilities element could also be a match opportunity. Initially, this would be a County donation,

because the County will continue paying for the empty Humphrey-Hoyer Building regardless.

Wyse supported this effort and asked if the service provider must supply its own space, or could lease or rent a space.

Crager replied those options are open. If renting, the provider would likely want to pass that cost on to the County.

Augerot remarked that any facility the County makes available should be made clear in the Request for Proposals (RFP), so providers are on an even footing. Given the tight job market, supplying a facility might be advisable.

Crager noted these are only discussions; there are no obligations yet. Providers are limited. The RFP will stay open, but at least there is one very interested candidate.

Responding to a question from Malone, Donohue replied that ADTCs are Circuit Court programs, not County programs; the County only administers the grant. Court staff run the program as an adjunct to other Court programs. The PC and other stakeholders, including the County, are brought into that process in various roles.

Crager added that the grant is part of the County budget, creating fiscal accountability.

The Board favored proceeding with the application and proposal.

8. New Business

8.1 Permanent Position Reclassification Process – Debbie Sessions, Marilee Hoppner, Financial Services; Tammy Webb, Human Resources; Laurel Byer, Public Works

Crager explained that in order to align with State budget law, permanent changes to a position, such as increasing classification and thus cost, should be endorsed by the Board. Finance is changing its process so this will now occur. Procedures are still under development. While work out of class or limited duration positions can be used instead of reclassification, sometimes new or existing funds can make the position viable. It made sense to make this position permanent. If such changes happen often, staff could delegate the decision to the County Administrator, but Crager did not anticipate many instances. There will be a bulk of Crisis Center reclassifications soon.

Augerot observed there has been a larger conversation between Finance and Human Resources about the interweaving of these positions or reclassifications, which has caused confusion about who leads the process and where to start. This item will need to be presented at Leadership Team, so all department heads understand.

Sessions shared that this change eliminated the duplicative Position Review Committee stage.

Byer explained that the Geographic Information System (GIS) Engineering Technician position has now grown and is GIS-focused, helping the Road Crew be more efficient and helping with asset and database management. The position will provide backup to the GIS Coordinator.

Hoppner added that this aligns the position with the County's other GIS positions.

Augerot asked if this would make the position more marketable. Byer confirmed.

MOTION: Malone moved to approve a permanent reclassification of Position 500294 from a Technical Specialist One to Technical Specialist Three. Wyse seconded the motion, which **carried 3-0.**

8.2 Semiannual Finance Report for the Period Ending 12/31/23 – Debbie Sessions, Interim Chief Financial Officer

Crager presented the six-month financial report on the state of the budget as of December 31, 2023, including information on Capital Improvement Projects (CIPs) approved after the budget had started, and County Service District (CSD) financial conditions. Per Board request, this is a more succinct report, including a 'red light/ green light' approach.

There has been one supplemental budget since the 2023-25 biennium began in July 2023, for a revised total of \$503 million. Six-month expenditures are \$78.9 million, about 16%. The biggest cost is staffing, at 22% for the biennium, or just under 25% for the year. Vacancy factor was applied for the first time; the County is meeting its total vacancy factor. Materials and supplies are about 4% below expected, which is fairly typical; this time staff added inflation to the estimate, using a fairly high amount based on historical levels, a bit more than the State was using. Capital outlay expenditures are at 8% of estimated, as expected; on the biggest projects, the District Attorney's Office (DAO) and new Courthouse (NCH), the County needs to finalize the Oregon Judicial Department (OJD) agreement before big construction costs occur. Debt service and transfers are as expected. Personal services (staffing) cost should be watched closely in the next two years to see if budget adjustments are needed. Factors include current contract negotiations going on and the application of the market study.

Crager displayed a chart with department revenue and expenditures color-coded to show percentage of deviation from historical averages. Green indicates 1% or less deviation, meaning 'good.' Yellow indicates 1-3% below average, meaning 'watch,' and red indicates more than 3% deviation, which may need mitigation. Expenditure should not be more than 25%. Green departments: although the Sheriff's Office manages its budget well and is coded green, this budget should be watched closely, as there has been considerable implementation of personal services, the market study, and so on. Also, there is a concern about Community Corrections staying in budget; it is unknown whether the State will continue to pay those costs. The department might break even based on current trends, but may have to revisit the item. Everything else looks good.

Departments marked yellow: Juvenile Department had delayed billing but is back on track. Community Health Centers (CHCs) are trending 1% below budget for revenues and expenses. CHCs are nearly 100% self-funded through revenues. The improvement is mainly due to negotiations with Oregon Health Authority Medicaid reimbursement rates. Still, CHCs are trending to a low operating contingency. The District Attorney's Office (DAO) is 9% below average, but discontinuation of the Animal Defense Grant after December 31, 2024 may require supplemental adjustments.

Non-departmental revenues, which include all Capital Projects and revenues, are trending about 5% below expected. The County has received about 41% of expected revenues, which aligns with past levels. Some property tax will not be collected until later in the year. Interest earnings, now 31%, are giving good returns due to higher rates. Dedicated capital project resources are forecast at \$46.5 million, though only \$3.05 million has been received so far. The County has already received new Courthouse funds from the bonds issued in May 2023. Beginning balances for this biennium were slightly less than anticipated; analysis continues.

Red areas: Community Development (CD) and Records & Elections (R&E) revenue is down due to lower housing starts and higher interest rates, which means the County collects fewer recording fees. The decline in building permit revenues started after staff estimated the 2023-25 budget. If that trend continues, CD might have \$700,000 less than forecast, which could pressure discretionary funds. Staff are working to mitigate this. R&E is about \$200,000 less, which is easier to mitigate. Staff will continue to watch both.

Natural Areas, Parks, & Events (NAPE) revenues and expenses are at 25%, but some areas need to stay on the watch list, so NAPE is coded red. There was \$225,000 of unanticipated cost for a past vehicle order. The Transient Lodging Tax (TLT) can be used to mitigate some impacts, but that reduces funds the County had been accumulating towards Master Plan capital opportunities. NAPE revenues are 21%, about 2% below average, but COVID-19 affected past averages. About 25% is ideal. The Benton County Fair is at 42% of the projection; 50% would be preferable. Charges for services are positive at 28%. TLT is at 15% versus 19% forecast, but the TLT was new in 2019. Projection suggests the County will end up with 2.5% more TLT than the forecast.

Augerot noted that although Public Works was coded green, Fleet was still on the watch list.

Crager to return with a special report on Fleet and the CHCs.

Malone asked if NAPE should be coded yellow.

Crager replied that NAPE could be coded red or yellow, but Crager had coded it red due to the \$225,000 expense and the County Fair percentage.

Hoppner added that NAPE Director Jesse Ott filed for an additional State grant to help balance the NAPE budget.

Crager shared that all CSD were coded green except South Third, which was yellow.

Hoppner added that this was due to an error in estimating revenues from past due tax accounts.

Crager noted that South Third may require future adjustments. Crager reviewed a list of CIPs. Though only \$176,000 of the \$3 million budget has been expended, Hoppner is working with all the project sponsors, and staff feel fairly confident. A few projects are at possible risk of incompleteness, such as the historic Courthouse roof replacement. Roof bids received were well in excess of the allotted \$350,000, so the County will need a more robust strategy to secure the funds. The current funds may be put towards replacing a boiler that is at risk.

Crager commented that all other CIPs were on track. This report does not include road projects. Crager wants to create a better communication plan for the public and the Board about CIPs. The NCH and DAO project is at 11.2% of expenditure; large expenditures will occur once construction begins. The last estimate of the DAO/NCH as of December 2023 was on budget. The Emergency Operations Center is on track. Augerot brought up concerns about facility size, so Finance is investigating. The Crisis Center is in budget with \$30,000 to spare (including contingency). The other projects are mostly Federal, including the Regional Public Safety Infrastructure Project, Rural Sewer Infrastructure Project, and the Community of Alsea Water & Sewer Project.

Budget risks: the County has over \$121 million in major capital projects. To stay nationally competitive as an employer, the County will need to increase ranges and salaries. Staff will work with departments to manage the change, but it may be necessary to use some reserves. Staff will continue to watch the CHCs. American Rescue Plan Act (ARPA) funding ends in 2024. The County has been able to mitigate the cost of the Public Employees Retirement System (PERS) with PERS bonds, but those bonds and side accounts will end in the next few years, and rates may increase. General Fund balance has grown substantially over the last decade, which helps the County prepare for emergencies. The County needs to build borrowing capacity for a new jail.

Malone praised the report format and urged Communications to share the news that County projects are underway.

Wyse praised the report for providing transparency, and encouraged adding the road projects.

Augerot found the fund balance diagram very useful, and noted that in 2018, the marijuana tax started; in 2019, the TLT started; 2021 brought cost savings due to the pandemic hiring freeze. Since 2021-23, the rate of growth in the General Fund balance seems back to pre-2017 levels.

Crager concurred. ARPA funds covered many operation costs, which preserved the General Fund. Costs were down because hiring was down and staff were working

remotely, meaning less overhead. That bolstered the General Fund, which has increased the County's ability to borrow funds. Now the County needs to sustain the growth.

MOTION: Malone moved to accept receipt of the semiannual finance report for the period ending December 31, 2023 in accordance with Section 5.1 of the County Finance and Budget Policies. Wyse seconded the motion, which carried 3-0.

9. Other

9.1 ABC House Fundraising Event Attendance – Board of Commissioners

The Board discussed the process for selecting attendees and guests for the ABC House celebration and other special events. Wyse suggested the Board should make such decisions collectively and requested a future discussion before deciding about invitees to the ABC House event.

Augerot asked when Wyse would like to hold the discussion.

After debate, Counsel suggested a discussion at his March 27, 2024 meeting with the Board.

The Board favored this approach.

Chair Augerot recessed the meeting at 12:26 p.m. and reconvened at 12:29 p.m.


10. Executive Session

Chair Augerot entered Executive Session under ORS 192.660[2][d] – Labor Negotiations at 12:29 p.m.


Chair Augerot exited Executive Session and immediately reconvened the regular Board Meeting at 12:36 p.m.

11. Adjournment

Chair Augerot adjourned the meeting at 12:36 p.m.



Xanthippe Augerot, Chair



Erika Milo, Recorder

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

Exhibit 1

From: Mark Yeager <mayeager@gmail.com>

Date: March 18, 2024 at 11:59:54 PM EDT

To: AUGEROT Xanthippe <Xanthippe.Augerot@bentoncountyor.gov>, MCENENY Rachel <rachel.mceneny@bentoncountyor.gov>

Cc: Alex Powers <Alex.Powers@lee.net>, Penny Rosenberg <penny.rosenberg@lee.net>

Subject: Public Comment Regarding Proposed DSAC Bylaws

Chair Augerot and Administrator McEneny - I cannot attend the March 19 BOC meeting and I am submitting the following public comments regarding the proposed DSAC bylaws that are scheduled under Old Business. I want the entirety of my comments included in the public record for this meeting and item.

The scope and nature of the proposed changes are misguided on many fronts and inconsistent with the supposed Committee objective of meaningful and critical review of the impacts of Coffin Butte Landfill on the host community and its members.

Many of the proposed changes are designed to muzzle meaningful review of the many issues related to the existence and operation of Coffin Butte landfill.

The inclusion of **(e) Act or threat of physical harm** in Section 4(2) of Article 3, Termination, continues the false accusation of wrongdoing by Committee members at the October 2023 meeting. **Are you planning to add this language to each and every advisory committee bylaws?** As you know, and as the Corvallis Police Department investigated and confirmed, no member of the Committee EVER threatened or caused physical harm to any staff person. This narrative was spun by the Community Development Director and directly supported by at least one Commissioner. Frankly, as a volunteer for the County for many years, to allow this narrative to stand and be supported by the proposed bylaws changes is a travesty.

To be effective, this Committee must have a responsible and knowledgeable representative from the landfill franchisee available at each meeting to answer questions and receive public comments. Your currently proposed committee structure, which is caveated by "to the extent feasible," gets the franchisee off the hook. That is a fatal flaw embedded into the bylaws.

And now to the muzzles - these bylaws essentially say, Committee members, you will only discuss or review what WE SAY you can discuss: Community concerns that staff determines are not appropriate will NOT be discussed.

Article 7, Section 6:

The Committee's agendas shall be developed jointly by the Chair, with the assistance of and the Community Development Director, or their designee, consistent with the Board-directed functions of the Committee.

Final agenda decisions shall be made by the Community Development Director or their designee, in consultation with the Chair and with the goal of supporting Committee member interests to the extent feasible for the Department. Committee members may add items of business with the concurrence of the Chair and the Community Development Director or their designee.

Section 8 of Article 7 wherein you are now proposing to ***eliminate the actual audio recording of the meetings*** is an obvious effort by the Community Development Director to prevent an actual record of what transpires at the meeting to be made available. What will come of that - more unsupported accusations leveled at Committee members with whom he disagrees? These meetings need to be publicly broadcast and recorded for all to see and hear.

These proposed bylaws are totally consistent with the many actions that have been taken by staff and the County Commissioners to suppress and censor community concerns about the landfill over the last several years. Your "commitment" to public involvement and transparency is a complete and total facade when it comes to the landfill. These proposed bylaws are yet another example of your selective adherence to the 2040 Thriving Communities Initiative.

Sincerely,

Mark Yeager

Exhibit 2

Juvenile Court Improvement Project

Benton County Juvenile Dept. Data

Date: 03/14/2024

Total open cases	88
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Case Type or Status

Intake	Resource	FAA	Petition	Probation	OYA	Total
5	14	21	18	17	13	88
6%	16%	24%	20%	19%	15%	100%

Mental Health Services

Aid & Assist	QMHP	Program
3	10	4

Cross Over Cases

CPS	Perm
5	4

Age

< 12	12 - 14	15 - 17	18	> 18	Total
1	24	48	6	9	88
1%	27%	55%	7%	10%	100%

JCP Level

Intake	Low	Med	High	Total Ea.	Total
20	25	21	9	75	88
0	0	4	9	13	

Trends, Observations, Updates

Frequent and/ or high volume runaway report cases

SB 745 Topics

Program and placement waitlists

Collaborative community based efforts