



Board of Commissioners

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4500 SW Research Way
Corvallis, Oregon 97333

bentoncountyor.gov

AGENDA

BOARD OF COMMISSIONERS GOAL-SETTING WORK SESSION

Tuesday, November 12, 2024, 9 AM

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| How to Attend the Goal-setting Meeting |
| Zoom Video Click for Zoom link |
| In-person: Kalapuya Building, 4500 SW Research Way, Corvallis, Oregon |

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by contacting the Board of Commissioners Office at 541-766-6800 or 800-735-2900 TTY, by email bocinfo@bentoncountyor.gov, or on the County's website at <https://boc.bentoncountyor.gov/contact/>.

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. The Board is not required to provide advance notice of an executive session; however, every effort will be made to give notice of an executive session. If an executive session is the only item on the agenda for the Board meeting, notice shall be given as for all public meetings (ORS 192.640(2)), and the notice shall state the specific reason for the executive session as required by ORS 192.660.

1. Call to Order and Introductions

2. Review and Approve Agenda

Chair may alter the agenda

3. Announcements

4. Approval of Minutes

4.1 Approval of the February 15, 2024 Goal-setting Meeting Minutes

4.2 Approval of the April 9, 2024 Goal-setting Meeting Minutes

5. New Business

- 5.1 30 minutes – Pre-Implementation Compliance Measures Related to Endangered Species Act and Floodplain Regulation – Toby Lewis, Community Development

6. Discussion Topics

- 6.1 15 minutes – Sustainable Materials Management Plan Update – Sean McGuire, Sustainability
- 6.2 20 minutes – Discussion of Requested Action Items from Valley Neighbors for Environmental Quality and Safety – Sean McGuire, Sustainability
- 6.3 10 minutes – Proposed 2025 Board of Commissioners Schedule – Maura Kwiatkowski, Board of Commissioners Office
- 6.4 30 minutes – 2024-25 Goals for the County Administrator – Board of Commissioners; Rachel McEneny, County Administrator

7. County Updates

- 7.1 15 minutes – County Administrator Updates: Rachel McEneny, County Administrator
- 7.2 30 minutes – Commissioner Updates: Benton County Commissioners

8. Other

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

9. Executive Session ORS 192.660(2)(d)

The Board will convene into Executive Session under ORS 192.660[2][d] regarding labor negotiations.

APPROVAL OF MINUTES



Board of Commissioners

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MINUTES

BOARD OF COMMISSIONERS GOAL-SETTING MEETING

February 15, 2024, 10 AM

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

Staff: Rick Crager, Financial Services; April Holland, Health Services; Don Rogers, Undersheriff; Gary Stockhoff, Paul Wallsinger, Public Works; Darren Nichols, Shannon Bush, Community Development; Adam Loerts, John Larsen, Information Technology; JonnaVe Stokes, Public Information Coordinator; Sean McGuire, Maura Kwiatkowski, Board of Commissioners Office; Amanda Makepeace, Board Recorder

Guests: Alex Powers, Mid-Valley Media

1. Opening

- 1.1 Chair Augerot called the meeting to order at 10:04 AM.
- 1.2 Introductions were made.
- 1.3 There were no announcements.

2. Review and Approve Agenda

Chair Augerot indicated an executive session was not needed today. No other changes were made.

3. Discussion Topics

3.1 Facilities Report – Gary Stockhoff, Paul Wallsinger, Public Works

Wallsinger indicated the facilities report would be a brief overview of current assets, the county's status with capital projects, completed projects, and items in the queue for attention.

Stockhoff reported that as of February 14, Benton County (BC) is the owner of the 4185 SW Research Way property.

Wallsinger said across 20 assets with five maintenance technicians and six custodians, several capital projects were completed this year. The Request for Proposals (RFP) for the courthouse roof is open for bids until March 20, with the award announced by the end of March. Work orders numbering 621 were completed through Facilities in 2023, with another 200 completed orders through January and early February 2024.

Augerot mentioned a prior discussion about changing the Kalapuya Building entrance way to a double door. Wallsinger confirmed a requested project for an energy-saving vestibule in the front of the building, but it did not align with funding availability or is lower on the priorities list.

Crager asked Wallsinger about his confidence in funding the courthouse roof replacement. Wallsinger indicated it would be close; the project amount is \$350,000; Wallsinger's projections were in the \$325,000 to \$330,000 range. The final cost will be determined by February 20.

Augerot wondered if there has been engagement with the Corvallis Historic Resources Commission. Wallsinger confirmed outreach and brought a sample roof tile from the courthouse, which has a stamped patent date of 1886. The primary evaluation category of the RFP is the ability to provide exact one-for-one replacements. The Historic Resources Commission is primarily concerned with the material shape and colors.

Crager noted this particular roof project was one of two previous where the county attempted to secure state funding through the State Historic Preservation Office (SHPO).

McEneny asked about potential savings of the countywide LED upgrade with respect to sustainability. Wallsinger reported between nine and 14 percent savings across the county.

Stockhoff said one of the technicians is also dedicated to the county service districts, including Alsea and Alpine, where time is focused on water treatment facilities and less on building facilities.

Wallsinger reported:

- completion of small projects at Kalapuya, Fleet, and the Law Enforcement Building (LEB).
- installation of an electrical submeter to track electricity usage.
- repair of four leaks under the slab of the BC jail.
- replacement of one large HVAC unit in the Sheriff's Annex.
- rebuilding an apartment to be used as transitional housing through a partnership with Behavioral Health (BH).
- repairs currently being done on the Alsea sewer system.

Malone asked how repair costs are handled if the county is completing the work in the LEB, which is shared with the City of Corvallis.

Wallsinger indicated there is a Memorandum of Understanding (MOU) with the city; BC charges a pro rata monthly expected amount for facilities, maintenance, and operations. At the end of each year, a final accounting is completed to find the difference. Credits on the Corvallis side move into the upcoming fiscal year.

Wallsinger reported on pending projects:

- a stairwell in the Health Services Building is being addressed.
- a bike locker will be installed.
- completing repairs to Fleet's drain system.
- placing two new workstations in Developmental Disabilities.
- In progress construction of one or two new offices in the BOC.
- concrete repairs and flooring replacement at the LEB.
- flooring in the Monroe Clinic is deteriorating and needs replacement.
- 4185 Research Way (Children & Families Building):
 - full replacement of the HVAC system
 - building improvements
 - installation of Internet services

Wyse asked if the Monroe Clinic flooring project was a fairly small project. BC is still hoping for \$1 million in funding through Congresswoman Val Hoyle for a new clinic building.

Wallsinger confirmed completion of repairs as needed on three exam rooms, perhaps 600 to 700 square feet of flooring.

McEnery reported ongoing conversations about restacking employees; working with consultants to look at BC buildings and the type of work performed. The HVAC issues and electrical costs in the downtown BOC Building and the Sheriff's Annex indicate this might be a time to put them on the market for development.

Malone mentioned a prior discussion with Wallsinger about an update to the 2011 Facilities Book listing the square footage and condition of BC facilities and wondered if it was available online.

Wallsinger confirmed creation of individual building spreadsheets with square footage; small updates will need to be done, including adding the newly acquired building, though a question remained about placement on the Facilities website. No information about the relative energy efficiency of a building is included at this point.

Augerot would also like to see information of this type. Increased square footage, even in new, efficient buildings presents challenges in terms of the Board's climate goals, while considering which buildings to keep while also meeting employee needs.

Wallsinger indicated the buildings are currently being tracked to a certain degree, explaining McGuire's comprehensive carbon spreadsheet tracks energy, natural gas, and water. Wallsinger will do research for an efficiency number for a building.

Augerot said it would be helpful to receive regular snapshot updates of the progress of BC capital construction projects and the next phase of construction.

Stockhoff talked with Public Information Officer Grogan about regular updates to capture work on the courthouse, the buildings to house the District Attorney (DA), the Emergency Operations Center (EOC), and the Crisis Center, and to update those fact sheets.

Malone asked for inclusion of information about the completion dates on the buildings.

Augerot was curious about custodial and grounds maintenance contracts.

Wallsinger reported Natural Areas, Parks, and Events (NAPE) pulls from the Uniform Rental Rate (URR) fund every year for the landscaping contract.

Augerot was pleased with the work done on the courthouse and asked Wallsinger about staffing. Wallsinger advised one short-term custodian would be needed. On the maintenance side, probably two more technicians will be needed once the new buildings are inhabited, which means two work vehicles and two laptops.

Crager is working on environmental tests with Wallsinger and Stockhoff as 4185 SW Research Way comes online. The URR transition from the old Ninth Street lease will help fund staffing for Wallsinger. Crager will then reevaluate it for the budget development process prior to the 2023-25 biennium.

Augerot reported receiving questions from constituents about expenses for expansion and would like to know who is managing the leases. Crager is working with Wallsinger to create relationships and communicate with tenants. The leases have been pulled into Financial Services (FS), and FS coordinates with Wallsinger monthly on billing.

Stockhoff said a new administrative position to support Public Works (PW) has freed up significant time. Wallsinger has assembled an excellent team.

Malone asked about receiving a detailed bid from Hoffman Construction for the courthouse work in March 2024 and if the bid would provide a reasonable idea of the cost. Crager replied that the bid timeline might move into April 2024.

Stockhoff indicated Hoffman Construction has begun sharing more refined cost numbers and was pleased with their subcontractors. Hoffman is also slated to work on the EOC, which is progressing.

Crager added estimates are trending in the right direction and below what was planned. Regarding the management of the project budget, Stockhoff at Public Works, the

construction company, and Otak project consultants have all been excellent work partners.

Augerot inquired if the DLR Group's role is mostly complete as far as design and engineering.

Stockhoff replied no; DLR Group was sent 25% construction drawings last week and will keep moving ahead. Regarding the EOC, Stockhoff believed DLR is finishing schematics to prepare for design and development. Once construction begins, DLR Group will play a role, though a lesser one than currently. Otak will serve as liaison between the contractor and the county.

Crager noted he and Croney reviewed Oregon Justice Department (OJD) documents for the funding agreement and are getting closer to finalizing.

Malone asked about the timeline for the groundbreaking on the courthouse. Stockhoff indicated late spring 2024. Permitting is still in process, and communication from some agencies can be challenging, but the teams are working through issues.

Augerot wondered about permitting from the city and the county's ability to proceed with permitting with regard to design completion. Stockhoff indicated the final infrastructure permits are being prepared, with the second round of plans submitted yesterday. The land use requirements need to be finished and then the final plat will be filed, along with the land use conditions. The work with Oregon Department of Transportation (ODOT) is going well. The Department of State Lands approved a permit for the wetlands; the next step involves the US Army Corps of Engineers.

Augerot expressed concern about the focus on look and feel of the courthouse with the preliminary schematic design, but no focus on the formality of the space. She was curious about how it all will be communicated; with regard to community sensitivity, the desire to avoid a palatial building, and the absence of community engagement regarding the character of the courthouse.

Stockhoff said a community engagement component was not factored into the process. The budget dictates what the courthouse will look like, with cost-effective materials chosen for durability and longevity. A level of grandeur is recognized by the OJD and the District Attorney (DA). Crager explained Hoffman Construction is invaluable in this regard; they are aware of budget needs and looking for cost-effective solutions that acknowledge the historic courthouse's intent and purpose.

Augerot wanted to factor in community engagement, stating the focus to date has been on design, permissions, and agreements; she hoped to engage the community on their preferences and to hear their opinions.

Crager would like to confer with McEneny, Augerot, and Grogan about engaging the public.

3.2 Information Technology Goals, Strategies, and Projects Roadmap – Adam Loerts, John Larsen; Information Technology

Loerts outlined the priorities for the Innovations team within the Information Technology (IT) Department. On the operations side are the Network, System, and Service Desk teams, while Innovations operates separately. Service Desk management, project improvement management, and the county website are themes currently addressed by the Innovations team.

Larsen explained the Innovation strategy is to use a written objective with departments to determine what has a high-value return. Larsen explained three strategic goals: the development of web-based tools for conducting county business, data integration and sharing via business intelligence tools, and digitization of paper records.

Loerts explained cloud computing as a data-sharing center built at a cost-effective scale. A move to cloud computing eliminates administrative overhead costs with greater data efficiency.

Augerot mentioned upcoming Federal Trade Commission regulations around website accessibility for compliance with the Americans with Disabilities Act (ADA). Loerts explained county website accessibility is being addressed around matters involving criminal justice, health, information, policy, and HIPAA (Health Insurance Portability and Accountability Act) requirements.

McEneny inquired about the data projects suggested by department heads and how priorities are decided. Larsen explained his advisory role providing information on technological requirements to department directors and research on products and vendors.

McEneny would like to see process improvement around communications with the Board about new software, projects, and prioritization.

Loerts said IT may offer some guidance to departments on efficiency or technical aspects, but requests are generally driven by BC policy or system upgrades. Defined teams existed for Networks, Systems, and Service Desk; the Innovations Team was developed after Loerts began with BC. Innovations has roles for a database administrator, business analyst, and program analyst; its purpose is to build a business analysis skill throughout the county to understand a department's business and improve technical communications.

Larsen said IT's quarterly release schedule for long-term projects includes plans for training manuals, staff instruction, and release notes.

Maloe supported improved internal communications and asked how information is shared and tracked outside of BC. Loerts explained government groups provide information on security while online user groups engage with other skilled professionals.

Arctic Wolf is a security operations center partner tracking vulnerabilities, updates, and information.

3.3 Boards, Commissions, and Committees Status Discussion – Board of Commissioners

McEneny said direction from the Board is requested on the type of report, what information should be included, and the time commitment expected from directors when interacting with boards, committees, and commissions. McEneny reviewed the list to note the missing committees and bylaws status.

Augerot asked for this clarifying discussion as boards and committees operate differently and have varying levels of staff support. Defined purpose, expectations, and roles will clarify the work of the board or committee in fulfillment of its specific goal.

Wyse stated the county boards feel disconnected from county work, and commissioners do not have a clear understanding of their respective roles. Wyse requested an organizational chart explaining funding sources which are advisory to the Board of Commissioners (BOC), the Sheriff's Office, or the DA, versus advisory boards to staff.

Augerot explained some committees to which the BOC appoints are associated with Corvallis. She also noted external bodies, such as the Linn-Benton Housing Authority, Community Services Consortium (CSC), or the Community Action Advisory Committee, which all have membership that includes some BC appointees.

McEneny asked about the BOC's goals regarding the committees meeting irregularly or whose purpose has morphed and mentioned the Law Enforcement Review Committee (LERC), which has been inactive since 2017 after charter expansion was proposed.

Croney explained that LERC's role as a committee was to review complaints from the public regarding interactions with law enforcement, with the most recent meeting in approximately 2014. Former Sheriff Scott Jackson moved to change the committee with no action since then.

Augerot shared that the Sheriff's intent was to shift to a community advisory board as LERC only met as needed. Augerot believed after Sheriff Van Arsdall began, Sheriff's Office (BCSO) staff put together draft bylaws for a new BCSO advisory committee that has not yet met. Augerot is interested in its status as the Criminal Justice System assessment recommended an advisory board analogous to the city's police department.

Wyse noted the exclusion of the Historic Courthouse Advisory Committee and those associated with the city. The Library Advisory Board and the Economic Development Coalition are on Wyse's schedule. Wyse agreed the county's committees and boards need a clear purpose, whether the BOC provides the workplan or the committee provides it to the BOC for approval, and there should be an annual report.

Malone shared the Library Board is on the alphabetical list under the title Corvallis-Benton Library Board, as is the Courthouse Preservation Committee. Wyse explained it is different from the Historic Courthouse Advisory Committee.

Augerot said BC does not appoint to the Historic Courthouse Advisory Committee, and it is not on the list because it is a courthouse-level committee.

Wyse stated even the committees not directly under the BOC send reports.

Wyse said the Historic Courthouse Advisory Committee does not have bylaws or a charter, which proves challenging when issues arise.

Croney stated committees and boards currently advise the responsible department. When committees state they report to the Board, the community members who serve on these committees have an expectation of an interaction with the BOC, which has been the reason for previous changes in reporting structure over Croney's time with BC.

Wyse prefers interaction with boards and committees but noted interaction with the responsible department is important.

Augerot said the leadership of the individual department needs to value and support the committees, though it may depend on allocation of staff time, which merits a conversation with each department.

Wyse expressed a concern with one commissioner being aware of the activities of a committee while the other two commissioners may be unaware, or the possibility of a commissioner steering the direction of an advisory board in the absence of input from the other two commissioners.

McEneny said these advisory boards should function to provide guidance on an issue; reporting to the BOC will keep them accountable.

Wyse stated one drawback to advisory boards that provide recommendations but are not supported by all commissioners is the dissatisfaction from committee members, which would be likely if the BOC changes the reporting structure.

The following boards and committees were discussed:

Budget Committee

Augerot believed all members are returning though that fact should be verified. The meeting cadence stated is Quarters 1 and 2 of biennium budget years; it also meets in off years as needed to discuss elected officials' salaries.

McEneny wondered about the length of a Budget Committee term. Croney indicated a term is four years.

Augerot discussed turnover and noted most committees have term limits, but she did not believe that to be true of the Budget Committee.

Charter Review Committee (CRC)

Augerot indicated the last meeting of the CRC was not included in the review document.

Croney noted it last met in approximately 2014 or 2015. Since the BC Charter amendment in 2003 starting a five-year meeting cycle for the CRC, Croney has yet to receive requests for a briefer meeting cycle. A charter amendment was added for ranked choice voting in 2016, initiated by an outside group. Augerot wondered if invitations should be issued on a five-year basis or as needed. Wyse preferred the as-needed model. McEneny did not feel county business was affected in any way due to the current charter.

Croney explained when the CRC is appointed, the BOC gives it the charge of examining a particular issue, and the CRC does have the freedom to examine other issues. The current BOC has not yet had an issue that merited convening the CRC.

Augerot would like to update the CRC with gender-neutral language.

Malone was concerned about meeting frequency and an appointed member potentially forgetting the obligation. He wondered if there was regular contact with members.

Croney confirmed members are appointed. After the CRC issues its report, its charge is fulfilled, functioning similarly to an ad hoc committee.

Wyse was unable to find the charter posted on the new county website.

Croney responded BC in the process of importing the BC code, the development code, and the charter to the new website.

Wyse looked at the charter several years ago with regard to pronouns and found no concerns. Wyse prefers the CRC convene as needed and wondered if the BOC could update the charter with pronouns without having to convene the CRC.

Croney replied convening the CRC would not be required. He added ignoring the CRC's recommendations could negatively affect future efforts of the individual appointees and recommended providing a very defined purpose.

Augerot said renaming it the Ad Hoc Charter Review Committee would clarify it is not a standing body.

Malone was on the CRC in the early 2000's when the meeting cycle was changed to every five years. He did not see a need to convene the CRC unless there is a specific purpose.

Citizen Advisory Committees (CAC)

Augerot explained the purpose of CACs are prescribed by state law, are part of the Community Development (CD) land use process and are organized locally with CD staff.

Wyse would prefer all CACs be active but was unclear as to the reasons for their variable status, having received several explanations. The Planning Commission (PC) expressed concerns about a lack of communication from some CACs during Wyse's time on the PC.

Malone noted Alsea has revived its CAC. He prefers a balance between the frequency of meetings and taking up staff time.

Augerot felt it was about staff capacity and local perceived need, believing there is merit to engaging the CAC while moving forward in terms of a comprehensive plan review. Augerot supported Alsea's need for a semi-official locally elected body to engage with BC on a regular basis to improve their community.

Wyse shared having heard from BC staff and former and current CAC members that staff capacity to engage with CACs is an issue. Wyse suggested setting a twice-yearly meeting requirement or inviting CACs to the annual Joint Planning Commission meeting as a way to move CAC engagement from reactive to proactive.

Community Health Centers

Augerot said the Community Health Centers (CHC) board is active. It is federally mandated and governed by bylaws and the Health Resources and Services Administration (HRSA) requirements. Members are recruited by staff and appointed by the CHC board.

Corvallis-Benton County Library Board

Wyse said BOC appointments to the Corvallis-Benton Library Board occur on a regular basis and the board runs very smoothly.

Courthouse Preservation Committee

Augerot and Wyse discussed the Courthouse Preservation Committee (CPC), noting it as different from the Historic Courthouse Preservation Committee. BC PW is the responsible department and receives its reports, but the CPC is sponsored by the City of Corvallis; the BOC does not make appointments.

Augerot noted the Historic Resources Advisory Committee (HRAC), to which Wyse is a liaison, does not appear on the review list. Croney advised the HRAC is an ad hoc committee. Wyse said its original timeframe was less than a year and is now well over two years. Augerot said board members were recruited actively by NAPE. The HRAC

should be added to the list despite its eventual sunset. Wyse expressed concerns over the duration of HRAC and expressed concern members might lose interest as it continues without an end date.

Disposal Site Advisory Committee

McEneny noted the bylaws are being changed.

Croney said the notice was published to solicit applications for members.

Augerot reported a staff question about which bylaws to send to appointed members.

McEneny indicated the draft bylaws should be sent.

Croney preferred not to send draft bylaws.

Wyse wondered about the appropriateness of recruitment if the bylaws are not finished.

McEneny would like the bylaws to be amended prior to the interview process.

Wyse asked for clarification about the committee's membership.

McEneny said members in current terms will remain; expired positions are open to all applicants. No existing members will be removed.

Augerot agreed the amended bylaws should be the document shared with applicants.

Enterprise Zone Committee

Augerot indicated this Corvallis-sponsored committee meets as needed; BC appoints members to it.

Environment and Natural Resources Advisory Committee (ENRAC)

Augerot explained this committee meets monthly but was unsure about its purpose. The BOC currently does not engage with ENRAC but met with its predecessor committee regularly.

McGuire cited confusion within the committee due to its complex structure attached to five departments: Health, PW, CD, Sustainability, and NAPE. Previous members believed the BOC would guide their work; this misunderstanding led to some turnover in membership. McGuire has managed new member expectations by explaining the workflow and hierarchy of the committee relative to the five departments.

Augerot wondered about the level of engagement from those five departments. McGuire explained it varies due to each department's function, workload, and the willingness of each departmental liaison to try new approaches.

Augerot agreed it could be helpful to expect a one-page summary of the project-level support provided to departments and the role played so the BOC can recognize and understand the committee's contributions.

Malone mentioned an annual dinner hosted by BC to formally recognize members of advisory boards and committees for volunteering their time; events of the pandemic affected the scheduling of this event. The dinner was valuable for engagement and for the various members to realize the breadth of county boards and committees.

Fair Board

Malone, who is on the Fair Board, indicated this group of very involved members meets regularly. He would like to see stability in staff who work with the Fair Board and the Fair Foundation.

Augerot shared a vision to see Hispanic representation on the Fair Board. This is a state-mandated board with a formal agreement between the BOC and the Fair Board describing operations and roles. A review of this document at both the BOC and Fair Board levels is appropriate. She described its role as co-governance with the BOC.

Croney cited the Fair Board as an excellent example of a board knowing its purpose and receiving yearly confirmation of its purpose via the execution of the Fair.

Fair Foundation

There was discussion about its inclusion in the list, with Augerot believing it is a nonprofit foundation. It was determined not to be a county-sponsored board..

McEneny directed it to be removed from the list.

Food Service Advisory Committee (FSAC)

Augerot noted new membership and felt it was in a good state. Croney indicated the committee now has all vacancies filled.

Historic Resources Commission (HRC)

Augerot indicated the HRC is productive. There is staff support, its purpose is clear, and it contributes relevant expertise.

Home, Opportunity, Planning, and Equity Board (HOPE)

Wyse noted a meeting frequency change from quarterly to monthly, according to bylaw changes made recently.

McEneny indicated she would reach out to the Health Services Interim Director to clarify the meeting frequency.

Law Enforcement Review Committee (LERC)

Augerot confirmed this committee has not been meeting.

Croney explained the process to abolish it as an agenda item.

McEneny asked about the current process to make a complaint. Croney said a complaint will go to the Sergeant, then the Sheriff, then to the committee.

McEneny will discuss with the Sheriff how to set up a review committee and explained the review of body camera footage would add an additional step to the process.

Wyse shared the Sheriff intended to pursue the highest level of law accreditation possible from the Commission on Accreditation for Law Enforcement Agencies.

Augerot would also like an update on the review process for complaints as an agenda item for the future, which would lead to a conversation about the status of LERC.

Mental Health, Addictions, and Developmental Disabilities Advisory Committee (MHADDAC)

Augerot indicated she is the BOC's liaison to MHADDAC by its request. The Behavioral Health (BH) Resource Networks require oversight from this committee at the local public health authority level, meaning these committees have a role. Damien Sands in BH will meet with the co-chairs to discuss bylaws and propose three subcommittees for mental health, addictions, and developmental disabilities with a quarterly joint meeting. There is strong community interest in this committee, though high attrition.

Croney commented this committee has described seats that can be challenging to fill, and its functions have increased over time.

Natural Areas and Parks Board

Augerot indicated this board is doing very good work and fulfilling its purpose.

McEneny noted a discussion with counsel about boards and commissions to build capacity by having an attorney provide another review when discussing topics such as land use issues. This would be a good investment from a risk perspective.

Property Value Appeals Board

Augerot reported this board is functioning without issue.

Public Health Planning Advisory Committee

Augerot explained this committee is not currently meeting; she would like Health Services to address that; perhaps suspension of the board is the better action.

Croney mentioned all of the boards and committees on the review list, except for those with asterisks, could be ad hoc committees reactivated when there is a need.

Wyse recommended looking at the work required within the county to determine which boards and committees are best suited to be ad hoc.

Augerot would like to avoid perpetual committees by creating term limited, limited duration, ad hoc, or task force committees.

Statewide Transportation Improvement Fund Advisory Committee

Augerot explained this as newer statutory municipal committee with Corvallis with a dual role; one for funding and one for delivery of services. PW may need to consider negotiating a new IGA (intergovernmental agreement) with the city about a BC transit staff role on this committee to meet BC's programmatic goals and to apply the funding that BC brings to the committee.

Willamette Criminal Justice Council

Augerot said this is the local statutory public safety coordinating council; it has not met for eight months.

Wyse asked if WCJC is run by the DA's office or the BOC.

Augerot acknowledged there is some confusion. There was an IGA between BC, Adair Village, and Philomath to fund it; and Oregon State University (OSU) contributes funding. Currently there is an interim, limited-duration staffer who also plays an important grants management role within the DA's office, so it was left with the DA. This is the Systems Review Committee for law enforcement and should be involved in any future justice systems improvement and responsible for any data review. In BC, it is primarily an information-sharing body that also provides assistance with the Justice Reinvestment Initiative and Juvenile Services funding grant proposals sent to the state. The membership is large, and there are structural issues. Augerot has been working with the Executive Committee to conduct a sequential intercept mapping exercise to get a better sense of service gaps, create a strategic plan, and rewrite the bylaws. Augerot will have a conversation with Assistant DA Joslin.

Wyse advised approaching DA Haroldson for his input regarding the council and his efforts before retirement to make for a smooth transition.

McEneny said the contents of the review list will be discussed at the next Leadership Team meeting.

Augerot wondered about the flow of information relative to the boards where a commissioner has a role; do fellow commissioners believe they are receiving good updates?

McEneny suggested an agenda sub-item for commissioner liaison roles to ensure sufficient time and space for updates.

Malone appreciated the discussion and would like clear indications of the sponsorship of a board or committee, the inclusion of the liaison person, and which boards have prescribed membership.

Wyse's understanding of internal committees is as an advisory role to the departments, who report to the County Administrator.

McEneny said it could be helpful to have such a list as an accompaniment to the organization chart and the project tracker being developed. McEneny also noted some advisory boards are regional.

Augerot felt the Sustainable Materials Management Plan Task Force should be included on the list if the BOC appoints to it.

Wyse would like to see boards that need changes involve the entire BOC in updates, not just the liaison.

3.4 County Administrator Priorities Review – Rachel McEneny, County Administrator

- Completion of a market study for management, confidential, and managerial employees to meet the goal of making BC an employer of choice and to address compression issues within the Sheriff's Office.
- Recommendations for a non-represented employee compensation plan to align with the market.
- Reassessment of the Equity, Diversity, and Inclusion coordinator role for alignment via a draft RFP to outside consultants to assist in identifying county needs, staff training opportunities, and public engagement opportunities to create an inclusive and equitable workforce.
- The 4185 SW Research Way building is now the Children and Family Services building.
- The McBee Campground acquisition is taking time but will provide recreation space and will need to be brought to county standards for safety and access.
- The initial damage assessments from the January 2024 ice storm are ongoing; a \$1.8 million reimbursement is sought. Lessons were learned about internal and external processes, and employee notifications will be applied to future extreme weather events, including training BC staff to focus on the emergency at hand with a final report to come.
- The DSAC Coordinator position has been filled. The revised bylaws will be brought to the BOC this month. New members will be appointed to the advisory committee vacancies; it has taken a great deal of communication, coordination, and clarification between the departments and the community to move DSAC forward.
- Facilities assessment and planning continues to be a work in progress, recognizing the challenges of building in BC and in Oregon. McEneny would like to see robust communication around project dates, notifications of permitting, and delays.
- Discussion of telecommuting and effective departmental approaches.
- Discussion of sustainability goals, including electric vehicle infrastructure placed in facilities throughout BC to which the public has access.

- Training at the National Association of Counties (NACo) Legislative Conference in Washington, DC.
- Discussions at NACo about
 - rural broadband;
 - FEMA (Federal Emergency Management Association) reimbursement;
 - Extensions to ARPA (American Rescue Plan Act) funding; she believed BC will spend all of the ARPA funds by the December 31, 2024 deadline.
- Employee compensation for this year and a capital plan that may mean scaling back existing projects.
- Upcoming interviews for the Assistant County Administrator position for three candidates. In addition to serving as Acting County Administrator when needed, this role could focus on policy, operations, or administration; help align performance metrics with the strategic plan; and improve overall capacity.
- Construction of workspaces to accommodate the new Assistant County Administrator role and another staff person.
- Workplace re-stacking to consider the professional roles who require a secure or discrete meeting space with a door.
- Responsibility for advisory boards and committees will shift from Counsel staff to BOC staff effective July 1, 2024.

3.5 Commissioner Updates – Benton County Commissioners

Augerot

- Will reach out to staff at AOC regarding an email to urge legislators to fund critical community corrections programs.
- Attended the NACo conference in Washington, DC.
- Spoke with Gina Nikkel of AOC, who confirmed the turnout and conference timing were particularly good.
- Participated in Food Hub conversations related to the ARPA funding concerns from community members.
- Received positive feedback from US Senator Jeff Merkley’s staff about the completeness of BC appropriations applications.

Wyse

- Will attend the Democrats meeting this evening, which conflicts with the Good Samaritan Regional Medical Center awards event.
- Attended the NACo conference in Washington, DC.
- Met with Fourth Congressional District Representative Val Hoyle and US Senator Ron Wyden’s staff.
- Received feedback around the historic courthouse funding request by providing sufficient detail.

Malone

- Met with the statewide Metropolitan Planning Commissions; he is currently Vice President and will be Chair next year.
- Will schedule a meeting with Savannah Crawford from ODOT to discuss transportation priorities.
- Will attend a town hall that needed to be rescheduled from a cancellation last week.
- Attended the NACo conference in Washington, DC.
- Spoke with a DLR Group staffer on February 5 at AOC's Legislative Committee Meeting about BC's new courthouse project.

3.6 County Administrator Updates – Rachel McEneny, County Administrator
Augerot noted McEneny provided sufficient information in the priorities review.

4. New Business

4.1 Discussion and Approval of Association of Oregon Counties 2024 Membership Renewal – Board of Commissioners

Augerot shared an invoice from AOC for 2024 membership renewal requiring approval.

Wyse asked if fellow commissioners wished to pay the Council on Forest Trust Land Counties (CFTLC) dues.

Augerot replied affirmatively. The 2023 general fund dues were paid but not the special voluntary assessment dues.

MOTION: Wyse moved to approve the Association of Oregon Counties 2024 membership renewal and dues, omitting the special voluntary assessment dues for the Council of Forest Trust Land Counties. Malone seconded the motion, **which carried 3-0.**

5. Other Business

Crager explained there is a legislative hearing tomorrow to approach the Ways and Means Committee to support the OJD request for additional bond support for the courthouse. CFM Consultants suggested a letter of support. With Board authorization, Crager will draft the letter.

MOTION: Augerot moved to direct staff to draft a letter of support for new courthouse funding. Wyse seconded the motion, **which carried 3-0.**

Chair Augerot adjourned the meeting at 2:42 PM.

Xanthippe Augerot, Chair

Amanda Makepeace, Recorder



Board of Commissioners

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MINUTES

BOARD OF COMMISSIONERS GOAL-SETTING MEETING

Tuesday, April 9, 2024, 9 AM

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

Elected Officials: Jefri Van Arsdall, Sheriff; John Haroldson, District Attorney

Staff: Don Rogers, Undersheriff; Ryan Joslin, Assistant District Attorney; Darren Nichols, Community Development; Gary Stockhoff, Public Works; Jesse Ott, Natural Areas, Parks, and Events; Debbie Sessions, Financial Services; James Morales, Records and Elections; Tami Tracy; Assessment; Matt Wetherell, Juvenile Services; Sean McGuire, Jennifer Brown, Sustainability; Michael Gardner-Brown, Sydney Hundelt, Climate Action Interns; Adam Loerts, Linda McGirl, Information Technology; Cory Grogan, Public Information Officer; Lacey Mollel, Community Health Centers; April Holland, Health Services; Paul Wallsinger, Facilities Management; Maura Kwiatkowski, Marriah De La Vega, Amanda Makepeace, Board of Commissioners Office

Guests: Sherry Chen Jackson, Philip Jacobs; UPD Consulting

1. Opening

1. Call to Order, Introductions, Announcements

Chair Augerot called the meeting to order at 9:00 AM. There were no announcements.

2. Review and Approve Agenda

The following item was added to the agenda, after item 3.5:

Consideration of the National Association of Counties (NACo) Membership Dues

3. Discussion Topics

3.1 *Equity, Diversity, and Inclusion Assessment Process Overview – Sean McGuire, Sustainability; Sherry Chen, Philip Jacobs, UPD Consulting

McEneny explained the previous Equity, Diversity, and Inclusion (EDI) Coordinator transferred to Health Services due to its public health focus. McEneny tasked McGuire with working with county staff and consultants to assess the EDI role's significance to the county. McGuire consulted equity offices in King County and Portland, leading to an evaluation and the engagement of UPD Consulting through a Request for Proposals process.

Sherry Chen Jackson introduced UPD Consulting, a Black-owned firm with 17 years of public sector experience in equity, change management, and implementation. UPD focuses on performance management and continuous improvement.

Philip Jacobs outlined the project timeline, highlighting the challenges, barriers, and opportunities within the EDI role. UPD will identify focus areas, hold a working session with leadership to operationalize EDI, analyze the role's challenges, and create a work plan. Leadership buy-in is crucial for EDI success, and UPD will ensure leaders are informed and involved. They will conduct a RACI (responsible, accountable, consulted and informed) study and provide guidance on a revamped EDI Coordinator role.

McGuire mentioned Sarah Siddiqui, the previous EDI Coordinator, had arranged for the Government Alliance on Race and Equity (GARE) to conduct an organization-wide assessment as well. The goal is to ensure the revamped EDI Coordinator role participates in this process.

Augerot expressed satisfaction with the fast-track process to recalibrate the EDI Coordinator role and anticipated learning more during the four-week assessment.

McGuire described the process as building step-by-step from one strong foundation to another.

Augerot noted her upcoming interview with UPD Consulting to get more questions answered.

Crager inquired if UPD's review of the EDI Coordinator role would consider best practices for the county's size.

Chen-Jackson responded the review would be based on county priorities and emphasized shared responsibility for EDI work across the organization, noting a 60% turnover rate in EDI positions nationwide over the past two years.

McGuire confirmed shared organizational responsibility was also emphasized by King County, Washington.

(Exhibit 1: 240409 UPD Consulting EDI Project Timeline)

3.2 *Impact Projections of County Growth and Future Needs – Sean McGuire, Sydney Hundelt, Michael Gardner-Brown; Sustainability

Hundelt worked with McGuire and Gardner-Brown over the last two years as a climate action intern for Benton County (BC) and built up a robust greenhouse gas emissions inventory.

Gardner-Brown started with BC in November 2019 working on the greenhouse gas inventory. and in the last couple of years worked in an advisory capacity helping to develop the inventory.

McGuire noted government work is focused on the betterment of constituencies, which can include sustainability, equity, environment, the economy, and livability. McGuire noted it is possible to have conflict between those principles and practices in government, explaining these conflicts are expanding in unprecedented growth over the past year. McGuire was here today to share conversations with the projected numbers in the next five years, and today's focus was on greenhouse gas emission as a proxy lens through which to view expected changes.

Wyse said the county cannot focus efforts on one area, efforts have to be spread out.

McGuire noted the county is adding greenhouse gas emissions tonnage via the new building projects with a combined 130,000 square feet of space. Today's presentation is because Hundelt got to stay an extra year in a very competitive role helping to develop the scenario builder and the calculator. When speaking with Facilities about adding square footage, providing the projected electrical usage can be used to identify what is in the near future. There will be increased emission sources both in volume and utilities and the focus is to reduce those greenhouse gas emissions.

McGuire discussed his presentation and shared an equation, which starts with usage, and includes reduce and reuse; another part of the equation is generation, which is primarily solar now but may include wind in the future or off-sets currently coming from two companies now. All generation is attached to electricity, specifically Pacific Power BC buys into energy programs and assigns buildings to subscribe to future solar projects. Sequestration is the final part of the equation; last year Natural Areas, Parks, and Events acquired about 70 acres of land in Bezell Forest and stated there will be no logging, which can be used to reduce sequestration. He noted much has happened since 2010 as the number of full-time employees (FTEs) has increased significantly with 230 more people than in the last decade. After the purchase of the Sunset and Kalapuya Buildings, the recent purchase of the 4185 SW Research Way Children & Family Services Building, addition to the Avery Building, some remodeling work, the current construction on the Crisis Center, and the upcoming work for the courthouse, Emergency Operations Center (EOC), and county jail, all those factors change the baseline of 2010 numbers. McGuire discussed the scope of the work. Usually, the numbers are focused on electricity and natural gas specifics. The Environmental Protection Agency (EPA) breaks data into three categories. Scope 1 is primarily natural gas and Fleet; all within BC's domain. Scope 2 is what is being used but purchased externally, primarily electricity. Scopes 1 and 2 are what is being used and being

generated either on-site or what BC owns. Scope 3 is the remainder: commuting, travel, and waste.

Gardner-Brown noted Scope 3 as being related to BC's value chain, the upstream and downstream purchasing decisions. Some companies track the products they sell. With construction, new facilities fall under purchased goods and services; during construction periods those emissions are going to be much higher. The embedded carbon conundrum, shared in an email from a commissioner, will be addressed in an upcoming slide as it raises the number even more.

McGuire said moving forward, information will be presented via the scopes, not the sources. Financial Services are now tracking travel reimbursement and miles from commuting, which is part of Fleet. BC is now adding this number to natural gas refrigerants, electricity, and water; the new categories will be commuting and travel.

McGuire is focusing exclusively on Scopes 1 and 2 to move each number downward. Hundelt brought down each emission per square foot of the existing facilities and then projected it out for the new facilities. There are ongoing discussions about selling the Board of Commissioners (BOC) annex of the courthouse, but the lack of a facilities plan is hindering it.

Wallsinger confirmed there is no formal, written facilities plan. However, Stockhoff, Crager and Wallsinger are working to create one moving forward.

McGuire noted the county is not expecting another 150 FTEs in the next few years. McGuire used 35 FTEs for the calculation.

Crager said the commissioners are aware of the budget challenges. New FTEs would have a corresponding uptick with operational costs, especially around the crisis center and jail. It is a flat line budget in terms of growth, though there will be increased operations costs.

McGuire confirmed with the addition of square footage from Facilities, adjustments can be made to the greenhouse gas emissions numbers.

Wyse mentioned the slide presentation bullet point about the sale of the former BOC offices downtown and the courthouse annex but was unsure if this was the plan.

Crager replied the sale is a key assumption, but the final decision rests with the Board. For the purposes of having a number with which to work for the presentation, this assumption was made.

McGuire said every slide is bringing up additional questions, moving forward, and who is making those decisions. In speaking with Wallsinger, some facilities will not be using natural gas, which is a significant impact. The calculations included electrification of the fleet vehicles, an assumptive input value of eight sedans and four buses. McGuire showed a slide discussing the impact of 20 sedans in Fleet. He assured Commissioner Wyse while these are assumptions, they are not decisions. Regarding the goal of offsetting 90 percent of electricity usage: BC will never get to 100 percent offset due to Consumers Power, but perhaps BC can engage Pacific Power again.

Wyse inquired if the electricity offset was just for electricity, such as for Blue Sky.

McGuire confirmed and added the offset was also for the community solar program. The Utility Usage Impact slide: the extra five facilities will add about 1,300 tons of greenhouse gases, mostly from natural gas from the bigger facilities. He noted the decrease of natural gas usage due to the crisis center and EOC will remove 16 tons of greenhouse gases; the potential sale of the downtown BOC offices and Annex would decrease emissions by 73 tons. The fleet electrification is a two-step plan; assuming eight sedans and four buses, it reduces fuel needs and removes 224 tons of emissions, though electrifying them would add in 131 tons, for a total tonnage reduction of 93. If BC can use Pacific Power, it could be 220 or 225 tons, which is not insignificant.

Malone inquired if there are potential savings if BC gets to a 90 percent offset.

McGuire confirmed. Currently, BC is looking at facilities within the Pacific Power grid. The Fairgrounds is using the Consumers Power grid.

Malone asked McGuire to revisit the difference between Pacific Power and Consumers Power.

McGuire replied that Consumers Power is demonstrably cleaner. In 2022 for all BC facilities, Consumers Power was only 50 tons; all BC electricity was 1,300 tons. The saving from the solar panels at the Fairgrounds was only two tons; most of Consumer's power is coming from non-coal sources.

Augerot commented Consumers Power is mostly originating from the Bonneville Dam on the Columbia River. Pacific Power buys coal-generated electricity from other states. Declines in power generation from the Columbia are being projected due to changes in feeder streams and snowpack amounts.

McGuire noted today's purpose is a discussion about electrifying the BC fleet, as well as discussions based on the county's Budget Enterprise software report.

Crager noted this as a research phase with discussions to be as efficient as possible, both with internal and external fleet. Crager has heard local government and businesses are moving toward more of a contracted fleet opportunity; hence the reason for the engagement with Budget Enterprise software for discussions about efficiency and an analysis of these efficiency opportunities. The challenge with electrifying a fleet is the value received in terms of the emissions savings, but there is also a cost piece which must be considered. Many local governments are moving to a hybrid approach, but the maintenance and turnover of those vehicles should be factored in. These are still early discussions; McEneny has been a great champion due to previous experience as city manager in Albany, New York.

McGuire noted there are grants available for this approach. BC is now purchasing 25 percent of its electricity from Blue Sky electric with a cost of \$20,000 per year if moved to 100 percent. BC needs to be fiscally sustainable and reach greenhouse gas

emissions reduction goals. McGuire discussed scenario impacts with the addition of five new facilities, reduction of the aging downtown facilities, less natural gas use, addition of sequestration and solar, electrifying sedans and buses, and 90% of electricity usage from renewable sources, resulting in a 2,000-ton reduction of greenhouse gases by 2030.

Crager said the 2030 target area is an opportunity to get close to the goal of 1,824 tons; by increasing the number of electric sedans and buses, the goal might be fully realized.

Wyse asked McGuire about information on how much the county has saved, which is a good message to share with the community.

McGuire advised the updates for 2023 are being completed. Avery is down four percent in electricity, the Law Enforcement Building is down six percent; Sunset Building is down eight percent. More will be shared in May 2024.

Augerot noted it helps to look at emissions per square foot per FTE; those capture some of the gains.

McGuire discussed Scope 3; data quality and capture can be challenging. He felt the most accurate is the commuting information and explained the process to determine the numbers used to build the scenario. Purchases are made with budgetary considerations in mind, so BC offsets with a carbon neutral purchase. The main takeaway of Scope 3 is the impact BC had, although it may have been imperfect. BC will continue to capture data for calculation. Corvallis is also looking to reduce greenhouse gas emissions and is using the same method to ensure consistency.

Hundelt discussed the purchasing category of Scope 3 and explained looking to the EPA greenhouse gas protocol with its emissions factors for various categories of goods and services purchased, which can be used as coefficient factors for calculations.

McGuire discussed construction, which complicates calculations, because while some entities might calculate emissions, but they do not use it in their inventory. Buildings must be constructed, but it is a one-time event, compared to regular purchases; this conundrum will need to be addressed in the future.

Gardner-Brown noted the emissions would typically be captured in the purchasing side of Scope 3, but it is not typically considered when factoring in goal-setting or the baseline moving forward because it will be an artificial limit where emissions increase.

McGuire said it is a very complicated matter. There are coefficients to calculate currently used for transparency but not part of our goal and BC is not at the decision-making stage yet. Scope 3 dwarfs all other categories. The 4,000 tons of emissions number from Purchasing is an estimate based on Corvallis though Corvallis has 400 employees while BC has 600. Commuting is 1,200 tons; that number rose seven percent. Travel and waste numbers do not appear on the slide; McGuire stated they represent 25 tons of emissions combined. The amount from Travel comes directly from the budget; the coefficient is based on every \$1,000 of cost.

Augerot noted there might be an overestimate if a number is based on the budget as the full travel amount is not always used.

McGuire said in a conversation with Oregon State University (OSU), Travel was 12 percent of their 120,000 tons of emissions, which is a significant amount, though the pandemic changed travel habits.

Augerot asked. in terms of Scope 3 and construction, are some companies also looking at kind of the depreciation model and looking at depreciating carbon over time or are companies regarding it as a different type of investment, and not part of the carbon budget at all?

Gardner-Brown highlighted the complications in associating funds spent with specific points in time in the context of spend-based factors and technological efficiency in construction. Depreciation and asset evaluation impact carbon submissions analytically.

Augerot noted from an analytical standpoint the carbon was submitted at a specific point in time.

McGuire explained he continues to refine the numbers to make the best decision with the most accurate information.

Augerot would like to see discussions about values and how to embed them when the decisions are made regarding new facilities, materials, and what contractors to use.

McGuire said materials and processes need to be the first decision; today's purpose is to look at how previous decisions were made and planting the seed to address the goal of greenhouse gas emissions reduction by asking specific questions about Facilities and Fleet developed out of conversations with BC staff, such as who is ultimately making decisions, and are the decisions based on financial or emissions factors

McEneny acknowledged there are multiple factors, and a great deal of work goes into procurement but asked about the goals with purchasing materials and finding contractors.

McGuire noted Crager moved into new role recently which has been impactful; now moving to a more centralized process and an identified workflow which could lead to efficient decision-making and spoke about how the county will proceed with official plans, criteria, or goals.

Malone spoke about the Kalapuya remodel and Leadership in Energy and Environmental Design (LEED) certification at the gold level. He felt it important to start with values and then move to short-term costs versus long-term benefits and would like it to be the model going forward; Crager will determine how the county can afford it. The Kalapuya remodel is a good example of a healthy process.

Wyse asked to hear more about if the basis for the target goal was based on best practice or achievable for that time.

McGuire replied it is similar to the 1990 Kyoto Protocol; Corvallis was attempting to reduce 75 percent of 1990 use, though it was difficult to calculate. The goal is to get under 1.5 degrees of temperature increase.

Wyse noted it was based on methodology and the 1.5-degree reduction with the coordinated efforts of the majority of the developed world.

McGuire noted the City of Corvallis has not fully adopted this approach; and with officials being elected every two years, it is less of a priority. For the BOC, it is a high priority, and aggressive pursuit of emissions reductions is required.

Augerot noted BC's reduction goals are very standard for governments that have adopted goals, and the information comes directly from the international scientific community and guiding documents.

Wyse wondered about the county's intentions when this was adopted; was it considered an easy task or a large undertaking?

Malone noted BC is trying to meld being fiscally responsible with taking care of the climate. It is an important message to get out to the community as funds are being spent. Establishing goals and how they could be achieved is an ongoing message. The goals are driving budgets, not vice versa.

McGuire aligning the 2040 expenditures and making the fiscal case making sure we can identify what funds are spent per core value and focus area.

Crager noted McGuire's last slide appeared to be a summary and wondered what steps should be taken to achieve such an aggressive goal. Efficiency around facilities, electrification of Fleet vehicles or increased efficiency around the use of our fleet, and commute miles are frequently mentioned factors.

McGuire said he and Brown will get into the climate action plan, which begins with the inventory. The county needs far more aggressive moves with Fleet because reductions in facilities inventory can take us only so far.

Wallinger confirmed the most easily reduced factors have been completed, but to reduce further requires difficult decisions going forward, including compromises made for energy use versus employee environments.

McGuire asked the guiding questions of what information is being captured and what elements will be included, and how aggressive do the actions need to be without purchasing offsets, which leads to the topic of green scamming. The county can reach its goals, but it will need those big decisions.

Augerot expressed curiosity about unpacking the significant purchasing component and wondered if it is routine purchases month over month or some other factor contributing to the number.

McGuire indicated it will be explored in a meeting with Financial Services looking at the budget. The coefficients are known, and now it is a matter of alignment with the budget line, and then completing the analysis.

Crager said from a measurement standpoint, there needs to be clarification on Scope Three in order to compare the correct categories in order to reach this established goal. The first step is to get clarification on those key goals: facilities reductions, electrified fleet vehicles, and reduced commuter miles. Crager complimented Wallsinger on his work on the charts, noting a difference in reductions.

McGuire reiterated there is no decision-making at this point but wanted to acknowledge these issues and tradeoffs set the stage for decision-making moving forward. McGuire thanked Hundelt and Gardner-Brown for their work.

Malone appreciated this project started out fairly limited in scope by focusing on electricity and now has expanded to include the next emissions sources. He felt this was an excellent example of having a consistent goal and gradually expanding the scope.

Gardner-Brown commented this process is thought of as iterative, continually refining the data as a basis for decision-making and acknowledged the lack of granularity in Scope Three around the accounting and suppliers, which affects the decision process. From a consulting point of view, this is a strong and meaningful inventory.

Malone recognized the effort shows commitment and better data will continue to be collected.

(Exhibit 2: #BOC-GHGImpactsOfGrowth-04-09-24-UpdatedFinal)

Chair Augerot announced a meeting break at 10:20 AM; the meeting resumed at 10:27 AM.

3.3 Options for Board Hybrid Meeting Security – Maura Kwiatkowski, Board of Commissioners; Linda McGirl, Information Technology

Kwiatkowski discussed the March 19 Zoom meeting disruption, noting similar disruptions in other county meetings. Today's discussion is around the steps taken to improve meeting security and further opportunities for consideration while maintaining accessibility for the public. A slide showed tools implemented to enhance security. Kwiatkowski thanked Information Technology (IT) for the recommendations to combat scraping the Internet for open public links, to livestream disruptive video to multiple sites. The Zoom link will now be published an hour prior to the meeting, which does not affect accessibility. The Agenda link now leads to the meeting event page, which is one extra click and will not affect accessibility. A meeting co-host has been added to admit

participants and allow for monitoring and possible muting of audio and video. The meeting livestreaming will move from Facebook to YouTube on May 7, eliminating the need for county staff to use personal login information and avoid intermingling business and personal use of Facebook. Zoom Meeting is interactive and collaborative; an option is to use Zoom Webinar, which is used in a number of regional areas which would provide a consistent experience. It does require advance registration and specific designation levels for meeting participants. Today she is looking for Board input as to the level of security desired to enable participation while also minimizing disruptions.

McGill said the waiting room option was enabled with a confirming splash page with the county logo. The meeting cohost can review the list of names in the waiting room and admit participants. Zoom Meetings now offers advance registration. Option One is to keep the current level of security with a posted link and an individual clicks into the waiting room without registering. IT highly encourages the use of waiting rooms across all county meetings. Option Two is Zoom Meeting registration, which is slightly more work for staff. It would not affect how the meeting runs; it is simply an extra step for individuals who wish to attend. Differing levels of meeting access are possible per individual, such as host, co-host, panelists, and attendees. Attendees were never meant to interact with the meeting via shared video though they would be able to use the chat feature in the meeting. Individuals presenting on an agenda item would be designated a panelist and could speak and share video. Hosts and co-hosts have the ability to mute or remove attendees. There are additional security features in Zoom or in Zoom with registration that could be used for all county meetings or on a case-by-case basis.

McEneny expressed a concern about the interaction aspect and the ability of participants to be able to chat Board members.

McGill indicated there are additional chat restrictions available to the host and co-host to limit ability of attendees to chat between themselves or to the Commissioners. She recommended formalizing a signup process enabling individuals to speak. Moving to a registration process with a free-form field containing instructions on how to offer comments might be an approach; McGill will look into the matter further.

Augerot does not want to make this a cumbersome process for participants but recognized they need a different level of access to be able to speak.

Wyse asked if a person can be upgraded from an attendee to a panelist by the host if they wish to speak.

McGill was unsure about Zoom's current capabilities but is aware of other meeting software that does offer this feature.

Loerts said if the Board wishes to go with the webinar concept, a key step is to limit the amount of work for Board staff. If panelists are identified before the meeting, it will be much less distraction for staff. Implementing a second co-host will take some of the burden away from the Board Recorder to monitor attendees. With a standard Zoom meeting with registrations, there are a few more options, and participants can be allowed to share video and audio if it has been enabled by the co-host.

Kwiatkowski noted almost all regional municipalities have a request for public comment form online using a valid email address. An opportunity to leave their comment in the registration form is offered, as well as options to sign up to make comments during the meeting, in-person or virtually. If the virtual option is selected, no matter whether the county uses Zoom with registration or Webinar, those authorized participants are identified. There would be an additional benefit of better capturing public comments.

Loerts said IT researched meeting management software that includes a feature allowing participants to identify themselves if they want to make a public comment, which should streamline the integration of meeting management software with virtual meeting software.

Augerot had a question about steps and procedures as there is other software scheduled to integrate with the existing software.

Wyse asked about individuals who might register with the belief they do not wish to make a public comment during a meeting and then later change their mind. She wants to ensure protections and security are enabled while also providing an opportunity to comment.

McGill said no matter if the Board chooses meeting or webinar format, there is always the chat option directly to the hosts.

Kwiatkowski confirmed there will be a staff member monitoring the meeting attendees and chat, almost like a facilitator.

Augerot noted Wyse monitors the chat from the dais, and it is challenging as individuals do directly chat the commissioners.

Wyse said the chat feature is helpful when there are audio issues.

Kwiatkowski explained a protocol would be needed in the case of an individual who chatted the host or cohost to say they would like to express their opinion on this topic; as well as a protocol to release the chat to the Chair.

Loerts indicated that without these protections in place, attendees up until this point have been able to chat each other and it should be a matter of public record, but it is not recorded, exposing the county to risk.

Wyse wishes to avoid provocative comments between attendees.

Augerot asked in terms of an enhanced Zoom meeting with waiting room and registration versus the Zoom webinar, the biggest difference is the ability in webinar to designate levels of access in advance of the meeting. McGill and Loerts confirmed this.

Augerot has attended meetings where the webinar was in use and has seen the flexibility around a cohost who can shift an attendee to panelist status in the moment.

She has no strong feeling about Zoom meeting versus Zoom webinar. If the Board decides to use the enhanced features of Zoom meeting, Augerot felt the issue was how much of a burden it would place on staff. Kwiatkowski said the biggest change would be the requirement for registration. Augerot wondered about being able to register after the meeting starts and still getting access. It is an important feature; people should not have to know the day before they want to comment. McGirl confirmed registration is possible after the meeting begins.

Loerts said the issue is the meeting link was being made publicly available well in advance of the meeting time. With Zoom registration, the link would take them to a form instead, which provides built-in security. It is not foolproof; if an individual really wanted to disrupt a meeting, they can go through the motions of filling out the form and providing an email address. Having the co-host and lobby is the key to managing if we move to the registration process. We could likely also extend the meeting registration window because it is more secure than having the direct Zoom link published. The registration link could be posted a few days before the meeting rather than the morning of the meeting.

Augerot felt it would be beneficial. She wondered about Board meetings versus all advisory committee meetings and the level of formality desired. Augerot mentioned an incident with an advisory committee that was not a Zoom bomb but rather an open microphone and an outburst from a member.

McGirt reported webinars were implemented for the Benton County Talks Trash (BCTT) meetings. At the time, there was no registration option, so the choices were a meeting or webinar. Community Development decided to utilize the meeting option.

Loerts confirmed Zoom is primarily a public meeting platform, and all county meetings created from our Zoom platform could have some of these basic settings.

Augerot said a waiting room is always a good idea and was hopeful preregistration for advisory board and committee meetings would also be a good idea but noted it will be a change for people.

McGirt said staff could, when setting up a Zoom webinar or meeting with registration, send invitations directly to people who would simply need to accept the invitation to register. With the advisory committee roster, the attendees are known; the staff who manage those meetings can issue invitations directly to attendees. The registration invitation would just need to be accepted.

Loerts noted a protocol was identified to shut down a meeting, which can be managed by the co-host who is also monitoring attendance and chat. The primary step is to stop the Zoom meeting by placing attendees in the waiting room and posting a message indicating the meeting will resume shortly. This prevents having to create a new meeting and sending out new registrations.

Augerot was thinking about the protocol for advisory boards and committees and realized training is needed for the support staff.

Wyse wondered if there would be a financial impact to these changes. McGirl replied two Zoom webinar certificates were purchased for different county projects, and one could be transferred to the BOC.

Kwiatkowski confirmed an additional staff person would be in the meeting, taking them away from other duties, but she felt the return on investment versus disrupting government for online constituents has value.

Loerts said John Harris from Horsepower Productions has a role distinct from the cohost; he acts as a producer, managing camera views, microphones, and the in-room experience, as well as monitoring the external YouTube Livestream.

Augerot asked about posting the completed videos to Facebook, though Facebook will no longer be the primary livestream platform

Kwiatkowski indicated a link will be placed on Facebook directing users to the YouTube livestreaming video. Regional partners are mostly using YouTube, which will provide a consistent experience to community members and increases accessibility. The county website event page will also get a YouTube livestream link, along with the agenda, meeting packet, and minutes summary.

Malone shared he felt the county was slow reacting; this has been going on for a year. BC needs to balance being open and secure. Physical attendees at a meeting share their address when they wish to speak for the record. It makes sense to do the same for online attendees, but he offered a caution temporary or spoofed email addresses can be created for free and are difficult to trace to an individual. Malone felt it made sense to require online attendees to register their information to make it equal to what is required of in-person attendees.

Augerot summarized the conversation with a shift to Zoom webinar for Board meetings, and the assumption it would be the same for the Planning Commission. McGirl said she would confirm the current state, but indicated some past meetings had been conducted via Webinar.

Augerot said with most of the other advisory committee meetings, the recommendation is a Zoom Meeting with waiting room and pre-registration.

Loerts confirmed and did want to say some of those meetings, typically the ones with a predefined group, are already using Teams. Augerot noted the Home, Opportunity, Planning, and Equity (HOPE) Advisory Board is using Teams, as is the Mental Health, Addictions, and Developmental Disabilities Advisory Council (MHADDAC).

Loerts said the settings of Teams meetings align closely with the proposed Zoom changes, including the waiting room for attendees. Generally, only the attendees are receiving the link via invitation.

Wyse did not feel strongly about Zoom registration or webinars for advisory boards and committees.

Augerot explained the issues are not intentional disruptions but rather opinions being expressed via unmuted microphones which disrupt meetings unintentionally. She recommends offering training on monitoring and moderation when speaking with advisory boards and committees, which is now part of the role with virtual meetings.

Wyse said using the Historic Resources Commission (HRC) as an example, there are often problems with the meeting links sent at the last minute, with people finding it challenging to get into a meeting. Zoom would send a link directly, which would be helpful, versus staff trying to send out links directly. Augerot noted there are inconsistencies across advisory committees at the moment. Wyse felt some of it was human error.

Loerts noted one other distinction between Teams and Zoom is some advisory groups are using some of the collaborative features of Teams that are not available in Zoom, such as sharing documents.

Augerot felt it was both a training issue and one of familiarity; as of yet there has been no attempt to educate or bring people to consistently using one platform.

Kwiatkowski confirmed a move to the Zoom webinar for BOC meetings, which will require preregistration and definition of roles for staff. She then asked about the work of advisory boards and committees and the ease and availability of collaborative tools available on Teams. If there is a decision, will there be further discussion, or would the Board allow them to make platform decisions based on what works best for their objectives and group members.

McGill said when BC first began to transition from the GoToMeeting platform, she developed a best practices document with recommendations for platforms suitable for specific types of meetings. This could be shared with staff.

Augerot agreed and noted it would also be helpful to know which advisory boards and committees are using which platform and how they would be affected when decisions of this type are made.

Loerts explained the county web pages for advisory boards and committees could list the meeting platform used by a particular group.

Augerot agreed it would be helpful. She would also like to see consistency in the available post-meeting information.

Kwiatkowski explained as a related matter, three proposals were received for the Agenda and Meeting management platform software, and the committee will begin meeting soon to look at those. All three invited vendors offer unlimited boards, commissions, and committees on their platforms. If BC does move forward with a platform, there is a tremendous opportunity to streamline procedures and information.

No matter where a user clicks, Planning Commission or Natural Resources, all the components will be visible, similar to what is currently on the Board's webpages.

Augerot mentioned similar to the shift from livestreaming on Facebook to livestreaming on YouTube, the assumption is the corresponding shift to pre-registration would have some transition time for the public to become used to new procedures and reduce frustrations.

Kwiatkowski recommended allowing people time to adjust and develop messaging. This is more robust than simply moving to web streaming; she would like to engage the Public Information Officer (PIO) and IT Department to develop strategies for the change.

Augerot felt three episodes of meeting disruption was enough and thanked Kwiatkowski for her ideas and information.

MOTION: Malone motioned to approve the use of Zoom Webinar for Board of Commissioners meetings, seconded by Wyse, **which carried, 3-0.**

3.4 Discussion and Action Regarding Adoption of Resolution No. 2024-004 – Endorsement of the State-based Universal Health Care Act (House Resolution 6270) – Commissioner Xanthippe Augerot

Augerot indicated that last week a request was received from community member Mike Huntington discussing Healthcare for All Oregon, suggesting a resolution to support a House Resolution 6270 to go to Congress in the matter of endorsement of the state-based Universal Health Care Act of 2023. This particular resolution expresses support for the bill, which would provide an easier pathway for a state to adopt universal health healthcare legislation. Currently, Oregon is a leader in moving in that direction, and a universal healthcare approach received a good deal of support at the State Legislature. There is currently a commission working to set up a proposal for universal healthcare in Oregon; this resolution would be one more piece to facilitate the outcome. Augerot did not know where the other two Commissioners stand with respect to this movement and was looked forward to a discussion.

Augerot said the resolution does not have the effect of doing or implementing anything, nor does House Resolution 6270 actually implement anything. It simply facilitates the path for the State of Oregon to implement its own legislation.

MOTION: Malone motioned to adopt Resolution No. R2024-004 endorsing the State-based Universal Health Care Act (House Resolution 6270), seconded by Wyse, **which carried, 3-0.**

3.5 Sponsorship Request: Rotary Club of Philomath 2024 Salmon and Jazz Event – Board of Commissioners

Augerot indicated the County received a sponsorship request from the Rotary Club of Philomath for the 2024 Salmon and Jazz event. The County supported the 2023 event.

MOTION: Wyse motioned to approve sponsorship of the Rotary Club of Philomath's 2024 Salmon and Jazz Event in the amount of \$250, seconded by Malone, **which carried, 3-0.**

Addition to the Agenda, placed after Item 3.5: *Consideration of National Association of Counties (NACo) Membership Dues

Augerot noted the NACo dues are much more affordable than Association of Oregon Counties (AOC) dues. The amount this year is for \$1,712. Augerot sought Board approval to pay the 2024 dues.

Wyse supported the dues amount and believes NACo offers good value, especially the legislative conference and the opportunity to meet other delegates.

MOTION: Malone moved to approve payment of NACo dues for 2024 in the amount of \$1,712; Wyse seconded, **which carried 3-0.**

(Exhibit 3: NACo Invoice No. 202325854)

3.6 County Administrator Updates – Rachel McEneny, County Administrator

McEneny reported on recent activities:

- completed six weeks International County Management Association (ICMA) modernizing budgeting course toward ICMA certification
- attended Coastal and Valley City Managers and County Administrators meetings
- attended an AOC summit with discussion around Measure 110 reforms implementation
- a Crisis Center needs survey to review
- completing pay equity implementation
- participated in visit of Congresswoman Val Hoyle to the community
- met with Corvallis City Councilor Paul Schaefer for a tour of the Corvallis Museum
- attended a Rotary club luncheon
- participated in an extensive tour of the Boys and Girls Club
- ran in the 5K Corvallis run
- attended the Corvallis Arts Center open house

McEneny also shared upcoming activities:

- a briefing with UPD Consulting about Board preferences for the EDI position, emphasizing change management and performance management
- the Jails and Justice Center National Prison Group Debrief, working with the Sheriff and Cramer to move forward with conversations for a new correctional facility
- a meeting with Christopher Jacobs from the Corvallis-Benton County Economic Development Office
- attending the House Bill 4123 summit on rural homelessness in Salem

- being interviewed by the Harvard Kennedy School by Grace Fisher for an alumni story
- a tour of the Corvallis Daytime Drop-in Center with Allison Hobgood
- Professional organizational activities include:
 - National Association of County Administrators
 - Linn-Benton Women's Leadership Group
 - HOPE Advisory Board Meeting

3.7 Commissioner Updates – Board of Commissioners

Crager explained the application opened today for the Criminal Justice Commission's (CJC) deflection program under House Bill 5204. Crager now has access as the point of contact and will attend a webinar on April 13, 2024. Crager will work with the Sheriff and District Attorney to determine how to respond to it and will keep the Board updated.

Augerot said the CJC posted the amounts of the allocation formula for the funds coming to BC for this purpose, and they are not large; half of the full allocation is approximately \$50,000, which is sufficient for planning but insufficient for much more than that. Augerot believes BC should be looking at the Federal funds abundantly available now for implementation programs, and BC heard the warning from attendees at NACo about programs that may fold because of 10% across-the-board cuts in appropriations to many Federal justice programs. Funds are currently available, but there is no guarantee of funding in the next fiscal year. She felt BC should look at this situation very closely.

Crager said the formula currently shows BC at \$231,000. Augerot estimated it to be \$100,000 a month, which is not a great deal. A staff person in Health Services explained BC has most of the components needed for a deflection program, though we do not have a system set up yet. BC needs to determine how to meld the resources available between the core team, Sheriff's Office, harm reduction team, other community partners, and law enforcement, especially the Corvallis Police Department and define how the program would work. McEneny suggested this is a future Goal-setting meeting topic, even if it is only a brief update.

Augerot explained the proposal for the first half of the funding is about a paragraph, perhaps two questions. It is not a lot because the intent was to get the funds to the counties so planning could begin.

Crager shared an update received today which indicated the Emergency Operations Center could be up to 7,000 square feet. The Sheriff is satisfied with 600 square feet more than was previously discussed.

Wyse attended a Chamber of Commerce meeting last week that included a conversation about a debrief on Celebrate Corvallis. If anyone has feedback on the event, please share it with the Board Chair or with Wyse directly. Wyse believed it was a good event. The organizers would like to know what could be done better and any concerns people might have such as how award recipients were chosen and what methodology was used to determine the recipients.

Wyse chaired the local Officials Advisory Committee (OAC) on April 8; it is advisory to the Land Conservation and the Development Commission (LCDC) and the Department of Land Conservation and Development (DLCD). Policy option packages for the 2025 budget were presented. They have \$40 million in funding requests they understand they will not receive. Wyse provided feedback about what is important to cities and counties; the committee also includes city councilors and mayors. One concerning piece called out by AOC and League of Oregon Counties (LOC) has to do with the Housing Accountability and Production Office (HAPO). The way HAPO is budgeting protects their FTEs so staff will be available to assist counties and cities, but it does not lock in funding. Funding is still dependent on the legislature from year to year, so it may mean considerable work with the legislature. The OAC will share this concern with the LCDC. If there is feedback on the issue, Wyse is happy to pass it along. Attendance is welcome at the next LCDC meeting as they are public meetings.

Wyse shared two events happening on the evening April 10: a Corvallis Chamber of Commerce forum for state and county candidates, which will be recorded and viewable afterward; and the Starker Lecture Series at Peavy Lodge.

Wyse also indicated OSU is hosting an Out of the Darkness campus walk on April 20 to raise awareness about suicide and prevention.

Malone pointed to Congresswoman Val Hoyle's visit on April 4 as a great opportunity to visit the BC projects she helped fund, such as the inadequate space at the Monroe Health Clinic that can now be addressed. Malone thanked Grogan for orchestrating the visit, which enabled the Commissioners to thank Hoyle and to connect with her staff, who are critical in sharing background and information about BC projects.

Malone spent time reviewing a summary from Crager and staff of the 2025 Congressionally-directed spending requests and current priorities. The Jackson Frazier boardwalk project may need \$800,000 to be completed; this is a project adjacent to the Greenbelt Land Trust and Owens Farm. Good Samaritan Regional Medical Center has acreage for trails on the other side of Route 99W; Malone has a follow-up meeting with Hoyle staffer Cheri Brubaker on April 11 to discuss. BC has several projects for which funding is being sought. Malone asked staff to compile a status report of current projects with estimated completion dates.

Crager noted status reports are objective and suggested an online dashboard as an easy, quick way to see the progression of BC's simultaneous projects. The information will become more refined over time and more accessible and transparent.

Malone reported attending a Town Hall for elected officials on April 7 with Senator Merkley and shared BC's current projects and asks for the next fiscal year. He will follow up with Merkley's staff. The meeting was also attended by opponents of the Republic Services landfill expansion, who presented information. Malone will reach out to Community Development about sharing BC's landfill information with Merkley's staff.

Malone attended a broadband meeting on April 4 at the new Alyrica headquarters in Philomath. Also in attendance were groups explaining available resources and how best

to access them. Rachael Maddock-Hughes, the rural broadband consultant for BC, also attended. Malone saw via AOC an opportunity to join a state broadband committee as a county commissioner. Augerot noted a resignation from the Tillamook Board of Commissioners freed up the position; David Yamamoto was an early and supportive proponent of broadband expansion.

Malone wondered if the investment of time would have value relative to the size of the group where a single voice may not have a large effect. Augerot felt Yamamoto was effective in terms of sharing county perspectives; the decision-making was shared with other counties and the state in terms of how broadband investments would be made. It is a question to pose to Maddock-Hughes.

Malone said applications are due by early May 2024, and he believed it was a gubernatorial appointment. Augerot replied sometimes it is an AOC appointment and sometimes it is state-wide notice of appointment.

Augerot attended the PRAX Open House on April 6 and noted many options for community participation in campus events and hosting various national and international groups. PRAX is focused on the intersection of arts, science, and technology, as well as a near-term significant emphasis on highlighting Native American traditions, art, and music interfacing with modern composing.

On April 2, Augerot attended a meeting of the Mental Health Addictions and Developmental Disabilities Advisory Committee (MHADDAC); Wyse also attended. Other attendees included several representatives from Moms Demand Action sharing a presentation on extreme risk protection order implementation. Not all states have red flag or extreme risk protection statutes allowing law enforcement to take guns away from people, though Oregon was an early adopter of the statute.

The action group wanted information regarding barriers, community awareness of the topic, and the frequency of use by law enforcement agencies. New opportunities to promote the statute to other communities in the county resulted from this discussion.

Augerot also participated in the Willamette Criminal Justice Council (WCJC) sequential intercept mapping workshop on March 20, which was hosted at Oregon State University and attended by approximately 45 to 50 people representing different aspects of the justice continuum from first encounter to reentry into the community. The mapping exercise is focused specifically on the intersection of the legal system with individuals with addictions or mental health diagnoses. The workshop was timely with regard to Measure 110 reform. Information was collected about how our system works the mapping; the information is returned as a draft document at the Lane Criminal Justice Council's Executive Committee. After some adjustments, it will be shared with the full committee. Augerot would like to see this topic on a Board agenda as it will help inform our Measure 110 deflection work because it is the context in which BC is operating. The group put forth perceived gaps in the system solicited from all participants in the workshop, ranked them into five top priorities, and developed an action plan to address those gaps, which will be included in the draft report. Augerot recommended a Goal-

setting meeting as a good venue for a discussion regarding work to deflect addiction or mental health issues away from the legal system.

Augerot and Van Arsdall spoke with Mike Jackson of the National Institute of Corrections based in Washington DC, which offers four training series from conceptualization to implementation through staffing and operations of a new correctional facility. This is another topic to include in a Goal-setting meeting, as well as discussion about when to initiate those trainings and process. Augerot noted these trainings can engage community members in the process, but there is an issue of timing and community interest with regard to a potential bond measure. Johnson has worked in corrections and been engaged with jail construction projects around the country in different-sized municipalities; he is aware of the kind of information communities need and want. The trainings and travel are zero cost.

Wyse wondered about these resources being offered in previous years during jail replacement investigations and efforts.

Augerot said in her first term as a commissioner, someone mentioned the National Institute of Correctional Resources. At the time, Sheriff Jackson and Jail Commander Diana Rabago participated in a workshop in Colorado. The current model brings the workshops to the jurisdiction and can then focus on county-specific issues in context. Augerot felt the current programs have been continually refined since 2018 and would be excited to see BC could take advantage of these resources.

Augerot continues to attend Community Health Centers (CHC) Board of Directors meetings; a recent topic was the budget issue, which was presented to the Commissioners by Crager and the Financial Services team. Augerot has also been attending the local Government Advisory Committee meetings, which are Oregon Health Authority and Oregon Department of Health and Human Services-based and focused primarily on public health, housing, and behavioral health contracts. Augerot has also agreed to participate in a six- to eight-month workgroup on behalf of Behavioral Health (BH) programs to look at streamlining BH funding; the ask came from AOC. She will work with Crager and Sands of BC BH to ensure good representation. Augerot indicated she will attend the House Bill 4123 Summit on April 15.

Augerot spoke with Bryan Steinhauser of the Early Learning Hub over clashing priorities of childcare facilities and BC's land use and code issues. The Hub and people focused on accelerating the availability of childcare face a barrier in terms BC's environmental health and code issues. A lesser issue about septic tanks was mentioned; there is a larger issue stemming from the Oregon Department of Transportation regarding safety features on roadways. Augerot mentioned it since commissioners may hear more about it, and it is likely not the final time BC will face this issue. At least one other local employer is considering onsite childcare and will likely face similar issues. BC should begin considering how to address these issues and be as collaborative as possible to solve them. It takes resources up front for a childcare business to invest in these safety improvements and upgrades; without revenue from new childcare slots, they are unable to even begin the work. Augerot wondered about a pathway for the county to help with a grant, payment plan, or somehow creatively address these issues.

Augerot shared there was a leadership change with the executive director of the Casa Latinos Unidos organization, which holds an ARPA (American Rescue Plan Act) grant through the county. The slated presentation on microenterprises will have to be postponed; this change also affects its Stand By Me program with the Oregon Cascades West Council of Governments (COG) as Casa Latinos Unidos has been a major partner for them as well.

Augerot asked Commissioners about the scheduled April 18 meetings with the Juvenile Department, Sheriff's Department, and District Attorney (DA); the DA is not available. Since the last quarterly meeting was dropped and the current quarterly meeting has already been rescheduled once, Augerot asked what the other commissioners would prefer to do. Wyse and Malone both preferred to keep the meeting with the Sheriff and Juvenile Director and reschedule with the DA.

Malone also shared he was made aware of OSU and partners receiving a significant intermediate grant on microfluidics. He spoke with OSU Provost Edward Feser who mentioned the possibility of a large number of local jobs arising from the grant, which would have an effect on local housing. Augerot noted this is one of two technology hub centers at OSU; the other focuses on cross-laminated and mass timber.

Malone expressed concern this development was not discussed or shared informationally at the local level. He wondered about the effects on the housing and transportation infrastructure in BC.

Augerot said the microfluidics partnership with Hewlett-Packard (HP) will attract more people. HP has been applying for CHIPS (Creating Helpful Incentives to Produce Semiconductors) Act funding; a significant HP expansion will be the driver for those jobs. Augerot would like to resume direct conversations with HP colleagues but mentioned some leadership change. She also noted the lack of regular contact with the university's government relations team after the departure of Steve Clark from OSU, though President Jayathi Murthy is responsive to outreach. Paul Odenthal was named as an additional point of contact. Augerot would like to strengthen ties with the university and said the county needs to stay engaged with discussions around OSU and HP.

McEneny noted BC's Community Development Director is a representative on the employee housing component; those meetings are led by Odenthal and include the City of Corvallis, Boys and Girls Clubs, and Good Samaritan Regional Medical Center, which is investing in building its own employee housing.

Augerot noted those conversations are ongoing, and the county needs to ensure HP remains engaged in that arena.

Wyse reported she is on the Executive Committee for the Cascades West Economic Development District and recalled approving a letter of support for OSU's microfluidics program in the past.

Augerot received an email noting the week of April 8 as Artificial Intelligence (AI) Week for OSU with a series of webinars, seminars, and panels focused on AI. The Chief Economic Officer (CEO) of Nvidia is speaking on April 12.

McEneny reported some of BC's IT team are attending the AI series for training and continuing education. It is a topic of discussion at NACo and within ICMA trainings.

Malone had some conversations with Representative Rayfield and felt it would be a good idea to name a building or otherwise recognize Rayfield's considerable efforts on behalf of BC. An obvious choice is the building at 4185 SW Research Way, which will be in operation fairly soon. Wyse agreed it was a good idea to recognize and honor Rayfield but felt a prominently displayed plaque would be more appropriate. Augerot reminded there is a county naming policy and noted at the state and federal level, geographic places are no longer named after people due to perceptions changing over time, though this is not mentioned in BC's naming policy. McEneny acknowledged Rayfield has been instrumental with the Crisis Center and other structures.

Augerot said there are unnamed buildings and is open to discussing the matter further. Rayfield has been a major supporter of BC and Augerot is happy to acknowledge that.

Malone would like to recognize the work Rayfield has done for Benton County. Malone also shared a conversation he had with DA Haroldson during a courthouse tour where the DA indicated he would like a plaque at the Historic Courthouse opposite the plaque for former Sheriff Diana Simpson.

Augerot and Wyse noted Haroldson was Oregon's first Latinx DA and the longest-serving DA in the state. The Historic Courthouse makes sense as the location of a plaque to honor Haroldson's service.

6. Other

No other business was discussed.

7. Adjournment

Chair Augerot adjourned the meeting at 12:20 PM.

Xanthippe Augerot, Chair

Amanda Makepeace, Recorder

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

NEW BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/12/24

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Toby Lewis

Phone Extension * 6296

Meeting Attendee Name * Toby Lewis

Agenda Item Details

Item Title * Discussion of Pre-Implementation Compliance Measures (PICM) for Integration of National Flood Insurance Program and Endangered Species Act

- Item Involves *** Check all that apply
- Appointments
 - Budget
 - Contract/Agreement
 - Discussion and Action
 - Discussion Only
 - Document Recording
 - Employment
 - Notice of Intent
 - Order/Resolution
 - Ordinance/Public Hearing 1st Reading
 - Ordinance/Public Hearing 2nd Reading
 - Proclamation
 - Project/Committee Update
 - Public Comment
 - Special Report
 - Other

Estimated Time * 40 minutes

Board/Committee Involvement * Yes No **Advertisement *** Yes No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*

Board direction is requested regarding choice of Pre-Implementation Compliance Measures (PICM) option to be communicated to the Federal Emergency Management Agency (FEMA) consistent with a court mandated Biological Opinion for integrating the National Flood Insurance Program (NFIP) and the federal Endangered Species Act (ESA)

Options*

1. Take no action; or
2. Direct staff to communicate chosen Pre-Implementation Compliance Measures option to FEMA by December 1, 2024; or
3. Direct staff to pursue any other option the Board deems appropriate.

Fiscal Impact*

- Yes
 No

2040 Thriving Communities Initiative

Mandated Service? * Yes
 No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

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

Upon completion of FEMA's National Environmental Policy Act (NEPA) review process, the Department of Land Conservation and Development (DLCD) will require County documentation of adopted regulations that ensure that authorized development in the floodplain is consistent with Endangered Species Act regulations.

FEMA is beginning a phased approach to working with communities for implementation of required interim development standards in 2025.

- Communities must choose an interim compliance option by December 1, 2024.

- Communities will be required to implement compliant regulations in order to continue participating in the National Flood Insurance Program.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- NA

Explain Core Values Selections * Implementation of development standards that ensure protection of endangered species habitat in flood hazard areas helps ensure environmental health which protects and benefits aquatic species, improves vegetation and land health, and encourages healthy interactions between humans and the environment.

Focus Areas and Vision *

Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

Explain Focus Areas and Vision Selection *

Improved riparian and floodplain habitat functionality provides environmental and natural resource benefits as well as maintaining natural areas for outdoor recreation and enjoyment.

Minimization of structural development within mapped flood hazard areas also leads to improved community safety and improved emergency preparedness

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations*

1. Choosing Pre-Implementation Compliance Measure Option 2: Requiring a permit-by-permit review based on a habitat assessment and mitigation plan documenting compliance with the no-net-loss standards identified by FEMA;
2. Communicating this choice to FEMA by December 1, 2024; and
3. Including a statement recognizing that this option cannot be implemented immediately, and that implementation could reasonably occur within 12 months of receiving confirmation the Habitat Assessment Guidance document has been finalized.

Meeting Motions*

I move to ...
... direct County staff to communicate Benton County's chosen Pre-Implementation Compliance Measure option and implementation needs to FEMA by December 1, 2024.

Meeting Motion

I move to direct County staff to communicate Benton County's chosen Pre-Implementation Compliance Measure option and implementation needs to FEMA by December 1, 2024.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

| | |
|--|----------|
| 1. 2024-10-30_Memo_Talking Points_FEMA NFIP-ESA BiOp PICM.pdf | 226.54KB |
| 2. 2024-07-15_FEMA Pre-Implementation Compliance Measures Letter_Benton County.pdf | 147.86KB |
| 3. 2024-08-25_AOC_FEMA BiOp to Impact Local Communities.pdf | 67.16KB |
| 4. 2024_08_22_Oregon Delegation_Letter to FEMA_BiOp.pdf | 172.43KB |
| 5. 2024-09-26_Governor Kotek_Letter to FEMA_BiOp.pdf | 133.2KB |
| 6. 2024-10-04_DLCD_PICM FAQ sheet.pdf | 365.96KB |
| 7. 2024-10-21_FEMA Region 10_Presentation to Oregon Floodplain Managers Group.pdf | 489.82KB |
| 8. 2024-10-30_powerpoint slides for FEMA BiOp_PICM Implementation Discussion.pdf | 2.14MB |

Comments (optional) If you have any questions, please call ext.6800

Department Approver PETRA SCHUETZ

MEMORANDUM

DATE: October 30, 2024

TO: Benton County Board of Commissioners

FROM: Toby Lewis, Floodplain Administrator – Benton County Community Development

SUBJECT: Discussion regarding Pre-Implementation Compliance Measures (PICM) direction to be communicated to the Federal Emergency Management Agency (FEMA) consistent with a court mandated Biological Opinion for integrating the National Flood Insurance Program (NFIP) and the federal Endangered Species Act (ESA)

Staff presented information about the Pre-Implementation Compliance Measures to the Board as part of a Cooperating Agency status update on August 20, 2024, and as part of the Floodplain Program Quarterly Updates on September 17, 2024.¹

As stated in the FEMA Pre-Implementation Compliance Measures letter issued by FEMA on July 15, 2024, Oregon communities within the plan area for integration of the National Flood Insurance Program and the Endangered Species Act must choose a PICM option by December 1, 2024 and communicate that choice to FEMA. Available options identified in the letter are:

1. Adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard;
2. Choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or
3. Put in place a prohibition on floodplain development in the Special Flood Hazard Area.

As a community that participates in the National Flood Insurance Program and is located within the identified plan area, Benton County must communicate the following to FEMA by December 1, 2024:

- The chosen Pre-Implementation Compliance Measures option;
- What is needed in order to be able to implement the chosen PICM option; and
- An estimated timeline in which the PICM option could reasonable be implemented.

Implementation Timeline

FEMA has identified the following timeline for communities that wish to remain in good standing with the National Flood Insurance Program and continue to be eligible for federal disaster assistance funds:

- **Dec. 1, 2024** | Deadline | Communities notify FEMA of chosen option for Pre-Implementation Compliance Measures (PICM)

¹ The reference information section at the end of this memo identifies (1) key floodplain and habitat functions communities are required to protect and (2) options available per the interim Pre-Implementation Compliance Measures requirements.

- **Dec. 1, 2024** | Implementation | Communities begin implementing their chosen PICM option
- **Jan. 1, 2025** | Implementation | Communities begin documenting² compliance with their chosen PICM option for all floodplain development
- **Jul. 31, 2025** | Deadline | Communities that chose to adopt the interim model ordinance as their PICM option must have the ordinance adopted
- **Jan. 1, 2026** | Reporting | Communities begin reporting to FEMA on compliance with no net loss of protected habitat standards (based on chosen PICM option) for all floodplain development³
- **2026 - 2027** | Communication | FEMA finalizes and communicates final habitat protection implementation requirements and deadlines to local jurisdictions
- **2027** | Implementation | Estimated timeframe for community implementation of final compliance pathway

Implementation Considerations

Adoption of an interim model code (Option 1) and implementation of a permit-by-permit review based on submission of a habitat assessment (Option 2) both require:

- Adoption of revisions to the Benton County Development Code⁴,
- Compliance with no net loss standards identified by FEMA,
- Applicant submission of information to document project compliance with the no net loss standards, and
- County issuance of an approval (or denial) for the project proposal.

The key difference between these two options is that Option 1 requires adoption of the no net loss standards directly into the county ordinance whereas Option 2 allows for adoption of the no net loss standards by reference.

Prohibition of all development in Benton County Special Flood Hazard Areas (Option 3) until implementation of a different interim or final habitat protection measure seems infeasible given current levels of development in the county.

Recommended Action

Based on available information provided in FEMA documents, presentations, and in-person workshops, staff recommends Option 2: Requiring a permit-by-permit review based on a habitat assessment and mitigation plan documenting compliance with the no net loss standards identified by FEMA.

Staff also recommends inclusion of a statement recognizing that this option cannot be implemented immediately, and that implementation could reasonably occur within 12 months of receiving confirmation that the Habitat Assessment Guidance document has been finalized.

² FEMA is developing a reporting tool that communities will be required to use for documentation of habitat impacts in mapped flood hazard areas.

³ Reporting is an annual FEMA requirement that will continue through both the interim and final implementation phases.

⁴ As conferred by Benton County legal counsel, the permit-by-permit review (Option 2) requires an amendment of the Benton County Development Code in order to implement the requirement and reference the no net loss standards that must be met.

Reference Information

- **Key floodplain and habitat functions to protect:**

| <i>Maintain</i> | <i>Measurable Metric</i> |
|---------------------|---|
| Undeveloped space | Volume of space available to store flood water |
| Water quality | Amount of impervious surface |
| Riparian vegetation | Trees at least 6 inches in diameter breast height (dbh) |

- **Pre-Implementation Compliance Measures options** for implementation of interim compliance requirements:

| <i>Option</i> | <i>Description</i> |
|---------------|---|
| 1 | <i>Model Code:</i> Adopt and implement the interim Oregon model ordinance requiring mitigation of development to the no net loss standards |
| 2 | <i>Permit-by-Permit:</i> Require a habitat assessment and mitigation plan for every development project in the mapped special flood hazard area demonstrating compliance with the no net loss standards |
| 3 | <i>Prohibition:</i> Prohibit all development in mapped special flood hazard areas |



FEMA

July 15, 2024

Xanthippe Augerot
4500 SW Research Way
P.O. Box 3020 (Mailing)
Corvallis, Oregon 97339

Dear Xanthippe Augerot:

The purpose of this letter is to announce the start of the United States Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Pre-Implementation Compliance Measures (PICM) for National Flood Insurance Program (NFIP) participating communities in Oregon. The intent of PICM is to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA). These measures include coordination with communities to provide appropriate technical assistance, help identify available resources, deliver trainings, and facilitate workshops to ensure on-going community participation in the NFIP. These pre-implementation compliance measures will assist communities in preparing for the Final NFIP-ESA Implementation Plan by helping them develop short and long-term solutions to ensure their on-going participation in the NFIP.

FEMA is currently conducting a National Environmental Policy Act (NEPA) evaluation of impacts associated with the Oregon NFIP-ESA Implementation Plan. FEMA developed this plan, in part, due to a Biological Opinion in 2016 from National Marine Fisheries Services. The Biological Opinion recommended specific measures for FEMA to take to avoid jeopardizing endangered species, including interim compliance measures. The release of the Final Implementation Plan (Plan) is anticipated by 2026, following the Record of Decision in the Environmental Impact Statement (EIS) process, then FEMA will fully implement the Plan in 2027.

FEMA has heard concerns from several communities regarding challenges they are facing to meet the expectations of this Plan. To provide communities with the support needed to incorporate ESA considerations to their permitting of development in the floodplain, FEMA will inform, educate, and support our Oregon NFIP participating communities through the PICM before the Final Implementation Plan is released.

NFIP participating communities in Oregon must select one of the PICM pathways which include the following: (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or (3) putting in place a prohibition on floodplain development in the Special Flood Hazard Area (SFHA). Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway. Communities will be required to report their floodplain development activities to FEMA beginning in January of 2025. Failure to report may result in a

compliance visit.

As a part of the PICM, FEMA will implement a delay in the processing of two types of Letters of Map Changes in the Oregon NFIP-ESA Implementation Plan area, specifically Letters of Map Changes associated with the placement of fill in the floodplain: Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) requests. This action was specifically requested by NMFS in their 2016 Biological Opinion and serves to remove any perceived programmatic incentive of using fill in the floodplain. This delay in processing will begin on August 1, 2024, and will be in place until the Final Implementation Plan is released.

Your community's ongoing participation in the NFIP is critical, as it provides access to flood insurance for property owners, renters, and businesses. In Benton County there are currently 169 of NFIP policies in force representing \$42145000 in coverage for your community.

FEMA will be conducting informational virtual webinars this summer to provide an overview and status update for the Oregon NFIP-ESA integration, introduce the Pre-Implementation Compliance Measures, and provide an opportunity for Oregon NFIP floodplain managers to ask questions of FEMA staff. In the fall, FEMA will hold workshops to provide in-depth opportunities for local technical staff to work with FEMA technical staff, to understand and discuss issues relating to the PICM.

The webinars will be held virtually over Zoom. The information at each webinar is the same so your jurisdiction only needs to attend one. You can register for a webinar using the links below.

- Wednesday, July 31 at 3-5pm PT: <https://kearnswest.zoom.us/meeting/register/tZEkc-murjstGdPJiFioethjRk-id8N-k0hj>
- Tuesday, August 13 at 9:30-11:30am PT: <https://kearnswest.zoom.us/meeting/register/tZAod-isrTsqGN0KqckRLPPeaZuu4rv96lcR>
- Thursday, August 15 at 2-4pm PT: https://kearnswest.zoom.us/meeting/register/tZlqcOGpqDojHtTXaa946aI9dMpCTcJIH_zt
- Wednesday, August 21 at 12:30-2:30pm PT: <https://kearnswest.zoom.us/meeting/register/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9gY>

FEMA will also develop a questionnaire to allow communities to identify how they currently incorporate or plan to incorporate ESA considerations, both in the short-term and long-term. To assist communities in making this determination, FEMA will be offering guidance on the potential pathways that help ensure current compliance. Communities will also be asked to help identify what technical assistance and training would be most beneficial. Feedback from this questionnaire will drive FEMA's engagement and outreach.

Upon completion of the Environmental Impact Statement review and determination, the Final Implementation Plan will be distributed along with several guidance documents and a series of Frequently Asked Questions. FEMA will also be starting NFIP Compliance Audits, in which we will be reviewing permits issued by communities for development in the floodplain and will expect the community to be able to demonstrate what actions are being taken to address ESA considerations.

If you have any questions, please contact us through our project email address fema-r10-mit-

Augerot
July 15 2024
Page 3

PICM@fema.dhs.gov. Thank you for your community's on-going efforts to reduce flood risk in your community and for your support as we worked toward these milestones.

Sincerely,

A handwritten signature in blue ink, appearing to read "Willie G. Nunn", with a horizontal flourish extending to the right.

Willie G. Nunn
Regional Administrator
FEMA Region 10

cc: TobyLewis, Benton County
John Graves, Floodplain Management and Insurance Branch Chief
Deanna Wright, Oregon State National Flood Insurance Program Coordinator

Enclosure: Pre-Implementation Compliance Measures Fact Sheet

Association of Oregon Counties

<https://oregoncounties.org/fema-biop-to-impact-local-communities/>

FEMA BiOp to Impact Local Communities

Aug 25, 2024



After years of action by Congressman Peter DeFazio (D-OR) to delay the implementation of the new National Marine Fisheries Services (NMFS) Biological Opinion (BiOp), which would make significant changes to the implementation of the Federal Emergency Management Agency's

(FEMA) National Flood Insurance Program (NFIP), a letter was sent to impacted jurisdictions in mid-July.

That letter stated local jurisdictions within the NFIP would be required to have in place "Pre-Implementation Compliance Measures (PICM)" no later than Dec. 1, 2024. The purpose of these PICMs according to FEMA were to "ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act."

NFIP participating communities in Oregon must select one of the PICM pathways laid out by FEMA:

1. Adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard.
2. Choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis.
3. Put in place a prohibition on floodplain development in the Special Flood Hazard Area.

These PICMs must be in place until the release of the Final Implementation Plan and implementation in 2027. If an impacted jurisdiction does not pick a PICM pathway by the Dec. 1 deadline and notify FEMA of their selection, they will default to a permit-by-permit basis (Option 2).

FEMA defines "development" in their model ordinances as "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."

FEMA's draft guidance states the following actions are not required to have a habitat assessment or a new floodplain permit issued, as these activities, according to FEMA, do not meet the NFIP definition of "development." However, any other applicable federal, state, or local requirements

still must be met. If the activity is not one of the exemptions listed below, a new floodplain permit and/or habitat assessment will be required before a project can begin.

1. Routine maintenance of existing landscaping that does not involve grading, excavation, or filling.
2. Removal of noxious weeds, hazard trees, and replacement of non-native vegetation with native vegetation.
3. Normal maintenance of above and below ground utilities and facilities (e.g. replacing power lines and utility poles).
4. Normal road maintenance, but not including the expansion of the road system. (e.g. filling potholes, repaving, installing signs and traffic signals).
5. Normal maintenance of a levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion, or addition of material.
6. Plowing and other normal farm practices on legally existing agricultural areas. Any new structure / filling, or the addition of land by way of clearing will likely require both a development permit and a habitat assessment.

FEMA's draft guidance also states the following actions are required to have a permit but not a habitat assessment.

1. Normal maintenance, repairs or remodeling of structures provided such work does not constitute a substantial improvement or repair of substantial damage. To comply, the cost of such work must be less than 50% of market value of the structure.
2. Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat and riparian areas –provided these activities do not include structures, grading, fill, or impervious surfaces.
3. Development of open space and recreational facilities (parks, trails, etc.) provided they do not include structures, fill, or the removal of more than 5% native vegetation.
4. Repair to onsite septic systems, provided the ground disturbance is the minimal necessary and best management practices are followed to prevent stormwater and soil erosion.
5. Projects that have already received concurrence under another ESA following permit (e.g. US Army Corps of Engineers 404 permit).
6. Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the Ordinary High-Water Mark is still outside of the face of the bulkhead.

As outlined in the guidance document for review of development on a permit by permit basis with accompanying habitat assessment, site visits as well as documentation of fill/removal activities must be documented and reported by the local planning authority.

AOC staff, as well as county planning directors, commissioners, and impacted parties from across the state have been meeting with agency heads and the governor's office regarding these new requirements and the new processes local jurisdictions will have to follow.

The model ordinance that has been released can be found [here](#).

The Floodplain Habitat Assessment and Mitigation regional guidance for Oregon can be found [here](#).

Contributed by: Branden Pursinger | Legislative Affairs Manager

Congress of the United States
Washington, DC 20515

August 22, 2024

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C St. SW
Washington, D.C. 20024

Dear Administrator Criswell,

We are writing to reiterate concerns about the Federal Emergency Management Agency's (FEMA) proposed strategy to implement changes to the National Flood Insurance Program (NFIP) in Oregon, specifically regarding a new compliance requirement that communities need to select Pre-Implementation Compliance Measures (PICMs) well before FEMA makes final recommendations. NFIP is a life-saving federal program, and its administration and changes must be undertaken with the utmost care and evenhanded judgment.

All of our offices have heard serious concerns from small business leaders, local elected officials, affordable housing advocates, and economic development groups. We want to emphasize that the implementation of permitting programs is carried out primarily at the local level, and the leaders in the affected communities have valuable insights. FEMA must lead by listening to and working collaboratively with local and state officials to craft policies that can be implemented effectively and sustainably.

Our offices have heard significant concerns from these communities about the decision to abruptly cease processing Letters of Map Revision – Based on Fill (LOMR-F) and Conditional Letters of Map Revision – Based on Fill (CLOMR-F) on August 1st, 2024, with little to no notice. The timing of this action leaves communities scrambling to comply with FEMA's plan to reach compliance with the National Marine Fisheries Service's (NMFS) 2016 Biological Opinion ("BiOp") and its Reasonable and Prudent Alternatives (RPAs).

We do not doubt the necessity of enhanced conservation efforts, including protection of Oregon's declining salmon population. The worsening wildfire intensity and smoke pollution is also an urgent reminder of the scale of the climate crisis. Communities across the state share these concerns and the fundamental drive to protect the unique environment in which we live.

We respectfully request that you make several key changes to FEMA's revised timeline. We ask that FEMA provide an additional 90 days for Oregon jurisdictions to consider the three proposed "Pre-Implementation Compliance Measures," changing the December 1st, 2024 selection date to

March 1st, 2025. Accordingly, the automatic adoption of the permit-by-permit PICM should also be delayed until at least March 1st, 2025 and accompanied by collaborative action with the state to demonstrate compatibility with state land use law.

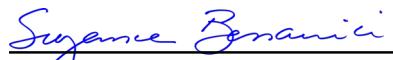
Additionally, FEMA should develop a pathway for continued review of LOMR and CLOMR cases during this period as it finalizes its Environmental Impact Statement. The pause to these processes initiated on August 1st was not sufficiently noticed to communities and future timeline changes should be announced with significantly greater notice. If applicants need additional consultation and technical assistance, FEMA should make staff available to assist.

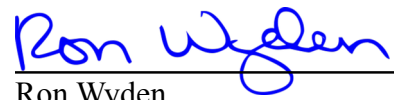
We also request that you fully consider the State of Oregon's request that FEMA add a pathway for the state to develop and adopt a statewide regulatory package that achieves compliance with the "no net loss" standard. Allowing state agencies with the staff and expertise to develop a policy that is consistent statewide would reduce capacity and cost burdens for local governments and simplify integration of any new requirements with existing state land use law.

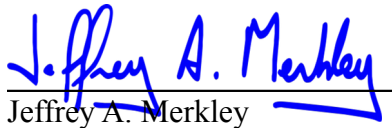
Finally, we request a written explanation of the decision-making process that led to the PICM taking effect well before the completion of the Environmental Impact Statement. Providing community members with a clear understanding of this process is key to maintaining transparency and demonstrating consistency with the NEPA process.

We remain committed to a collaborative path forward that responds to the dual imperatives of economic stability and environmental preservation. We appreciate FEMA's shared commitment to these goals and thank you for your full and fair consideration of our concerns. For any questions, please contact Espen Swanson in Congresswoman Bonamici's office at Espen.Swanson@mail.house.gov; Ree Armitage in Senator Ron Wyden's office at Ree_Armitage@wyden.senate.gov; Gustavo Guerrero in Senator Jeff Merkley's office at Gustavo_Guerrero@merkley.senate.gov; Olivia Wilhite in Congresswoman Val Hoyle's office at Olivia.Wilhite@mail.house.gov or Alexander O'Keefe in Congresswoman Andrea Salinas' office at Alexander.OKeefe@mail.house.gov.

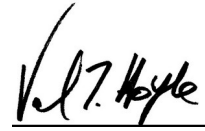
Sincerely,


Suzanne Bonamici
Member of Congress

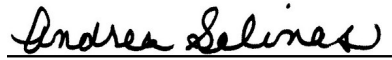

Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Val Hoyle
Member of Congress



Andrea Salinas
Member of Congress



Earl Blumenauer
Member of Congress



TINA KOTEK
GOVERNOR

September 26, 2024

The Honorable Deanne Criswell, Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20024

Dear Administrator Criswell:

I am writing to convey the State of Oregon's concerns related to FEMA's National Flood Insurance Program (NFIP) and Biological Opinion (BiOp) efforts in the State of Oregon. The BiOp has a long and storied history in our state, and we share FEMA's perspective on the importance of protecting public safety and threatened species. However, FEMA's lack of public process in the development and implementation of the current set of interim measures will cause more harm than benefit to our communities, in particular many coastal and rural communities. I have asked my natural resources agencies to identify possible pathways forward, and the State offers three recommendations:

First, FEMA's imposed deadline of December 1, 2024, for local decision-making is impractical because Oregon cities and counties engage their elected officials and constituents in transparent and fact-based decision-making processes. Those processes are impossible to align with a deadline of just a few months. **I respectfully request that FEMA pause its work on pre-implementation compliance measures (PICM) that it abruptly announced on July 15, 2024, and return to the work of crafting long-term measures to modernize the National Flood Insurance Program.**

Second, the State stands ready to assist our local partners in their compliance work and reiterates its May 5, 2023, offer to deploy already-existing state programs such as land use planning, stormwater permits, habitat restoration, wetlands mitigation programs, and technical assistance grants for these purposes. I recognize that federal partners, including FEMA, the National Marine Fisheries Service (NMFS), and the National Oceanic and Atmospheric Administration (NOAA) may view these State programs as helpful but not yet complete in their depth or coverage for purposes of the BiOp. **I invite FEMA to join our agencies for a discussion on how best to continue efforts that started in the implementation planning process to identify gaps in existing State programs and pathways for moving forward to address how the State of Oregon can effectively address those within a collaborative framework.**

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970

WWW.GOVERNOR.OREGON.GOV

Administrator Criswell
September 26, 2024
Page 2

In Oregon, we place a premium on community engagement and collaborative design that is too often overlooked as an effective vehicle to support and assist with the implementation of federal program objectives if given the opportunity and time to contribute. **I respectfully ask that FEMA engage more fully in deliberative dialogue with my agencies in order to craft the best solutions possible for public safety and species protection. With your agreement, I will support the convening of such a process with the appropriate representatives of different interests so that together we can chart a durable and implementable path forward.**

Given the current timing of proposed implementation, my staff will be reaching out to discuss this approach with you next week. Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Kotek". The signature is fluid and cursive, with the first name "Tina" being more prominent than the last name "Kotek".

Governor Tina Kotek

cc: The Honorable Rick Spinrad, Administrator, NOAA
Members of the Oregon Congressional Delegation



Frequently Asked Questions about Pre-Implementation Compliance Measures

October 4, 2024

Disclaimer: This FAQ is general guidance based on the information available to DLCDC staff at this time. It is not a DLCDC decision. It is not legal advice for any specific situation. Cities and counties should consult their legal counsel for advice on specific decisions.

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What are “Pre-Implementation Compliance Measures”?

In July 2024, the Federal Emergency Management Agency (FEMA) sent a letter to cities and counties in Oregon instructing them to make short term changes to how the city or county regulates development

in flood hazard areas. FEMA describes these short-term actions as “pre-implementation” because they are occurring before FEMA fully implements long-term changes to the National Flood Insurance Program (NFIP) to comply with the Endangered Species Act.

What led up to PICM?

In 2009, environmental advocacy organizations sued the Federal Emergency Management Agency (FEMA) alleging that FEMA violated the Endangered Species Act by not consulting with National Marine Fisheries Services (NMFS) about how the National Flood Insurance Program (NFIP) could jeopardize threatened species. FEMA resolved the lawsuit by formally consulting with NMFS to review the impact of the NFIP. In April 2016, NMFS issued its [Biological Opinion](#) (BiOp) that concludes that the NFIP in Oregon jeopardizes the survival of several threatened species, including salmon, sturgeon, eulachon, and orcas. The BiOp contained a reasonable and prudent alternative (RPA) with recommendations from NMFS to FEMA on how to avoid jeopardizing the threatened species. In October 2021, FEMA issued a draft implementation plan on how to reduce the negative impacts of the NFIP on threatened species.

In 2023, FEMA started reviewing the draft implementation plan using a National Environmental Policy Act (NEPA) process, which is still underway. Under the NEPA process FEMA will analyze whether there are additional alternatives or changes to the 2021 draft implementation plan to consider.

In September 2023, environmental advocacy organizations filed a lawsuit alleging that FEMA has been too slow to implement the BiOp. Plaintiffs included the [Center for Biological Diversity](#), the [Northwest Environmental Defense Center](#), [Willamette Riverkeeper](#), and [The Conservation Angler](#). See also coverage in the [Oregonian](#).

In July 2024, FEMA announced a new program of pre-implementation compliance measures (PICM or short-term measures) for the BiOp, separate from the NEPA full implementation (long-term measures) process. FEMA hosted four [PICM webinars](#) in July and August, and is planning additional outreach to assist NFIP communities in the fall of 2024. Some of the PICM pathways are included in the 2016 BiOp under RPA, element 2.

FEMA now has two separate, but similar processes: NEPA evaluation of the full implementation plan, and interim action through PICM. FEMA’s webpage [“Endangered Species Act Integration in Oregon”](#) contains information about both processes, but does not clearly distinguish between the two processes.

What is the role of the Oregon Department of Land Conservation and Development in PICM?

FEMA and the state provide funds to the Oregon Department of Land Conservation and Development (DLCD) for staff to help cities and counties participate in the NFIP. DLCD floodplain staff do not set program policies and cannot make decisions on behalf of FEMA. As FEMA provides more information about what they are requiring through PICM, DLCD floodplain staff will try to explain the program to cities and counties.

Frequently Asked Questions about Pre-Implementation Compliance Measures

While the floodplain staff at DLCD have a coordinating role communicating with FEMA, cities and counties are always free to communicate directly with FEMA staff. In this role, DLCD staff provided feedback on the full implementation plan (long-term measures) through the NEPA process. DLCD staff provided information about how the land use planning system in Oregon would affect the full implementation plan. DLCD did not have an opportunity to play a similar role while FEMA developed PICM.

On September 26, 2024, Governor Tina Kotek sent a [letter to FEMA](#) expressing concerns about PICM, similar to concerns raised in a [letter from members of congress](#) in August. DLCD will work with FEMA to address the governor's concerns.

What does a city or county need to do now?

FEMA is requiring cities and counties to select one of three PICM short-term paths by December 1, 2024:

- Pathway 1: Adopt the [PICM model floodplain management ordinance](#) that considers impacts to fish habitat and requires mitigation to a no net loss standard.
- Pathway 2: Review individual development proposals and require permit-by-permit habitat mitigation to achieve no net loss using "Floodplain Habitat Assessment and Mitigation" guidance from FEMA.
- Pathway 3: Prohibit all new development in the floodplain.

FEMA is also requiring cities and counties to gather additional data on local floodplain permitting starting January 31, 2025, and submit an annual report to FEMA starting January 2026.

If a city or county does not choose a PICM path by December 1, 2024, then FEMA expects the city or county to use Pathway 2 for permit-by-permit habitat assessment and mitigation.

Once local planning staff review the FEMA documents ([PICM model ordinance](#) and [habitat assessment guidance](#)), planning staff may want to discuss the PICM paths with other internal local staff, and their local legal counsel. A starting point could be to determine how much developable land is within the Special Floodplain Hazard Area (SFHA). With that data to inform local decision making, staff might want to report to decision makers and the public explaining the situation and may find this FAQ useful as background. An informational work-session could be helpful to explore options for what may or may not work at the local level. DLCD staff ([regional representatives](#) and [flood hazards staff](#)) are available for technical assistance; however, many questions will need to go to FEMA. Use the dedicated email address: FEMA-R10-MIT-PICM@fema.dhs.gov.

Does Pathway 3 "Prohibit floodplain development" require a moratorium?

No. A city or county has at least two options for prohibiting development in the special flood hazard area: temporary moratorium or permanent rezoning.

Option A: Temporary Moratorium

[ORS 197.520 to 197.540](#) defines a process for a city or county to declare a moratorium to temporarily prevent all development in a specific area. Typically, a city or county would declare a moratorium where there are insufficient public facilities, which would not apply in this case. ORS 197.520(3) allows a different type of moratorium if a city or county demonstrates there is a compelling need based on the findings below:

For urban or urbanizable land:

- That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city or county are not unreasonably restricted by the adoption of the moratorium;
- Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- That the city or county has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and
- That the city or county proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

For rural land:

- That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- That the city or county proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

Moratoriums are legally complicated. This description is only a summary of the law. A city or county should consult carefully with their legal counsel to determine whether and how a moratorium would work in their specific situation, and to review the applicable timelines for which a moratorium may be in place and circumstances for extending a moratorium.

Option B: Permanent Rezoning

A city or county could permanently rezone the land within the special flood hazard area to a zone that would not permit development. This would not be appropriate for all cities and counties, but could be appropriate if the area in the SFHA is relatively small, unlikely to develop, or publicly owned.

Is a “Measure 56 Notice” required for PICM short-term options?

Most likely yes, but cities and counties should consult with their legal counsel on how the notification requirements apply in the specific local circumstances.

Background on Measure 56 Notices

Cities and counties in Oregon are required to send a notice to landowners before “rezoning” property. This requirement was originally enacted through Ballot Measure 56 in 1998, and is codified in [Oregon Revised Statutes \(ORS\) 227.186](#) for cities and [ORS 215.503](#) for counties. The requirement uses a broad definition of rezoning that includes any change that “limits or prohibits land uses previously allowed.” DLCDC maintains a [webpage on the landowner notification requirement](#).

Pathway 1 – Model ordinance

Cities and counties staff should carefully review current zoning and development regulations for property within the SFHA. If properties are zoned for open space or conservation, then the [PICM model ordinance](#) might not further limit uses.

If properties are zoned for residential, commercial or industrial use, the [PICM model ordinance](#) would likely limit those uses, and the Measure 56 notification requirement could apply. Most local floodplain codes require owners to obtain a permit for development in the floodplain. Permit processing varies for each city or county. Oregon’s model floodplain Ordinance (version 2020) meets minimum NFIP standards. However, the updated [PICM model ordinance](#) contains new standards in section 6.0 (highlighted in yellow) which could limit currently allowed uses, in which case the Measure 56 notification requirement would apply.

Pathway 2 – Permit-by-permit habitat assessment and mitigation

Cities and counties should carefully review any existing requirements for habitat mitigation. Most cities and counties do not require mitigation for habitat impacts, so the city or county would be adopting a new ordinance to require assessment and mitigation for development in flood hazard areas. These new development regulations would most likely limit currently allowed uses, and thus the Measure 56 notification requirement would apply.

Pathway 3 – Prohibit floodplain development

If a city or county declares a temporary moratorium under ORS 197.520 to 197.540, then the Measure 56 notification requirements would likely apply because a moratorium would limit or prohibit uses that would otherwise be allowed.

If a city or county rezones land or amends development regulations to permanently prohibit development within the SFHA, then the city or county should carefully review the previous zoning and allowed uses for each parcel. If some properties were previously zoned for open space or conservation, then the prohibition on development is not likely to be a limitation on future use. If some properties are zoned for residential, commercial or industrial use, then the prohibition on development would limit those uses, and thus the Measure 56 notification requirement would apply.

A city or county may not want to completely prohibit all development in the floodplain and may want to think about explicitly adding in activities exempt from the no net loss standards as listed in section 6.3 of the [PICM Model Ordinance](#). Some of the exempt activities include normal maintenance of structures, street repairs, habitat restoration activities, routine agricultural practices, and normal maintenance of above ground utilities and would still require a local floodplain development permit. However, if a city or county wishes to include activities beyond those listed in section 6.3, then the city or county will likely need to adopt the model ordinance or require permit-by-permit habitat mitigation for the uses that are still allowed. It may be simpler to choose pathway 1 (model ordinance) or pathway 2 (permit-by-permit) instead. Cities and counties should communicate with FEMA about any exemptions.

Will the state waive legislative adoption requirements?

Each city or county has its own requirements for adopting an ordinance. The state has no authority to waive those requirements.

[ORS 197.610 through 197.625](#) requires cities and counties to submit notice to DLCDC 35 days before the first hearing to adopt a change to a comprehensive plan or a land use regulation. The statute does not authorize DLCDC to waive this requirement. If it is not possible to send the notice 35 days prior to the hearing, cities and counties should send the notice as soon as possible. The notice can include a draft ordinance that will be revised before adoption. If a city or county does not provide notice 35 days prior to the hearing, this does not invalidate the ordinance. A party that did not appear before the local government in the proceedings would be allowed to appeal the ordinance.

DLCDC has no authority to waive the required Measure 56 notification to landowners that is described above.

What if a city or county cannot complete the ordinance process by December 1, 2024?

Start the process of evaluating the PICM pathways as soon as possible. Keep FEMA informed via their PICM inbox FEMA-R10-MIT-PICM@fema.dhs.gov regarding your PICM path and progress.

Send questions to FEMA early in the process to give them time to respond, and document when replies are received.

Communicate often to FEMA to update them on your status and expected adoption date.

Is the model ordinance clear & objective?

Background on Clear and Objective Standards

Oregon Revised Statutes [197A.400](#) requires cities and counties to:

“adopt and apply only clear and objective standards, conditions and procedures *regulating the development of housing*, including needed housing, on land within an urban growth boundary.”
[emphasis added.]

The legislature amended this statute to include areas within unincorporated communities and rural residential zones. The amendment takes effect on July 1, 2025.

Reviewing Model Ordinances

DLCD plans to review the existing [Oregon Model Flood Hazard Ordinance](#) to identify standards for residential development that may not be clear and objective. Over the past year, DLCD also reviewed an early draft of the model ordinance in the NEPA process for the full implementation of the BiOp. DLCD identified several aspects of that early draft model ordinance that may not be clear and objective and suggested that FEMA revise those aspects. DLCD has not yet determined whether the [PICM Model Ordinance](#) has only clear and objective standards.

What is changing for cities and counties for letters of map revision based on fill?

FEMA has temporarily suspended processing of applications for letters of map revision based on fill (LOMR-F) and conditional letters of map revision based on fill (CLOMR-F) as of **August 1, 2024**. FEMA is doing this to remove any perceived incentive to using fill and to avoid potentially negative effects on habitat for threatened species.

FEMA is not prohibiting fill in the SFHA, rather they are suspending the opportunity for owners or developers to revise floodplain maps to be released from mandatory flood insurance. Therefore, if fill is used for structure elevation and there is a federally backed mortgage on the property, flood insurance will still be required. Cities and counties should continue to enforce their existing floodplain ordinance on regulations regarding placement of fill in flood hazard areas.

[Frequently Asked Questions about Pre-Implementation Compliance Measures](#)

If an applicant asks for a community acknowledgement form (CAF) for a CLOMR-F or LOMR-F for a project not covered in the exceptions below, it would be wise to [contact FEMA](#) before signing.

Exceptions for L/CLOMR-F processing:

- Projects that are undergoing Section 7 consultation via an alternative federal nexus
- LOMR-Fs for already processed CLOMR-Fs
- CLOMRs required for habitat restoration projects

What are the Measure 49 implications to the PICM pathways?

Measure 49 could apply in some situations, but it is unlikely that a city or county would have to pay compensation to a landowner. Cities and counties should consult with their legal counsel to analyze their specific situation.

Background:

[Ballot Measure 49](#) was approved by Oregon voters in 2007. Its initial impact was on property owners who acquired their property before land use regulations were established in the 1970's and 1980's. In many cases, those owners were permitted to build up to three houses, even though the current zoning would not allow new houses.

Measure 49 also applies to future changes in land use regulations. Those provisions are codified in [ORS 195.300 to 195.336](#). If a state or local government enacts a land use regulation that restricts a residential use and reduces the fair market value of a property, then the owner can apply for just compensation. The compensation can be monetary, or a waiver to allow the owner to use the property without applying the new land use regulation. This requirement does not apply if the new regulation is for the protection of public health and safety.

Pathway 1 – Model ordinance

If a property owner applied for just compensation as a result of a city or county adopting the PICM model ordinance, the city or county would process the claim as provided in ORS 195.300 through 314. This includes evaluating the claim to determine whether it is valid, and then deciding whether to waive the regulation or pay monetary compensation.

First, determine whether the claimant owned the property before the city or county adopted the new regulations in the model ordinance.

Next determine whether the new regulations restrict the use of the property for single-family dwellings. The statute does not include a specific definition of “restrict” in this context. If the new ordinance has the effect of completely prohibiting residential use, then it clearly restricts the use. If the new ordinance allows single-family dwellings, but places design standards or conditions of development, these likely do not restrict the use.

Next, determine whether the regulations “restrict or prohibit activities for the protection of public health and safety” as provided in ORS 195.305(3)(b). Many aspects of regulating floodplains are based on safety; however, some of the regulations in the [PICM model ordinance](#) are based on improving fish habitat. This could result in complicated analysis to determine whether the habitat requirements restrict development beyond the restriction already created by regulations based on safety.

Next, review the property appraisals submitted by the claimant to determine whether the property value was actually reduced. Property in a flood hazard area may already have a low value. The property may still have value for agricultural use which would offset the loss due to the regulation.

If a property owner has a valid claim, then the city or county would decide to pay monetary compensation or to waive some regulations. The city or county is not required to waive all regulations, only “to the extent necessary to offset the reduction in the fair market value of the property” ORS 195.310(6)(b). The city or county could still apply regulations based on safety, and could still apply regulations that existed prior to adopting the [PICM model ordinance](#).

Pathway 2 – Permit-by-permit habitat assessment and mitigation

The results would be similar to pathway 1. In most cases the habitat mitigation requirement would not prevent development, and the owner would likely not be entitled to just compensation. If the habitat mitigation requirements did prevent development, then the owner could apply for just compensation. The city or county would use the steps described above to determine whether it is a valid claim, and decide to waive some of the requirements, or pay monetary compensation.

Pathway 3 – Prohibit floodplain development

A temporary moratorium would likely not lead to a claim for just compensation because it is not a new land use regulation. Also, a temporary moratorium is unlikely to significantly affect fair market value because potential buyers know that the moratorium will end.

Rezoning to prohibit all development within the SFHA would likely be a basis for a claim for just compensation, especially for a property entirely within the SFHA. If a property includes area inside and outside the SFHA, and the owner could still develop the same number of dwellings in a different location, then the owner would likely not be able to make a claim for just compensation.

The city or county would use the steps described above to determine whether it is a valid claim, and decide to waive some of the requirements, or pay monetary compensation.

Where can I find additional information or ask questions about PICM?

FEMA has a webpage for [Endangered Species Act Integration in Oregon](#). Email questions to the PICM email address: FEMA-R10-MIT-PICM@fema.dhs.gov.

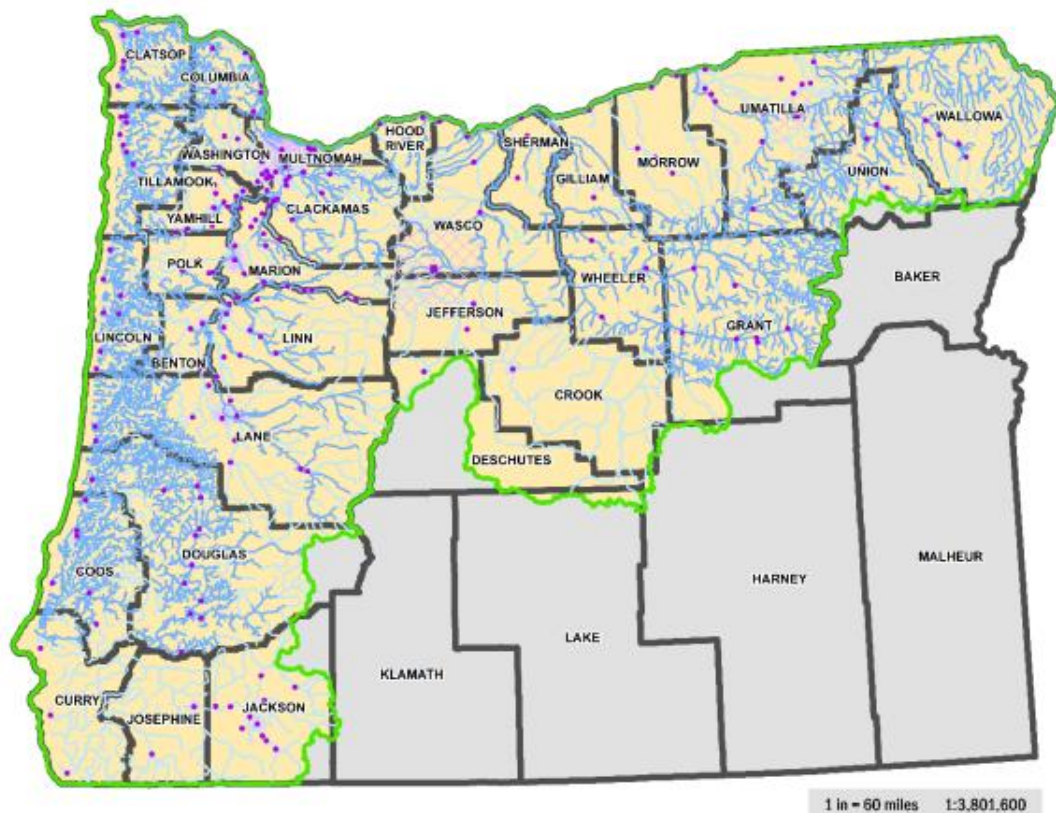
While DLCD staff are not responsible for PICM implementation, we are available to offer technical assistance. Email or call Oregon’s NFIP Coordinator at DLCD, Deanna Wright, deanna.wright@dlcd.oregon.gov, 971-718-7473.

What if a city or county received a PICM letter in error, or did not receive a PICM letter?

Staff may contact FEMA’s PICM inbox at: FEMA-R10-MIT-PICM@fema.dhs.gov to receive the letter, or you may contact DLCD staff. FEMA staff sent the email announcements to the city or county floodplain staff and the letter was mailed to each individual city or county chief elected officer. If you believe your community is outside of the BiOp action area (map instructions below), but you received a PICM letter, please contact FEMA PICM inbox for verification.

What area does the BiOp cover?

Below is a snapshot image of the Oregon NFIP BiOp Action Area:



OREGON NFIP BIOP ACTION AREA

2021.09.28

The BiOp is applicable in Special Flood Hazard Areas (SFHA) within the mapped salmon recovery domains for Oregon communities that participate in the NFIP. The BiOp covers approximately 90 percent of participating Oregon NFIP communities but does not apply to five counties.

[NOAA Fisheries GIS mapping application tool](#)

FEMA has published [directions](#) on how to determine if a proposed development or project area is within the BiOp area.

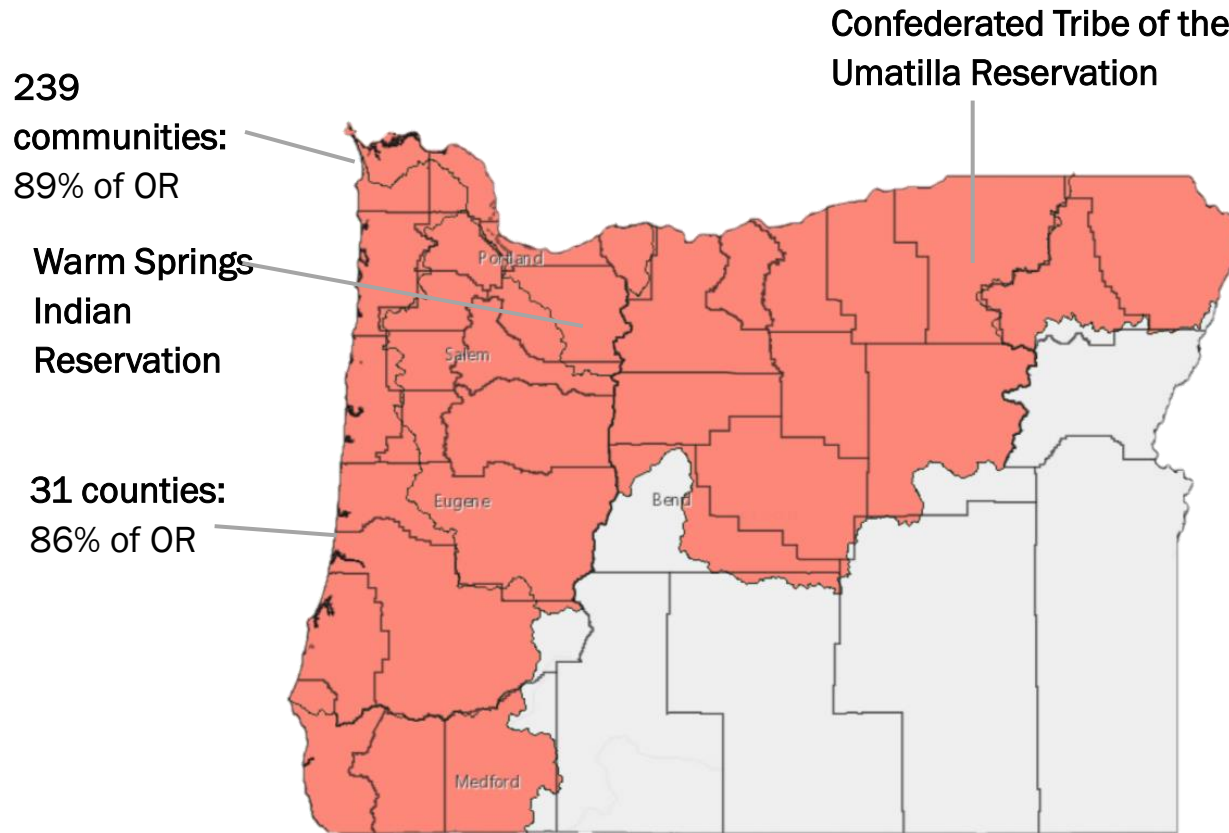
ESA and the National Flood Insurance Program in FEMA Region 10

October 21, 2024



FEMA

Oregon Communities Affected



90% NFIP policies impacted of **24,098** total policies in OR



Annual payment of **~\$24 million** and coverage of over **\$6.65 billion**

Action Area

(defined by NOAA salmon recovery domains)



FEMA

Near-term Options for Communities

FEMA developed PICMs for participating NFIP communities to comply with ESA requirements in the interim period while the full implementation is being reviewed under NEPA.

PICM options

Prohibit all new development

Prohibit all new development in the floodplain.

Model Ordinance

Incorporate the ESA into local floodplain ordinances.

Permit-by-Permit

Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss.”



FEMA

Prohibit all new development

Implementation

State and local communities have the authority to prohibit development in some circumstances.

FEMA does not have the authority to prohibit development.



FEMA

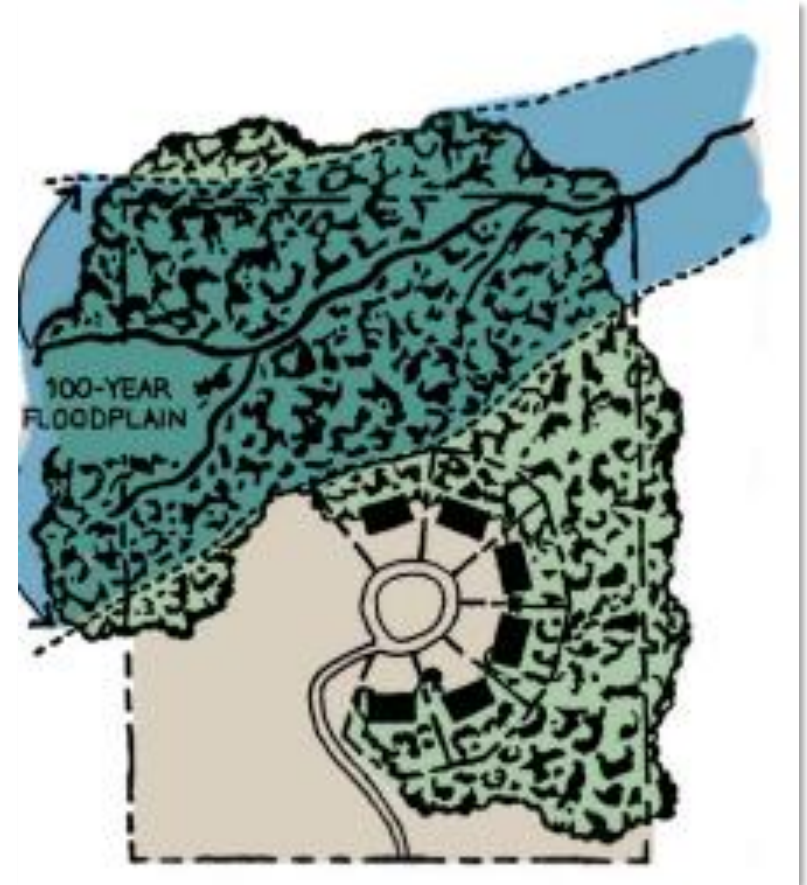
Model Ordinance

Implementation

Developed based on the current Oregon Model Ordinance.

Includes performance standards to address protection of species and habitat.

Includes mitigation ratios.



FEMA

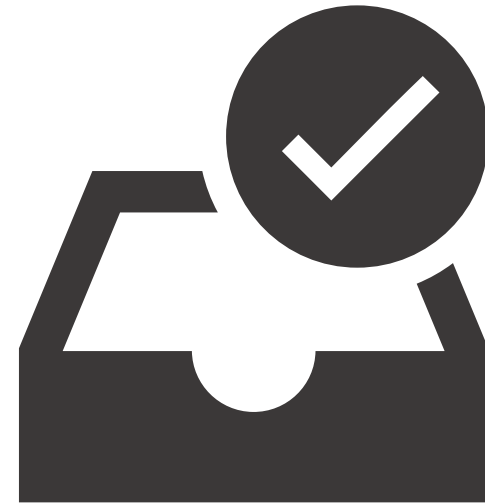
Permit-by-Permit

Implementation

Each floodplain development permit must review potential for impacts to species and habitat.

Habitat Assessment Guidance provides a methodology for conducting the assessment.

Includes mitigation ratios.



Roles and actions under PICM



FEMA

- **Temporarily suspend processing applications** for Letters of Map Revision based on Fill (LOMR-Fs) and Conditional Letters of Map Revision based on Fill (CLOMR-Fs).
- Send **letter to State Hazard Mitigation Officers** about prioritizing buy-outs
- Provide **Technical Assistance** to communities throughout the process



Community

- **Choose a PICM:**
 - Prohibit all new development
 - Model ordinance
 - Permit-by-permit
- **Meet reporting requirements**

PICM- Delay in Processing LOMC-Fs

- Implementation will begin August 1, 2024 (notification July 15, 2024)
- Delay until full implementation at the end of the EIS
- Addresses BiOp comments on LOMC-Fs incentivizing fill
- Limited exceptions

| Counties Affected by the Delay in Processing | | |
|--|-------------------|-------------------|
| Benton County | Hood River County | Sherman County |
| Clackamas County | Jackson County | Tillamook County |
| Clatsop County | Jefferson County | Umatilla County |
| Columbia County | Josephine County | Union County |
| Coos County | Lane County | Wallowa County |
| Crook County | Lincoln County | Wasco County |
| Curry County | Linn County | Washington County |
| Deschutes County | Marion County | Wheeler County |
| Douglas County | Morrow County | Yamhill County |
| Gilliam County | Multnomah County | |
| Grant County | Polk County | |



Exceptions to the C/LOMR-F delay in processing

- Projects that are undergoing Section 7 consultation via an alternative federal nexus
- LOMR-Fs for already processed CLOMR-Fs
- CLOMRs required for Habitat Restoration projects



FEMA

Reporting Requirements

- Outlined in RPA Element 5
- New Reporting Tool required
- Beginning next calendar year

Required Information

Amount of fill and compensatory storage

Amount of new impervious surfaces

Area of clearing and grading

Trees removed greater than 6" Diameter at Breast Height

Track acres disconnected from the floodplain

Track acres reconnected to the floodplain

Mitigation provided



FEMA

Reporting and Enforcement

December 1, 2024: Communities select a PICM option.



If none selected, default to Permit-by-Permit.

January 31, 2025: Data collection begins

Required information includes:

- ✓ Amount of fill, compensatory storage, and new impervious surfaces
- ✓ Area of clearing and grading
- ✓ Trees removed greater than six inches diameter
- ✓ Track acres disconnected or reconnected from the floodplain
- ✓ Mitigation provided



Requirements are outlined in RPA Element 5

New Reporting Tool required

Beginning next calendar year

July 31, 2025: Communities fully implement PICMs

January 31, 2026: Data Reporting begins using FEMA reporting tool



If report is not provided it will result in a community visit.

2027: FEMA achieves full implementation.

↑
Ongoing PICM implementation
↓

Supporting your Community



Summer 2024: Informational webinars



Summer 2024: Take our questionnaire to help us plan the fall workshops and identify needs for technical assistance



Fall 2024: Attend workshops to review PICMs in-depth and discuss questions and concerns.



Beginning Fall 2024: Get Technical Assistance support from FEMA to implement PICMs.



More information and contacts

- Project website will be updated with information
www.fema.gov/about/organization/region-10
- New email inbox established for questions:
FEMA-R10-MIT-PICM@fema.dhs.gov



FEMA

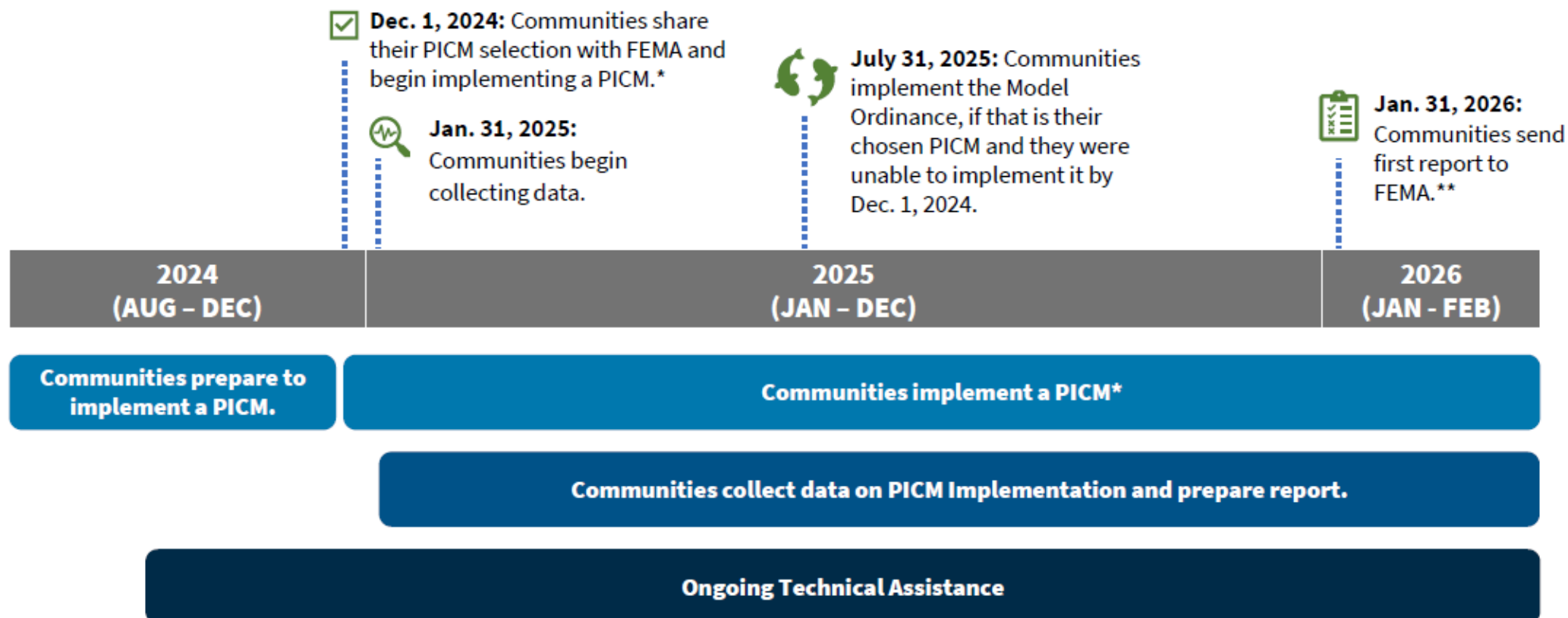


John Graves, CFM
Floodplain Management and Insurance Branch Chief
Roxanne Reale-Pilkenton, CFM
Senior NFIP ESA Integration Specialist
roxanne.reale-Pilkenton@fema.dhs.gov



FEMA

PRE-IMPLEMENTATION COMPLIANCE MEASURES (PICM) IMPLEMENTATION TIMELINE



*If a community chooses the Model Ordinance approach and is unable to put it in place by Dec. 1, the community must implement the Permit-by-Permit approach or prohibit all new development in the Special Floodplain Hazard Area until they are able to implement the Model Ordinance approach, which must be implemented by July 31, 2025.

**FEMA will provide a reporting tool. If report is not provided, it will result in a community visit.



FEMA

DISCUSSION TOPICS

Agenda Checklist Submission

Agenda Placement and Contacts

Suggested Agenda Date 11/12/24

[View Agenda Tracker](#)

Suggested Placement* Work Session

Department* Board of Commissioners

Contact Name* Maura Kwiatkowski

Phone Extension* 3531

Meeting Attendee Name* Maura Kwiatkowski

Agenda Item Details

Item Title* Proposed 2025 Board of Commissioners Schedule

Estimated Time* 10 minutes

Board/Committee Involvement* Yes No

Advertisement* Yes No

Item Involves *

Check all that apply

- Appointments
- Budget
- Contract/Agreement
- Discussion and Action
- Discussion Only
- Document Recording
- Employment
- Notice of Intent
- Order/Resolution
- Ordinance/Public Hearing 1st Reading
- Ordinance/Public Hearing 2nd Reading
- Proclamation
- Project/Committee Update
- Public Comment
- Special Report
- Other

Fiscal Impact *

- Yes
- No

Mandated Service? *

- Yes
- No

Issues Description

Identified Salient Issues *

The Board of Commissioners proposed schedule for the upcoming year is presented annually for planning purposes. Several standing meetings are (or may be) impacted by other activities. Staff suggests alternative dates for the following meetings:

1. Hold the January Leadership Team meeting on 01/02/25 due to New Year's Day holiday.
2. Hold the first Tuesday meeting in March on 03/06/25 due to the National Association of Counties Legislative Conference and associated travel.
3. Hold the March Leadership Team meeting on 03/12/25 due to the National Association of Counties Legislative Conference and associated travel.
4. Hold the November Goal-setting meeting on 11/10/25 due to the Veterans Day holiday.
5. Hold the third Tuesday in November meeting on 11/17/25 due to anticipated Association of Oregon Counties Annual Conference dates.



2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas



Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- N/A

Explain Core Values Selections * N/A

Focus Areas and Vision *

Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

Explain Focus Areas and Vision Selection *

N/A

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff requests general direction from the Board regarding the acceptability of the proposed 2025 schedule.

Work Session Motions * I move to ...
Not Applicable

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

2025 Board Calendar 241107 DRAFT.pdf 140.16KB

Comments (optional) If you have any questions, please call ext.6800

Department Approver * RACHEL MCENENY

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

January 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--|--|---|--|--------|----------|
| 29 | 30 | 31 | 1 | 2 | 3 | 4 |
| | | | NEW YEAR'S DAY HOLIDAY | 9 AM: OATH OF OFFICE CEREMONY LEADERSHIP TEAM (SUGGESTED) | | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | FIVE ELECTEDS | REGULAR BOARD MEETING | COMM DEV/PUBLIC WORKS/NAPE DEPTS MEETING | | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | GOAL-SETTING MEETING | | JUSTICE/LAW ENFORCEMENT DEPTS MEETING | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | MARTIN LUTHER KING, JR. BIRTHDAY HOLIDAY | REGULAR BOARD MEETING | COUNTY COUNSEL MEETING/ EXECUTIVE SESSION | | | |
| 26 | 27 | 28 | 29 | 30 | 31 | 1 |
| | | QTRLY INFORMATION SHARING MEETING QTRLY CITY MANAGERS | | | | |
| 2 | 3 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

February 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|------------------------|---|-----------------|---|--------|----------|
| 26 | 27 | 28 | 29 | 30 | 31 | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | REGULAR BOARD MEETING | LEADERSHIP TEAM | HEALTH, COMMUNITY HEALTH CTRS DEPTS MEETING | | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | GOAL-SETTING MEETING | | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | PRESIDENTS DAY HOLIDAY | REGULAR BOARD MEETING | | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | 1 |
| 2 | 3 | Notes | | | | |
| | | LEGISLATIVE BREAKFAST SCHEDULE (FEBRUARY THROUGH JUNE) PENDING FOR 2025 LEGISLATIVE SERIES. | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

March 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|-----------------------------|-----------------------------|-----------------------------|---|-----------------------------------|--------|-----------------------------|
| 23 | 24 | 25 | 26 | 27 | 28 | 1 |
| | | | | | | NACo LEGISLATIVE CONFERENCE |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| NACo LEGISLATIVE CONFERENCE | NACo LEGISLATIVE CONFERENCE | NACo LEGISLATIVE CONFERENCE | NACo LEGISLATIVE CONFERENCE | REGULAR BOARD MEETING (SUGGESTED) | | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | GOAL-SETTING MEETING | LEADERSHIP TEAM (SUGGESTED) | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | REGULAR BOARD MEETING | ADMINISTRATIVE SERVICES DEPTS MEETING | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | | COUNTY COUNSEL MEETING/ EXECUTIVE SESSION | | | |
| 30 | 31 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

April 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------------------|--|---|---|--------|----------|
| 30 | 31 | 1 REGULAR BOARD MEETING | 2 LEADERSHIP TEAM | 3 | 4 | 5 |
| 6 | 7 FIVE ELECTEDS | 8 GOAL-SETTING MEETING | 9 COMM DEV/PUBLIC WORKS/NAPE DEPTS MEETING | 10 | 11 | 12 |
| 13 | 14 | 15 REGULAR BOARD MEETING | 16 | 17 JUSTICE/LAW ENFORCEMENT DEPTS MEETING | 18 | 19 |
| 20 | 21 | 22 QUARTERLY INFORMATION SHARING MEETING QTRLY CITY MANAGERS | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 1 | 2 | 3 |
| 4 | 5 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

May 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|-------------------------|--------------------------|---|--|--------|----------|
| 27 | 28 | 29 | 30 | 1 | 2 | 3 |
| | | | | HEALTH, COMMUNITY HEALTH CTRS DEPTS MEETING | | |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | REGULAR BOARD MEETING | LEADERSHIP TEAM | | | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| | | GOAL-SETTING MEETING | | | | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| | | REGULAR BOARD MEETING | | | | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| | MEMORIAL DAY HOLIDAY | | COUNTY COUNSEL MEETING/ EXECUTIVE SESSION | | | |
| 1 | 2 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

June 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|-----------------------------|----------------------|--------------------------|--------|----------|
| 1 | 2 | 3 REGULAR BOARD MEETING | 4 LEADERSHIP TEAM | 5 | 6 | 7 |
| 8 | 9 | 10 GOAL-SETTING MEETING | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 REGULAR BOARD MEETING | 18 | 19 JUNETEENTH HOLIDAY | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

July 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------------------|--|--|---|-------------------------------|----------|
| 29 | 30 | 1 REGULAR BOARD MEETING | 2 LEADERSHIP TEAM | 3 | 4 INDEPENDENCE DAY HOLIDAY | 5 |
| 6 | 7 FIVE ELECTEDS | 8 GOAL-SETTING MEETING | 9 COMM DEV/PUBLIC WORKS/NAPE DEPTS MEETING | 10 | 11 | 12 |
| 13 | 14 | 15 REGULAR BOARD MEETING | 16 | 17 JUSTICE/LAW ENFORCEMENT DEPTS MEETING | 18 | 19 |
| 20 | 21 | 22 QTRLY INFORMATION SHARING MEETING QTRLY CITY MANAGERS | 23 COUNTY COUNSEL MEETING/ EXECUTIVE SESSION | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | 1 | 2 |
| 3 | 4 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

August 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|-----------------------|-----------------|---|--------|----------|
| 27 | 28 | 29 | 30 | 31 | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | REGULAR BOARD MEETING | LEADERSHIP TEAM | HEALTH, COMMUNITY HEALTH CTRS DEPTS MEETING | | |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | GOAL-SETTING MEETING | | | | |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| | | REGULAR BOARD MEETING | | | | |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | 1 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

September 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|-------------------|-----------------------|---|----------|--------|----------|
| 31 | 1 | 2 | 3 | 4 | 5 | 6 |
| | LABOR DAY HOLIDAY | REGULAR BOARD MEETING | LEADERSHIP TEAM | | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | GOAL-SETTING MEETING | | | | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | | REGULAR BOARD MEETING | ADMINISTRATIVE SERVICES DEPTS MEETING | | | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| | | | COUNTY COUNSEL MEETING/ EXECUTIVE SESSION | | | |
| 28 | 29 | 30 | 1 | 2 | 3 | 4 |
| 5 | 6 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

October 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|------------------------|--------|--|---|----------------------------|--------|----------|
| 28 | 29 | 30 | 1 | 2 | 3 | 4 |
| LEADERSHIP TEAM | | | | | | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | REGULAR BOARD MEETING | COMM DEV/PUBLIC WORKS/NAPE DEPTS MEETING | | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | GOAL-SETTING MEETING | JUSTICE/LAW ENFORCEMENT DEPTS MEETING | | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | | REGULAR BOARD MEETING | | | | |
| 26 | 27 | 28 | 29 | 30 | 31 | 1 |
| | | QTRLY INFORMATION SHARING MEETING | | QTRLY CITY MANAGERS | | |
| 2 | 3 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

November 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|-----------------------------------|--|--|---|-----------------------------------|----------|
| 26 | 27 | 28 | 29 | 30 | 31 | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | REGULAR BOARD MEETING | LEADERSHIP TEAM | HEALTH, COMMUNITY HEALTH CTRS DEPTS MEETING | | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | GOAL-SETTING MEETING (SUGGESTED) | VETERANS DAY HOLIDAY | | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | REGULAR BOARD MEETING (SUGGESTED) | ASSOCIATION OF OREGON COUNTIES ANNUAL CONFERENCE (ESTIMATED) | | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | | COUNTY COUNSEL MEETING/ EXECUTIVE SESSION (RESCHEDULE POTENTIAL) | THANKSGIVING HOLIDAY | FRIDAY AFTER THANKSGIVING HOLIDAY | |
| 30 | 1 | Notes | | | | |

PROPOSED 2025 BOARD OF COMMISSIONERS SCHEDULE

December 2025

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|-----------------------|-----------------|-----------------------|--------|----------|
| 30 | 1 | 2 | 3 | 4 | 5 | 6 |
| | | REGULAR BOARD MEETING | LEADERSHIP TEAM | | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | GOAL-SETTING MEETING | | | | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | | REGULAR BOARD MEETING | | | | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| | | | | CHRISTMAS DAY HOLIDAY | | |
| 28 | 29 | 30 | 31 | 1 | 2 | 3 |
| 4 | 5 | Notes | | | | |