

AGENDA REV2

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, March 15, 2022

GoToMeeting: <https://meet.goto.com/277537061>

or Dial 1 (224) 501-3412; Access Code 277-537-061#

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

THE BOARD WILL TAKE A BRIEF RECESS BETWEEN THE WORK SESSION AND BUSINESS MEETING

8:00 A.M.

I. Opening:

A. Introductions

B. Announcements

II. Comments from the Public

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.

III. Review and Approve Agenda

IV. Work Session

4.1 8:00 a.m., 20 minutes – COVID Department Operation Centers Update –
Suzanne Hoffman, April Holland; Health Department

4.2 8:20 a.m., 20 minutes – Discussion Regarding Amending 2021-23
Affirmative Action Plan – *Tracy Martineau, Eric Wolke; Human Resources*

BUSINESS MEETING

V. Consent Calendar

5.1 In the Matter of Adopting Order #D2022-038 Authorizing the Weight Limit
Posting on Harris Bridge Road, County Bridge No. 16520-03 – *Mike Johnson,*
Public Works

5.2 Approval of the November 23, 2021 Tuesday Board Meeting Minutes

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.

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 to the Board of Commissioners Office, (541) 766-6800.

VI. New Business

- 6.1 Discussion and Consideration Approving an Offer from Oregon Department of Transportation to Acquire a Permanent Easement (Philomath Couplet Project) – *Rick Crager; Chief Financial Officer*

VII. 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."

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.

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 to the Board of Commissioners Office, (541) 766-6800.

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

GoToMeeting link: <https://meet.goto.com/277537061>

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

Tuesday, March 15, 2022

8:00 a.m.

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

Staff: **Laurel Byer**, **Darren Nichols**, Community Development; **Rick Crager**, Finance; **Suzanne Hoffman**, **April Holland**, Health; **Mike Johnson**, **Gary Stockhoff**, Public Works; **Tracy Martineau**, **Eric Wolke**, Human Resources; **Erika Milo**, Board Recorder

Guests: **Erick Arteaga**, Resident; **Kelly Locey**, Corvallis School District

Chair Wyse called the meeting to order at 8:00 a.m.

I. Opening

A. Introductions

B. Announcements

No announcements were made.

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

The following item was added to from the agenda under VII. Other:

7.1 Update from Community Development – *Darren Nichols, Community Development*

IV. Work Session

4.1 COVID Department Operation Centers Update – *Suzanne Hoffman, April Holland, Health Department **

Holland reported Benton County COVID-19 cases and hospitalizations were rapidly declining. The County had 68 cases in the week of March 6, 2022, which is a 33% decrease from the previous week. Benton County does not have the lowest case rate in the state, but it does have one of the lowest positivity rates at 2.3%, which indicates we are performing adequate testing.

The Oregon Health Authority released a new plan for the new phase of the pandemic. The new plan is identified as RISE – Resilience and Support of Equity. Priorities include protecting communities hardest hit by the pandemic, protecting the most vulnerable people, expanding

access to healthcare, keeping schools safer for students and families, and restoring social cohesion through strong partnerships with community-based organizations and partners.

Kerby indicated Benton County's Emergency Declaration is scheduled to expire March 31, 2022. Direction from the Board would be appreciated as to whether to Benton County will let the Emergency Declaration expire. Since it appears the County has coverage under the federal declaration and other counties are letting their declarations expire, Benton County may wish to follow suit. Malone and Augerot agreed. Counsel noted the declaration will expire automatically; Board action would only be needed to extend the Declaration beyond March 31, 2022.

4.2 Discussion Regarding Amending 2021-23 Affirmative Action Plan – Tracy Martineau, Eric Wolke, Human Resources

Benton County Affirmative Action Officer Wolke reported the updated plan is designed to measure annual improvements in hiring minorities and women in all parts of the organization.

Highlighted plan changes include:

- Page 5: an Equity, Diversity, and Inclusion (EDI) Statement, which demonstrates Benton County's commitment to developing a diverse, equitable, and inclusive workplace, has been added; and we will highlight this statement with employees, applicants, and the public.
- Page 24: The update clearly defines several roles in the implementation of the Affirmative Action Plan, and it identifies the responsibilities for achieving our Affirmative Action goals. Additions include the County Administrator and the Executive Team. The County Administrator will participate in the Equity Committee and will encourage other executive and staff participation, which is an important element in ensuring the County acts on the Plan. The importance of the Plan will be communicated across all levels of the organization.
- Page 25 more clearly defines the roles of department heads, managers, and supervisors. Everyone is responsible for implementation of the Plan.

More changes to the Plan are likely in the future, but Wolke believes it important to update on the Biennium so the Board can consider the Plan objectives before the budget process begins.

Once the Updated and Amended 2021-23 Affirmative Action Plan is adopted, Wolke will reach out to department heads about updating their department affirmative action plans.

Kerby asked whether JoeHahn, Benton County's EDI Coordinator, had an opportunity to review the Plan. Wolke indicated he had not; but in the future, Hahn will be part of the process. The Human Resources recruitment team (Wolke, Jon Efe, Jean Smith, and Kim Sherman) meet every week and plan to include Hahn when affirmative action and outreach are discussed. Wolke will also seek Hahn's input and support of the next Affirmative Action Plan update. Kerby recommended having Hahn review the document before returning it to the Board on April 5.

Kerby noted the motion identifies April 5 as the date to return the Plan to the Board for adoption. He asked whether staff felt this was sufficient time to complete modifications to the Plan, or would additional time be helpful. Wolke indicated April 5 would provide sufficient time. Malone

asked whether the motion should define April 5 as the required date for approval by the Board, or should “*or as soon as it is ready to approve*” language be added to the motion.

MOTION: Upon motion by Malone, duly seconded by Augerot, the Board voted unanimously to place the 2021-23 Benton County Affirmative Action Plan on the April 5, 2022 Board Meeting Agenda or as soon as possible thereafter.

V. Consent Calendar

5.1 In the Matter of Adopting Order No. D2022-038 Authorizing the Weight Limit Posting on Harris Bridge Road, County Bridge No. 16520-03 – Mike Johnson, Public Works

5.2 Approval of the November 23, 2021 Board Meeting Minutes

MOTION: Upon motion by Malone, duly seconded by Augerot, the Board voted unanimously to approve the Consent Calendar as presented.

VI. New Business

6.1 Discussion and Consideration of Approving an Offer from the Oregon Department of Transportation to Acquire a Permanent Easement (US 20: Philomath Couplet Project) – Rick Crager, Chief Financial Officer; Vance Croney, County Counsel

Crager advised the Board of a request from the Oregon Department of Transportation (ODOT) to acquire property for the US 20: Philomath Couplet Project, around Applegate and Main Streets; where they plan to complete road, sidewalk, and storm water drain improvements. There is a very small portion of County-owned property abutting Applegate that ODOT needs to acquire; primarily to accommodate road widening and sidewalk replacement. Crager recommends either a permanent easement or simple title. Byer indicated simple title would be the easier option, and ODOT has indicated they would accept a simple title. The property’s market value is approximately \$168; ODOT is offering \$500, which is fair compensation.

MOTION: Upon motion by Malone, duly seconded by Augerot, the Board voted unanimously to accept the offer of \$500 from the Oregon Department of Transportation to acquire 44 square feet of County-owned land adjacent to Applegate Street in Philomath for the purpose of the US 20: Philomath Couplet Project and to convey the property with a simple title.

Chair Wyse will sign a to-be-prepared deed for the property on behalf of the Board.

VII. Other

7.1 Community Development Update – Darren Nichols, Community Development *

Nichols updated the Board on Republic Services’ (Republic’s) appeal of Benton County’s 2021 denial of the Conditional Use Permit Application (CUA) to expand the Coffin Butte Landfill.

Public hearings were conducted in fall 2021, and the County received testimony from many community members on both sides of this issue. On November 7, 2021, the Solid Waste Advisory Council denied Republic's application.

Following the 14-day comment period, Republic filed a timely appeal on December 21, 2021, referring to the Board to make a decision based on new information. Republic also requested Benton County delay action on the appeal to give Republic additional time to determine how to address comments. On March 11, 2022, the County received a letter from Republic formally withdrawing its appeal, which ended action on the CUA. The Board will not need to hear the appeal or CUA from Republic, which a brief window of opportunity for the Board to ask questions and/or provide guidance to County staff, the community, and the applicant before the Board addresses any possible future application. Republic has indicated its intention to submit a new application in the near future and expressed a desire to work with Benton County and to listen to the community about solid waste issues.

Augerot expressed appreciate for the opportunity to look at the community's solid waste system in totality, especially considering the new State recycling law.

Counsel advised that now that the appeal has been withdrawn, there are no restrictions on ex parte contact; and the Board may communicate with anyone submitting an application, expressing thoughts on topic, etc.

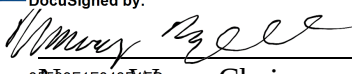
Wyse confirmed the County would be issuing a press release with her quote: *"My fellow Commissioners and I are very pleased."* Staff indicated this was correct.

Malone noted that the Board had received many comments about a desire to restrict refuse coming into Benton County. This input should be part of the communication. Counsel indicated there are restrictions relative to state law and geography. He clarified that Benton County cannot restrict refuse coming in from regional counties that normally have access to Coffin Butte.

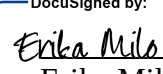
VIII. Adjournment

There being no further business to come before the Board, Chair Wyse adjourned the meeting at 9:07 a.m.

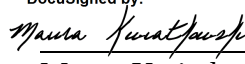
DocuSigned by:


8439917048F4D7
Nancy Wyse, Chair

DocuSigned by:


7349917048F4D7
Erika Milo, Recorder

DocuSigned by:


8749917048F4D7
Maura Kewiatkowski, Recorder

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

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 03/15/22

View [Agenda Tracker](#)

Suggested Placement * Work Session and Meeting

Department * Human Resources

Contact Name * Eric Wolke

Phone Extension * 6086

Meeting Attendee Name * Eric Wolke, Tracy Martineau

Agenda Item Details



Item Title * Review and Approval of 21-23 Affirmative Action Plan

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 * 30 minutes

Board/Committee Involvement *
☐ Yes
☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The affirmative action plan is designed to provide ways in which to measure yearly improvements in hiring, training, and promotion of minorities and women in all parts of an organization. The plan helps measure our goals progress and identifies the areas where we need to develop various outreach strategies. County demographic data has been updated through June 30, 2021 and this and other changes will be captured in the updated Affirmative Action Plan. Once the new Affirmative Action Plan is adopted, we will be meeting with Departments Heads to update their plans as well. The current draft Affirmative Action Plan has updates highlighted in green.

Options *

1. Adopt the resolution to implement the 21-23 Affirmative Action Plan.
2. Do not adopt the resolution to implement the 21-23 Affirmative Action Plan.
3. Request additional information prior to making a decision on the proposed resolution.

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](#).

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 *

Benton County commits to ensure all people enjoy safe, just, welcoming, and supportive communities.

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 *

Benton County commits to support a prosperous, balanced, equitable, and sustainable economy. Benton County will actively promote vibrant, inviting, and enriching artistic & entertainment opportunities while recognizing our history & celebrating our communities.

Recommendations and Motions

Item Recommendations and Motions

Staff Review and adopt the 21-23 Benton County Affirmative Action Plan.
Recommendations *

Work Session I move to ...
Motions * I move to place the 21-23 Benton County Affirmative Action Plan
for adoption on the April 5, 2022 Tuesday board meeting
agenda.

Meeting Motions *
I move to ...
I move to adopt the 21-23 Benton County Affirmative Action Plan.

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.

2.1WS HR_DRAFT BC Affirmative Action Plan 2021-
2023.docx 1.2MB

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

Department Approver ERIC WOLKE

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☒ HR

Counsel Approver VANCE CRONEY

HR Approver TRACY MARTINEAU

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature



Vance H. Cheney

HR Approval

Comments

Signature

Tracy Mattiawan

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature

Teresa Foley

Benton County Oregon



AFFIRMATIVE ACTION PLAN 2021 – 2023 Biennium

Table of Contents

Benton County Overview	3
Equity, Diversity and Inclusion Statement	5
Organizational Chart	6
Benton County Equal Opportunity Employer Policy	7
Workforce Demographics in Our Area – Benton County	8
Workforce Demographics in Our Area – Linn County	9
Workforce Demographics in Our Organization - Statistical Data	10
Workforce Demographics by Department - Statistical Data	12
Utilization Analysis	18
Benton County Affirmative Action Policy Statement	20
Implementation of the Affirmative Action Plan (AAP)	20
Employee Training	22
Programs	23
Roles for Implementation of Affirmative Action Plan	24
Affirmative Action Plan Audit and Reporting System	26
Affirmative Action Plan Goals and Findings	27
Appendix A – Benton County Personnel Policies	29
Appendix A-1: Equal Opportunity Employer Policy	30
Appendix A-2: Americans with Disabilities Act Policy	31
Appendix A-3: Protected Class Discrimination/Harassment	32
Appendix A-4: Sexual Harassment	33
Appendix A-5: Cultural Proficiency	34
Appendix A-6: Affirmative Action Policy	35
Appendix B - Acts	36
Appendix C - City and County Ordinances	37

Benton County Overview

Benton County was created from Polk County by an act of the Provisional Government of Oregon in 1847. It is one of seven counties in the United States to be named after Senator Thomas Hart Benton of Missouri, a longtime advocate of the development of the Oregon Territory. Now the third smallest county in Oregon in total size, it is the ninth largest in total population. Since November 1992, Benton County has had the lowest monthly unemployment rate in the state due to Oregon State University, Hewlett-Packard, agriculture, and lumber and wood products manufacturing that form the basis of Benton County's economy. A substantial portion of the nation's research in forestry, agriculture, engineering, education and the sciences takes place at Oregon State University.

Benton County Government provides a variety of services to the community and performs a number of functions

through its departments and offices: Board of Commissioners; Assessment; Community Development; District Attorney; Health Services; Juvenile Department; Sheriff's Office; Public Works, and Special Service Districts; Human Resources, Finance; Records and Elections; Information Technology; and Budget.

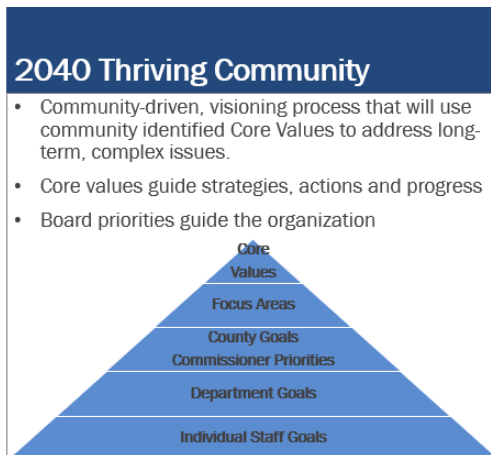
Benton County employs in a variety of occupational categories such as: management, professional, technicians, protective services, para-professionals, administrative support, skilled craft, and service/maintenance. The County provides a comprehensive orientation and training to all its employees and maintains an on-going commitment to equal opportunity employment.



Benton County Mission Statement

We bring to our citizenry the authority, structure, and services to respond to public concerns and opportunities and provide a means for local decision making. Our goal is to promote a safe and nurturing environment where Oregon families and individuals can thrive and prosper.

Benton County Initiatives



We Value

- Vibrant, Livable Communities
- Supportive People and Resources
- High Quality Environment and Access
- Community Resiliency
- Equity for Everyone
- Health in all Actions

Our Priorities

- Climate Crisis - greenhouse gas reduction
- Community/Emergency Resiliency
- Criminal Justice – balanced and equitable approach to treatment and accountability
- Equity, Diversity, and Inclusion
- Homelessness and Housing Insecurity

How the County Makes Decisions

The Board of Commissioners oversees all functions of county government services and set the budgets for the Sheriff's Office and District Attorney's Office. They act as executives and legislators, setting county ordinances; and also fill a quasi-judicial role in land use matters. Through the County Administrator, they provide oversight of county operations.

Benton County is one of nine Oregon counties with a home-rule charter. This provides greater control to our citizens. The voters decide what form they want their government to take. For example, the voters decide which county government positions are elected, such as the sheriff and commissioners.

According to the charter, Benton County must have three full-time elected commissioners to manage the legislative, executive and quasi-judicial responsibilities. Each commissioner is elected at-large to a four-year term. No individual commissioner has any more, or less, power than the others to act. Board action requires at least two of the commissioners to be in agreement.

Benton County Contact Information

Benton County – County Administrator

Joe Kerby
4500 SW Research Way
Corvallis, OR 97333
541 766-6800

Benton County – Equity, Diversity, and Inclusion Program Coordinator

Joe Hahn
4500 SW Research Way
Corvallis, OR 97333
541 766-6851

Benton County – EEO/Affirmative Action Officer

Eric Wolke
4077 SW Research Way
Corvallis, OR 97333
541 766-6851

Equity, Diversity and Inclusion Statement

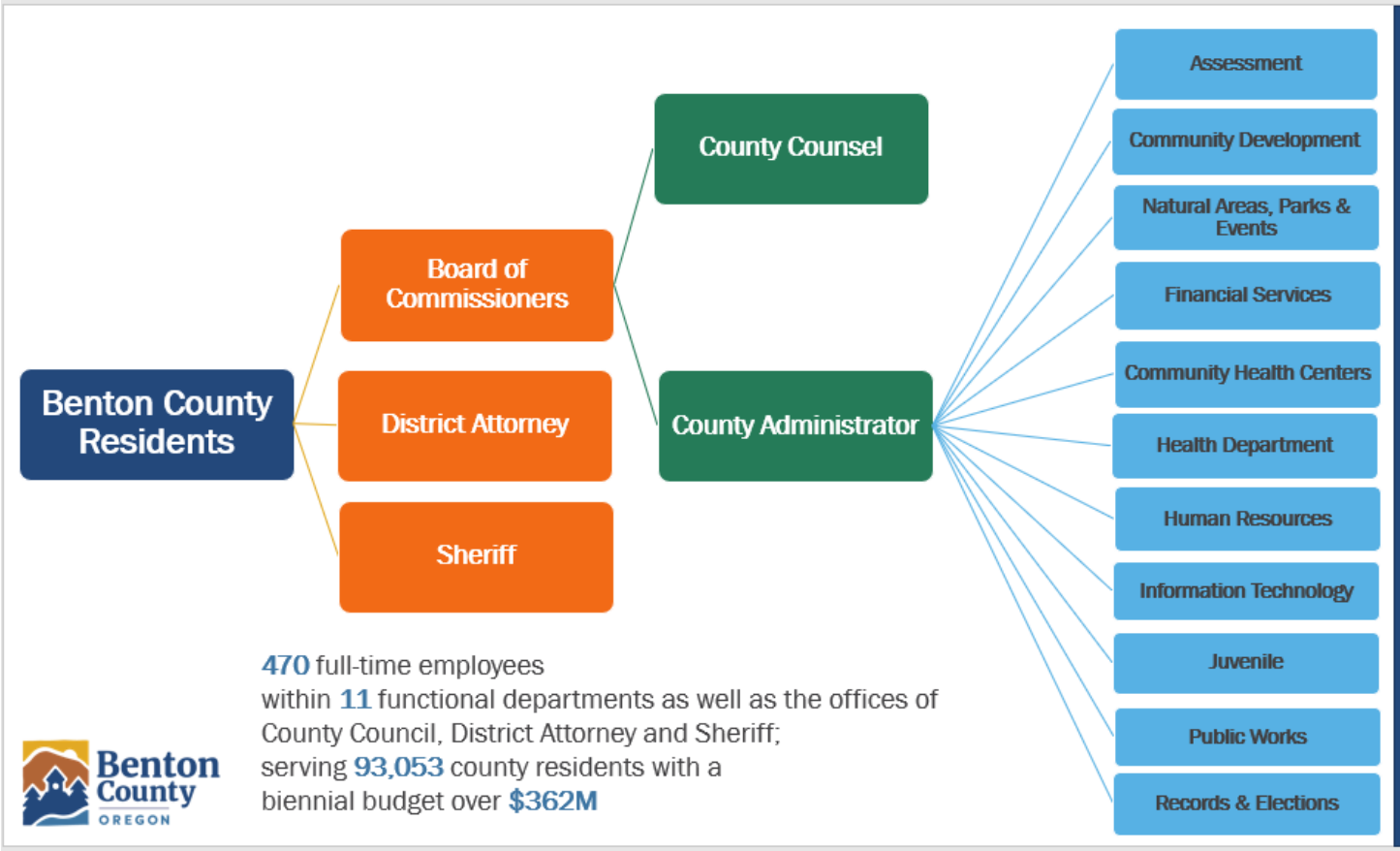
Benton County is committed to providing all people with equal access to its programs and services and fair and equal employment opportunities.

Benton County employees will treat all people with dignity and respect and will not discriminate on the basis of race, color, ancestry, national origin, age, marital status, sexual orientation, political or religious affiliation, physical or mental disability, or military status. All employment decisions will be based on an individual's relevant work experience, education and training, and suitability relative to a position, without regard to race, color, ancestry, national origin, age, marital status, sexual orientation, political or religious affiliation, physical or mental disability, or military status. Benton County recognizes a diverse workforce is crucial to serving our community. The County works to achieve and maintain diversity through its diversity recruitment outreach efforts, which include the following:

- Reaching out to the broadest possible labor market when recruitment for County positions.
- Enforcing a zero-tolerance policy any form of discrimination or harassment.
- Holding all director, managers, supervisors, and employees accountable for creating and promoting a work environment that is welcoming and free from hostility or unwelcome behavior.
- Maintaining a copy of the Benton County Affirmative Action Plan (AAP) on its website, making it available for directors, managers, supervisors, and employees to review.
- Evaluating director, managers, supervisors on their effectiveness in promoting diversity and a welcoming environment for Benton County.

Working together, the County's workforce at all levels creates an atmosphere of respect, fairness, collaboration, and cooperation that reflects our rich, multicultural community. Through this collaborative effort, we can effectively and efficiently achieve our mission to promote a safe and nurturing environment where Oregon families and individuals can thrive and prosper.

Organizational Chart



Benton County Equal Opportunity Employer Policy

Benton County will provide fair and equal employment opportunity to all qualified people within its workforce, and to prohibit discrimination in employment on the basis of race, color, religion, gender, national origin, disability, age, condition of pregnancy, sexual orientation, gender identity, military service, political affiliation, socio-economic, marital status or affectional preferences.

Benton County is committed to ensuring an inclusive, diverse workforce that is reflective of the community it serves. The County's Cultural Competency Policy & Educational Plan enacted in 2001 and this Equal Employment Opportunity Policy provide the foundation for this commitment.

Benton County's equal employment opportunity policy applies not only to recruitment and hiring practices, but also includes affirmative action in the area of placement, promotion, transfer, rate of pay and termination. The policy includes, but is not limited to:

- Non-discriminatory recruitment, screening, testing, hiring, training, promoting of persons in all job categories;
- Employment decisions that are based on Benton County's commitment to equal opportunity;
- Ensuring that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunity;
- Ensuring that all personnel actions such as; compensation, benefits, transfers, work assignments, layoffs, return from layoff, disciplinary actions, terminations, training, and education are administered in a fair and nondiscriminatory manner; and
- Ensuring steps are taken to correct under-representation of any protected group within the County's workforce.

It is the policy of Benton County to fully comply with Title VII of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973; the Age Discrimination in Employment Act of 1975 as amended, the Americans with Disabilities Act, the American Family and Medical Leave Act, and all other applicable Federal, State and local statutes, regulations, and/or ordinances that affect or foster Affirmative Action and Equal Opportunity. In accordance with section 504 of the Rehabilitation Act of 1973, Benton County facilities are accessible to persons with disabilities.

Workforce Demographics in Our Area – Benton County

The following demographic data was gathered from the United States Census Bureau and represents the workforce demographics for Benton County. *Source: U.S. Census Bureau, 2014-2018 EEO Tables -American Community Survey 5-Year Data*

Job Group	Total All Groups	Hispanic or Latino	White alone	Black or African American alone	American Indian /Alaska Native alone	Asian alone	Native Hawaiian /Pacific Islander alone	Balance of not Hispanic or Latino
Officials/Administrators								
Percent Total	100.0%	3.5%	88.0%	0.1%	0.0%	5.7%	0.0%	2.6%
Percent Male	55.9%	2.7%	47.5%	0.1%	0.0%	3.6%	0.0%	2.0%
Percent Female	44.1%	0.8%	40.5%	0.0%	0.0%	2.1%	0.0%	0.6%
Professionals								
Percent Total	100.0%	5.6%	84.1%	0.8%	0.2%	7.3%	0.1%	1.9%
Percent Male	50.1%	2.3%	41.3%	0.8%	0.2%	4.5%	0.1%	0.9%
Percent Female	49.9%	3.3%	42.7%	0.0%	0.0%	2.8%	0.1%	1.0%
Technicians								
Percent Total	100.0%	9.3%	84.5%	0.5%	0.5%	3.9%	0.0%	1.2%
Percent Male	52.9%	5.3%	45.2%	0.5%	0.1%	1.2%	0.0%	0.5%
Percent Female	47.1%	4.0%	39.4%	0.0%	0.4%	2.6%	0.0%	0.7%
Protective service: Sworn								
Percent Total	100.0%	9.5%	81.1%	0.0%	4.1%	2.7%	0.0%	2.7%
Percent Male	95.9%	9.5%	77.0%	0.0%	4.1%	2.7%	0.0%	2.7%
Percent Female	5.4%	0.0%	5.4%	0.0%	0.0%	0.0%	0.0%	0.0%
Protective service: Non-sworn								
Percent Total	100.0%	0.0%	72.7%	0.0%	0.0%	0.0%	0.0%	27.3%
Percent Male	81.8%	0.0%	63.6%	0.0%	0.0%	0.0%	0.0%	18.2%
Percent Female	18.2%	0.0%	13.6%	0.0%	0.0%	0.0%	0.0%	9.1%
Administrative support								
Percent Total	100.0%	5.0%	85.2%	1.4%	0.4%	5.6%	0.2%	2.4%
Percent Male	29.8%	2.4%	24.4%	0.4%	0.0%	2.0%	0.2%	0.5%
Percent Female	70.2%	2.6%	60.8%	1.0%	0.4%	3.6%	0.0%	1.8%
Skilled craft								
Percent Total	100.0%	8.2%	87.3%	1.1%	1.1%	1.3%	0.0%	0.7%
Percent Male	91.3%	7.8%	80.4%	1.1%	0.4%	0.9%	0.0%	0.7%
Percent Female	8.7%	0.4%	6.9%	0.0%	0.7%	0.7%	0.0%	0.0%
Service/Maintenance								
Percent Total	100.0%	14.4%	75.2%	0.9%	0.5%	4.3%	0.1%	4.6%
Percent Male	54.2%	8.4%	40.1%	0.8%	0.4%	1.9%	0.1%	2.5%
Percent Female	45.8%	6.0%	35.1%	0.1%	0.1%	2.4%	0.0%	2.1%

Workforce Demographics in Our Area – Linn County

The following demographic data was gathered from the United States Census Bureau and represents the workforce demographics for Linn County. *Source: U.S. Census Bureau, 2014-2018 EEO Tables -American Community Survey 5-Year Data*

Job Group	Total All Groups	Hispanic or Latino	White alone	Black or African American alone	American Indian /Alaska Native alone	Asian alone	Native Hawaiian /Pacific Islander alone	Balance of not Hispanic or Latino
Officials/Administrators								
Percent Total	100.0%	7.6%	88.4%	0.2%	0.2%	0.5%	0.1%	3.2%
Percent Male	61.6%	4.7%	53.9%	0.2%	0.2%	0.3%	0.1%	2.4%
Percent Female	38.4%	2.9%	34.5%	0.0%	0.0%	0.2%	0.0%	0.8%
Professionals								
Percent Total	100.0%	4.2%	89.5%	0.2%	0.1%	2.6%	0.0%	3.3%
Percent Male	45.1%	1.6%	41.0%	0.0%	0.0%	1.1%	0.0%	1.4%
Percent Female	54.9%	2.6%	48.5%	0.2%	0.1%	1.6%	0.0%	1.9%
Technicians								
Percent Total	100.0%	6.0%	85.9%	1.4%	1.9%	1.8%	0.0%	3.0%
Percent Male	72.6%	5.1%	62.9%	1.4%	0.6%	1.0%	0.0%	1.5%
Percent Female	27.4%	0.9%	23.0%	0.0%	1.3%	0.8%	0.0%	1.5%
Protective service: Sworn								
Percent Total	100.0%	8.6%	82.2%	5.9%	0.0%	0.5%	0.0%	2.6%
Percent Male	94.7%	8.6%	76.3%	5.9%	0.0%	0.5%	0.0%	2.6%
Percent Female	5.3%	0.0%	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%
Protective service: Non-sworn								
Percent Total	100.0%	11.1%	59.3%	0.0%	0.0%	0.0%	0.0%	29.6%
Percent Male	37.0%	0.0%	14.8%	0.0%	0.0%	0.0%	0.0%	22.2%
Percent Female	63.0%	11.1%	44.4%	0.0%	0.0%	0.0%	0.0%	7.4%
Administrative support								
Percent Total	100.0%	6.6%	88.4%	0.2%	0.4%	1.5%	0.2%	2.7%
Percent Male	34.5%	1.9%	31.2%	0.2%	0.0%	0.5%	0.0%	0.8%
Percent Female	65.5%	4.7%	57.2%	0.0%	0.4%	1.0%	0.2%	1.9%
Skilled craft								
Percent Total	100.0%	8.5%	88.4%	0.0%	0.5%	0.1%	0.0%	2.7%
Percent Male	95.8%	8.0%	84.6%	0.0%	0.5%	0.1%	0.0%	2.7%
Percent Female	4.2%	0.5%	3.8%	0.0%	0.0%	0.0%	0.0%	0.0%
Service/Maintenance								
Percent Total	100.0%	15.8%	79.7%	0.6%	0.5%	0.7%	0.0%	2.7%
Percent Male	59.7%	11.8%	46.1%	0.2%	0.2%	0.2%	0.0%	1.2%
Percent Female	40.3%	3.9%	33.7%	0.4%	0.3%	0.5%	0.0%	1.6%

Workforce Demographics in Our Organization - Statistical Data

All statistical monitoring reports necessary for evaluating the program's performance are maintained by the Benton County Office of Human Resources, in accordance with federal reporting requirements. Additionally, Benton County has complied with Public Law 88-352, Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and has provided required EEO-4 reports to the Equal Employment Opportunity Commission.

Source: EEO-4 Reporting Data, as of 6/30/2021.

Full Time Employees - Benton County as a Whole															
		Male							Female						
Occupation/Job Category	County Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	68	30	0	3	1	0	1	0	31	0	1	0	0	1	0
2 - Professionals	103	33	1	4	0	0	1	0	52	1	5	3	0	1	2
3 - Technicians	67	25	2	3	0	0	0	1	21	1	8	4	0	0	2
4 - Protective Services	60	49	0	1	0	0	0	0	10	0	0	0	0	0	0
5 - Paraprofessionals	48	5	0	3	0	1	0	1	20	0	16	0	1	0	1
6 - Administrative Support	57	1	0	1	0	0	0	0	39	0	15	0	1	0	0
7 - Skilled Craft	7	6	0	1	0	0	0	0	0	0	0	0	0	0	0
8 - Service/Maintenance	13	11	1	0	0	0	0	0	1	0	0	0	0	0	0
Total Full Time	423	160	4	16	1	1	2	2	174	2	45	7	2	2	5

Other Than Full Time Employees													
		Male						Female					
	Total	White	Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	2 or More Races	White	Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	2 or More Races
1 - Officials & Administrators													
2 - Professionals	3	2						1					
3 - Technicians	8	4					1	3					
4 - Protective Services	10	9						1					
5 - Paraprofessionals	11	2		1				6			1		1
6 - Administrative Support	10	3						4		3			
7 - Skilled Craft													
8 - Service/Maintenance													
Total Other than Full Time	42	20	0	1	0	0	1	15	0	3	1	0	1

New Hires for Year (Permanent Full Time Only)													
July 1, 2020 – June 30, 2021													
		Male						Female					
	TOTAL	White	Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	2 or More Races	White	Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	2 or More Races
1 - Officials & Administrators	20	9						11					
2 - Professionals	34	9		2			1	17	2	3	1		4
3 - Technicians	24	5		1				13					
4 - Protective Services	10	9						1					
5 - Paraprofessionals	27	3		3			1	11	1	5	1		
6 - Administrative Support	25	3						13		9			2
7 - Skilled Craft	2			2									
8 - Service/Maintenance	2		2										
Total Full Time	144	38	2	8	0	0	2	66	3	17	2	0	6

Workforce Demographics by Department - Statistical Data

Source: MUNIS reporting, Data as of July 1, 2020 to June 30, 2021

FULL TIME EMPLOYEES - ASSESSMENT															
Occupation / Job Category		Male							Female						
	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	3	1							2						
3 - Technicians	10	4							6						
5 – Paraprofessionals	1			1											
6 - Administrative Support	2								2						

FULL TIME EMPLOYEES - BOARD OF COMMISSIONERS & COUNTY COUNSEL															
Occupation / Job Category		Male							Female						
	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	4	2							1					1	
2 - Professionals	5	3						1	1						
5 – Paraprofessionals	1								1						
6 - Administrative Support	2								2						

FULL TIME EMPLOYEES - COMMUNITY DEVELOPMENT															
Occupation / Job Category		Male							Female						
	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators															
2 - Professionals															
3 - Technicians	8	4							3			1			
6 – Administrative Support	1								1						

FULL TIME EMPLOYEES - COMMUNITY HEALTH CENTERS															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	9	1							7		1				
2 - Professionals	21	4							14		3				
3 - Technicians	11								5		5	1			
5 - Paraprofessionals	21			2		1			9		7		1		1
6 - Administrative Support	9								3		6				

FULL TIME EMPLOYEES - DISTRICT ATTORNEY'S OFFICE															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	6	2		1					3						
2 - Professionals	5	4							1						
3 – Technicians	1	1													
5 - Paraprofessionals	6							1	3		2				
6 - Administrative Support	1								1						

FULL TIME EMPLOYEES - FINANCE															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	2	1							1						
2 - Professionals	5								5						
6 - Administrative Support	5								5						

FULL TIME EMPLOYEES - HEALTH DEPARTMENT															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	16	4		1					11						
2 - Professionals	47	12	1	2					25	1	2	2			2
3 – Technicians	11	2	1	1					2	1	1	1			2
5 - Paraprofessionals	11	2							6		3				
6 - Administrative Support	21								12		8		1		

FULL TIME EMPLOYEES - HUMAN RESOURCES															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	2	1							1						
2 - Professionals	4	1					1		1					1	
6 - Administrative Support	1	1													

FULL TIME EMPLOYEES - INFORMATION TECHNOLOGY															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	1	1													
3 - Technicians	12	8		1				1	1			1			
6 - Administrative Support	1								1						

FULL TIME EMPLOYEES - JUVENILE															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	3	3													
2 - Professionals	6	2		1					3						
3 - Technician	1		1												
5- Paraprofessionals	1								1						
6 - Administrative Support	2								2						

FULL TIME EMPLOYEES - PUBLIC WORKS															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	6	3					1		2						
2 - Professionals	5	5													
3 - Technicians	9	6		1					2						
5 – Paraprofessionals	3	3													
6 - Administrative Support	3								3						
7 - Skilled Craft	7	6		1											
8 - Service/Maintenance	9	8							1						
FULL TIME EMPLOYEES - NATURAL AREA, PARKS and EVENTS															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	3	2							1						
2 - Professionals	1	1													
3 – Technicians	1								1						
6 - Administrative Support	2								2						
8 - Service/Maintenance	4	3	1												

FULL TIME EMPLOYEES - RECORDS AND ELECTIONS															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	2			1					1						
2 – Professionals	1											1			
6 - Administrative Support	3			1					2						

FULL TIME EMPLOYEES - SHERIFF'S OFFICE															
		Male							Female						
Occupation/Job Category	Department Total	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races	White	Black	Hispanic	Asian	American Indian Alaskan Native	Native Hawaiian Pacific Islander	2 or More Races
1 - Officials & Administrators	10	9			1										
2 - Professionals	3								3						
3 – Technicians	2	1							1						
4 - Protective Services	60	49		1					10						
6 - Administrative Support	4								3		1				

Utilization Analysis

Source: U.S. Census Bureau, 2014-2018 American Community Survey

BENTON COUNTY

Job Group	Female Incumbency %	Benton Female Availability %	Ratio Benton	Establish Goal? Yes/no	If yes, goal for females	Minority Incumbency %	Benton Minority Availability %	Ratio Benton	Establish Goal? Yes/no	If yes, goal for minorities
Officials/ Administrators	49.3%	44.1%	111.8%	no		9.9%	11.9%	82.9%	yes	11.90%
Professionals	67.5%	49.9%	135.3%	no		19.2%	15.9%	120.5%	no	
Technicians	54.5%	47.1%	115.8%	no		26.0%	15.4%	168.7%	no	
Protective Service Sworn	15.3%	5.4%	282.5%	no		1.7%	19.0%	8.9%	yes	19.00%
Para-Professional	Data not available on the 2014-2018 American Community Survey									
Administrative Support	96.7%	70.2%	137.7%	no		28.3%	15.0%	188.9%	no	
Skilled Craft	0.0%	8.7%	0.0%	yes	8.7%	14.3%	12.4%	115.2%	no	
Service/Maintenance	13.3%	45.8%	29.1%	yes	45.8%	20.0%	24.8%	80.6%	yes	24.80%
Source: U.S. Census Bureau, 2014-2018 American Community Survey										

LINN COUNTY

Job Group	Linn Female Availability %	Utilization Ratio (Benton to Linn)	Linn Minority Availability %	Utilization Ratio (Benton to Linn)
Officials/Administrators	38.4%	128%	11.8%	84%
Professional	54.9%	123%	10.4%	184%
Technicians	27.4%	199%	14.1%	184%
Protective Service	5.3%	288%	17.6%	10%
Para-Professional	Data not available on the 2014-2018 American Community Survey			
Administrative Support	65.5%	148%	11.6%	244%
Skilled Craft	4.2%	0%	11.8%	121%
Service/Maintenance	40.3%	33%	20.3%	99%
Source: U.S. Census Bureau, 2014-2018 American Community				

Benton County Affirmative Action Policy Statement

The government of Benton County, Oregon, will not discriminate on the basis of any protected status with regard to recruitment or recruitment advertising, hiring, training, promotion, and other terms and conditions of employment, provided the individual is qualified, with or without reasonable accommodation, to perform the essential functions of the job. Benton County does and will take affirmative action to employ, advance in employment, and otherwise treat qualified individuals without discrimination based upon protected status, physical or mental disability, or veterans' status, in all employment practices.

Employment decisions at Benton County are based only on job-related criteria. All personnel actions or programs that effect qualified individuals such as employment, promotion, demotion or transfer, recruitment, advertising, termination, rate of pay or other forms of compensation, and selection for training, will be made without discrimination based upon the individual's protected status.

Benton County makes, and will continue to make, reasonable accommodations to promote the employment of qualified individuals with disabilities, unless such accommodations would impose an undue hardship on Benton County's business.

Implementation of the Affirmative Action Plan (AAP)

Benton County has developed and executed action-oriented programs designed to correct any problem areas that may exist and demonstrate good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results.

- Benton County has analyzed and will continue to analyze all positions and prepare written descriptions to accurately reflect position functions.
- Job descriptions have been and will continue to be reviewed to determine the knowledge, skills, abilities, and other requirements necessary for the adequate performance of every job. Specifications will be consistent for the same job title in all organizational units and will not contain any requirements that would result in discrimination on the basis of race, color, religion, sex, age, disability, veteran status, national origin, or other characteristic protected by law.
- Job descriptions are available to incumbents and all members of management involved in the recruiting, screening, selection, and promotion process. Job descriptions are also made available to employees, applicants, and recruiting sources as appropriate.
- Benton County's Human Resources Department will continuously evaluate the selection process to make it free from discrimination and to assure it is merit based. We have instructed all supervisory personnel to ensure elimination of discrimination in all personnel actions in which they are involved. The tests administered by Benton County are job-related and given to all applicants for applicable positions.
- Benton County will actively seek to increase the number of qualified applicants from underutilized applicant pools in accordance with the AAP and its goals as informed by regular reports and audits.
- Benton County will regularly evaluate its techniques for improving recruitment and increasing the flow of qualified applicants from diverse applicant pools. Benton County relies on numerous resources as well as job fairs and recruiting programs sponsored by local community colleges and other community organizations to identify potential job candidates, including but not limited to:
 - State-wide job posting in Human Resource departments for various Oregon cities and counties;
 - Public and private universities such as Linn-Benton Community College, Oregon State University, Eastern Oregon University, University of Portland, and Mount Hood Community College; and
 - Various diversity outreach groups including Oregon State University Women's Center, Centro De Fey

Outreach, Goodwill Industries, Confederated Tribes of the Siletz Indians, and the State of Oregon Veteran's Affairs Office.

- In accordance with public law, the Benton County's AAP is available for inspection in the Human Resources Department office during regular business hours upon request.

Employee Training

Diversity and Inclusion Training

It is the mission of Benton County Government to ensure access to county services to all citizens by educating our employees about the cultural richness and diversity of all people in our community. Our organization and the individuals who work in it will strive to understand the values and beliefs that inform the diverse world views of our citizens in order to appropriately and adequately provide all the support of local government services. Diversity and Inclusion resources and other information are available to employees at <https://thebee.in.co.benton.or.us/hr/page/cultural-proficiency-and-diversity>.

Maintaining a Harassment Free and Professional Workplace

Benton County is committed to a workplace free of discrimination and harassment in all forms. Offensive or harassing behavior will not be tolerated. Harassment of any employee, job applicant, volunteer, or visitor, in any form, shall expose the offending employee to disciplinary action, up to and including termination. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action.

Benton County policy prohibits behavior based on another's protected status that has the purpose of:

- Creating an intimidating, hostile or offensive working environment;
- Unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

Protected status refers race, color, national origin, religion, sex, sexual orientation, age, disability, or veteran status. Discrimination/harassment, as described above, of any employee, job applicant, volunteer, or visitor shall expose the offending employee to disciplinary action, up to and including termination.

Programs

Internship Program

College students represent one of the most diverse applicant pools in the geographic area. Student Workers/ Interns work for school credit and/or a nominal salary in order to combine classroom theory with practical experience in the workplace. Because student interns are encouraged to apply for permanent, paid positions, recruiting student interns allows Benton County to develop qualified applicants from underutilized applicant pools.

Diversity Awareness Programs

Benton County carries out an ongoing program called “Linn-Benton Employers’ Partnership for Diversity.” This program provides quarterly events in cooperation with local diversity focused organizations. Topics include: Navigating Difference, Generations, Implicit Bias, Political Policies, Poverty, Religion, Abilities, LGBTQ, and Diversity Initiatives in the Workplace.

King Legacy Advisement Board

Benton County strives to partner with organizations that promote diversity, inclusiveness, and cultural education. As part of this effort, the County partners with, and promotes the efforts of, the King Legacy Advisement Board, a Corvallis based organization that holds an annual festival in honor of Dr. King.

Benton County Equity Committee

Benton County Board of Commissioners have established a county wide Equity Committee. This committee works to promote equity in all county services.

Roles for Implementation of Affirmative Action Plan

At Benton County, responsibilities for achieving goals for affirmative action, equal employment opportunity, and diversity, equity, and inclusion are shared by the County Commissioners, the County Administrator, Department Head, Manager, Supervisors, EDI Program Coordinator, EEO/Affirmative Action Officer, and employees. The County is accountable to provide assessments of roles to enhance transparency of Benton County and the responsibility to fully understand the laws and policies about civil rights, affirmative action, equal employment opportunity, and diversity equity, and inclusion. The County will evaluate its efforts, including those people below, in promoting equal opportunity and achieving affirmative action objectives. In addition, the County expects all employees to perform their job duties in a manner that promotes inclusivity, equality, and respect.

Commissioners and County Administrator

The County Administrator will present the combined annual AAP reports to the Commissioners. The Commissioners will provide oversight and ensure compliance with the AAP and other County policy.

County Administrator/Executive Team

These responsibilities include, but are not limited to:

1. Ensure compliance with the County's affirmative action plan and promote equal employment opportunity for all employees and applicants; effectively communicate on a regular basis.
2. Promote commitment to a diverse workplace free of discrimination and harassment and discuss with Department Head their contribution to the County's affirmative action goals and inclusive workplace.
3. Communicate County policies against discrimination in employment and other relevant state and County policies to subordinates.
4. County Administrator will participate in the Diversity Committee and will encourage other executive and staff participation.
5. Collaborate with Human Resources staff members on attending and presenting at the Quarterly County New Employee Orientation.
6. Encourage subordinates, Department Heads, managers, supervisors, and employees to participate in and support diversity, equity, and inclusion education and celebration events the County promotes.
7. Meet periodically (at least quarterly) with EEO/Affirmative Action Officer and EDI Program Coordinator to review workforce representation statistics from MUNIS and NEO Gov.
8. Evaluate the performance of Department Heads in the effectiveness of their efforts to promote a welcoming and respectful workplace and help achieve affirmative action plan goals and objectives by completing annual performance evaluation in PERFORM.
9. Discuss the manager's familiarity with the County's workforce representation reports and affirmative action plan and knowledge of which classifications under their control are underrepresented.

EEO/Affirmative Action Officer

The Affirmative Action Officer has the responsibility for designing and ensuring effective implementation of Benton County's AAP. These responsibilities include, but are not limited to:

1. The development of the AAP, policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions.
2. Reviewing all personnel actions, policies, and procedures to ensure compliance with AAP and EEOC policy.
3. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur.
4. Assisting in the identification of problem areas and the development of solutions to those problems.
5. Monitoring the effectiveness of the program on a continuing basis through the development and implementation of an internal audit- and reporting system that measures the effectiveness of the program.

6. Keeping the Director of Human Resources informed of equal opportunity progress and problems within the County through annual reports as outlined in the audit and reporting section of the AAP.
7. Providing department managers with a copy of the Affirmative Action Plan and reviewing the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program.
8. Reviewing Benton County's AAP with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities.
9. Auditing the contents of internal and external Benton County communications annually to ensure that compliance information is posted and is up to date.
10. Serving as liaison between Benton County and enforcement agencies.
11. Serving as liaison between Benton County and organizations for individuals with disabilities and protected veterans.

Department Heads, Managers and Supervisors

Department heads, managers and supervisors are advised annually of their responsibilities under Benton County's AAP and of their obligations to:

1. Foster and promote to subordinate employees the importance of a diverse, respectful, and discrimination-free and harassment-free workplace.
2. Review of department employees engaging in any type of harassment; must follow the procedures outlined in the Benton County Personnel Manual – Rule 17 Employee Conduct.
3. Ensure all subordinates receive an orientation on the department's affirmative action goals and responsibilities and understand their own responsibilities for helping attain the goals in the agency and department.
4. Collaborate and recommend strategies with Human Resources and the EDI Program Coordinator to increase the percentage of people of color, people with disabilities, LGBTQ, women, and veterans who are invited for interview. Uphold County processes and rules in filling vacancies, recruitment planning strategies, resources available, and promotion consideration.
5. Evaluate how well employees demonstrate and act in concert with County values and policies by prompt and appropriate crucial conversations in any situation, which may create a respectful and inclusive workplace.
6. Stive to have ethnically diverse representation of the interview panel members during interviews and have all panel members attend the diversity and inclusion training for interview panels titles "Conducting an Effective and Inclusive Interview."
7. Review the county's Affirmative Action Policy with subordinate managers and supervisors to ensure that they are aware of the policy and understand their obligation to comply with it in all personnel actions.
8. Attend and encourage subordinates, Department Heads, managers, supervisors, and employees to participate in and support diversity equity, and inclusion education and celebrations.
9. Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary. This can be done in collaboration with the assigned Human Resources Analyst.
10. Review the qualifications of all applicants and employees to ensure qualified individuals are treated in a non-discriminatory manner when hire, promotion, transfer, and termination occurs.
11. Review all employees' performance to ensure that non-discrimination is adhered to in all personnel activities.
12. Provide information for AAP audit related matters to EEO/Affirmative Action Officer as requested to complete reports.

Affirmative Action Plan Audit and Reporting System

The EEO/Affirmative Action Officer has the responsibility for developing and preparing the formal documents of the AAP. The EEO/Affirmative Action Officer also is responsible for the effective implementation of the AAP; however, responsibility is likewise vested with each department head, manager and supervisor.

Benton County's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which AAP goals and objectives have been obtained.

The following personnel activities are reviewed to ensure non-discrimination and equal employment opportunity for all persons regardless of race, color, national origin, sex, sexual orientation, age, religion, disability or veteran's status:

- Recruitment, advertising, and job application procedures;
- Hiring, promotion, upgrading, award of tenure, layoff, recall from layoff;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Sick leave, leaves of absence, or any other leave;
- Training, apprenticeships, attendance at professional meetings and conferences; and
- Any other term, condition, or privilege of employment.

The following documents are maintained as a component of Benton County's internal audit process:

1. An applicant flow log showing the race, sex, job title and the action taken for all individuals applying for job opportunities;
2. Summary data of external job offers and hires, internal promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification;
3. Summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants for each position;
4. Maintenance of employment applications (not to exceed three years), and compensation records.

Annual Reports

Benton County's audit system includes an annual report documenting Benton County's efforts to achieve its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. In addition, each report will be reviewed by the County Administrator with the Commissioners. During annual reporting:

1. The EEO/Affirmative Action Officer will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the Director of Human Resources; and
2. The EEO/Affirmative Action Officer will report the status of the Benton County's AAP goals and objectives to the Human Resources Director. The Affirmative Action Officer will recommend remedial actions for the effective implementation of the AAP.

Affirmative Action Plan Goals and Findings

Job Group: Officials and Administrators

Females: The availability for this group is 44.1% and the County's current utilization is 49.3%.

Minorities: The availability for this group is 11.9% and the County's current utilization is 9.9%.

Strategies to address underutilization:

- Continue efforts to provide a welcoming and discrimination free environment.
- Cultivate relationships with organizations that serve persons from under-represented groups.
- Advertise vacancies in media that serves or represents persons from under-represented groups.

Job Group: Professionals

Females: The availability for this group is 49.9% and the County's current utilization is 67.5%.

Minorities: The availability for this group is 15.9% and the County's current utilization is 19.2%.

Job Group: Technicians

Females: The availability for this group is 47.1% and the County's current utilization is 54.5%.

Minorities: The availability for this group is 15.4% and the County's current utilization is 26%.

Job Group: Protective Service

Females: The availability for this group is 5.4% and the County's current utilization is 15.3%.

Minorities: The availability for this group is 19% and the County's current utilization is 1.7%.

Strategies to address underutilization:

- Continue efforts to provide a welcoming and discrimination free environment.
- Cultivate relationships with organizations that serve persons from under-represented groups.
- Advertise vacancies in media that serves or represents persons from under-represented groups.

Job Group: Administrative Support

Females: The availability for this group is 70.2% and the County's current utilization is 96.7%.

Minorities: The availability for this group is 15% and the County's current utilization is 28.3%.

Job Group: Skilled Craft

Females: The availability for this group is 8.7% and the County's current utilization is 0.0%.

Minorities: The availability for this group is 12.4% and the County's current utilization is 14.3%.

Strategies to address underutilization:

- Continue efforts to provide a welcoming and discrimination free environment.
- Cultivate relationships with organizations that serve persons from under-represented groups.
- Advertise vacancies in media that serves or represents persons from under-represented groups.

Job Group: Service / Maintenance

Females: The availability for this group is 45.8% and the County's current utilization is 13.3%.

Minorities: The availability for this group is 24.8% and the County's current utilization is 20.0%.

Strategies to address underutilization:

- Continue efforts to provide a welcoming and discrimination free environment.
- Cultivate relationships with organizations that serve persons from under-represented groups.
- Advertise vacancies in media that serves or represents persons from under-represented groups.

Appendix A – Benton County Personnel Policies

1. Equal Opportunity Employer Policy
2. Americans with Disabilities Act Policy
3. Protected Class Discrimination /Harassment
4. Sexual Harassment
5. Cultural Proficiency
6. Affirmative Action Policy

Appendix A-1: Equal Opportunity Employer Policy

Benton County will provide fair and equal employment opportunity to all qualified people within its workforce, and to prohibit discrimination in employment on the basis of race, color, religion, gender, national origin, disability, age, condition of pregnancy, sexual orientation, gender identity, military service, political affiliation, socio-economic, marital status or affectional preferences.

Benton County is committed to ensuring an inclusive, diverse workforce that is reflective of the community it serves. The County's Cultural Competency Policy & Educational Plan enacted in 2001 and this Equal Employment Opportunity Policy provide the foundation for this commitment.

Benton County's equal employment opportunity policy applies not only to recruitment and hiring practices, but also includes affirmative action in the area of placement, promotion, transfer, rate of pay and termination. The policy includes, but is not limited to:

- Nondiscriminatory recruitment, screening, testing, hiring, training, promoting of persons in all job categories;
- Employment decisions that are based on Benton County's commitment to equal opportunity;
- Ensuring that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunity;
- Ensuring that all personnel actions such as; compensation, benefits, transfers, work assignments, layoffs, return from layoff, disciplinary actions , terminations, training, and education are administered in a fair and nondiscriminatory manner; and
- Ensuring steps are taken to correct under-representation of any protected group within the County's workforce.

It is the policy of Benton County to fully comply with Title VII of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973; the Age Discrimination In Employment Act of 1975 as amended, the Americans with Disabilities Act, the American Family and Medical Leave Act, and all other applicable Federal, State and local statutes, regulations, and/or ordinances that affect or foster Affirmative Action and Equal Opportunity. (In accordance with section 504 of the Rehabilitation Act of 1973, Benton County facilities are accessible to the handicapped.)

Appendix A-2: Americans with Disabilities Act Policy

The ADA requires reasonable accommodation to applicants and/or employees with disabilities. The applicants and/or employees or someone acting on his/her behalf must request accommodation either verbally or in writing as soon as the need arises. Benton County may ask for documentation of such disability from an appropriate professional such as a doctor or rehabilitation counselor. Disabilities that are transitory do not qualify for accommodation under this Act. Requested accommodations cannot change or alter the essential functions of any position.

Requests for accommodation can be made to the supervisor, department head or Human Resource Director. Requests shall be forwarded to the Human Resources Director for evaluation. Once alerted of a disability, the Human Resource Director or designee will begin an interactive process with the applicant or employee to learn what accommodation, if any, is required.

The Human Resources Director or designee may consult, investigate, and/or require a second medical opinion at Benton County's expense in order to gain the necessary information to make a reasoned and factual finding on requests for accommodation.

Applicant Rights Under the Americans with Disabilities Act (ADA).

In compliance with the ADA, Benton County:

- Provides reasonable accommodation for applicants with disabilities to access employment opportunities.
- Provides for accessibility to enable a qualified applicant to participate in the application and selection process.
- Schedules interviews in a handicapped-accessible location.

In compliance with the ADA, the Human Resources Director is appointed to coordinate ADA compliance in all aspects except facilities. The Facilities Manager will work in conjunction with the Human Resources Director to coordinate ADA compliance with respect to County facilities.

The name, address, and telephone number of the Human Resources Director and the Facilities Manager shall be available to all applicants, employees, or interested parties, upon request to the Human Resources Department.

Appendix A-3: Protected Class Discrimination/Harassment

Benton County policy prohibits behavior based on another's protected status that has the purpose of:

- Creating an intimidating, hostile or offensive working environment;
- Unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

Protected status refers race, color, national origin, religion, sex, sexual orientation, age, disability, or veteran status. Discrimination/harassment, as described above, of any employee, job applicant, volunteer, or visitor shall expose the offending employee to disciplinary action, up to and including termination. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action.

Appendix A-4: Sexual Harassment

Sexual harassment is unlawful discrimination on the basis of gender. It is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Appendix A-5: Cultural Proficiency

The Benton County Board of Commissioners recognizes cultural proficiency as a learning priority for County employees.

Each 12-month period, all employees are required to attend a minimum of one training opportunity that will better enable them to effectively work with and serve internal and external customers from diverse cultural groups.

In support of this objective, the County will provide learning opportunities, educational resources and work time to enable employees to participate in partnerships, collaborations and learning activities that contribute to the achievement of a culturally proficient workforce.

Cultural proficiency activities include trainings, programs or workshops that:

- Provide awareness of one's own cultural communication style and how that reflects one's beliefs and values;
- Assist in adapting one's communication style to others;
- Educate and inform about working effectively in cross-cultural situations ;
- Improve our ability to recognize and to respond to cultural concerns of diverse groups, including histories, traditions, beliefs and value systems; and
- Acknowledge strength and legitimacy of other groups and inform participants about diverse perspectives.

A list of training opportunities is available through Benton County Human Resources. Educational opportunities other than those provided by Benton County Human Resources may also meet this requirement with the approval of the Human Resources/EEO Officer. County department heads are responsible for tracking compliance with this educational requirement and will report results to the Board of Commissioners as part of their annual performance evaluations.

Appendix A-6: Affirmative Action Policy

The government of Benton County, Oregon, will not discriminate on the basis of any protected status with regard to recruitment or recruitment advertising, hiring, training, promotion, and other terms and conditions of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job. Benton County does and will take affirmative action to employ, advance in employment, and otherwise treat qualified individuals without discrimination based upon protected status, physical or mental disability, or veterans' status, in all employment practices.

Employment

Employment decisions at Benton County are based only on job-related criteria. All personnel actions or programs that affect qualified individuals such as employment, upgrading, demotion or transfer, recruitment, advertising, termination, rate of pay or other forms of compensation, and selection for training, will be made without discrimination based upon the individual's protected status.

Accommodations

Benton County makes, and will continue to make, reasonable accommodations to promote the employment of qualified individuals with disabilities, unless such accommodations would impose an undue hardship on Benton County's business.

Affirmative Action Plan

The Affirmative Action Officer for Benton County will manage the Affirmative Action Plan ("AAP"). The AAP includes an audit and reporting system, which will include evaluating the effectiveness of the AAP.

All managers and supervisors will take an active part in the Benton County AAP to ensure that all qualified employees and prospective employees are considered and treated in a non-discriminatory manner with respect to all employment decisions.

Benton County will solicit the cooperation and support of all employees for the AAP. The Affirmative Action Officer has been assigned responsibility for periodically reviewing progress in the compliance and implementation of the policy of affirmative action. In accordance with public law, the Benton County's AAP is available for inspection in the Human Resources Department office during regular business hours upon request.

Through the AAP, Benton County strives to achieve a workforce representative of the diversity of available qualified applicants in the County at large. Benton County will take proactive steps to develop diverse applicant pools for position vacancies in accordance with the AAP.

Employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in, or may have engaged in, activities such as filing a complaint, assisting or participating in an investigation, compliance review or hearing, or opposing any act or practice made unlawful, or exercising any other right protected by applicable rules or laws.

Appendix B - Acts

1. [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
2. [Titles I and V of the Americans with Disabilities Act of 1990 \(ADA\)](#)
3. [Sections 501 and 505 Rehabilitation Act of 1973](#)
4. [Equal Pay and Compensation Discrimination Equal Pay Act of 1963](#)
5. [Title VII of the Civil Rights Act of 1964](#)
6. [Genetic Information Discrimination Title II of the Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)

Appendix C - City and County Ordinances

City of Corvallis, Oregon - Code of Ordinances

Section 1.23.050 - Discrimination in employment prohibited.

It shall be unlawful to discriminate in employment on the basis of an individual's age if the individual is 18 years of age or older, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income, by committing any of the acts made unlawful under the provisions of ORS 659A.030 or 659A.142, as applicable.

(Ord. 2007-09 § 6, 05/07/2007; Ord. 92-41 § 5, 12/07/92)

Benton County Oregon Code

CHAPTER 28

ANTI-DISCRIMINATION

ADMINISTRATION

28.005 Definitions. As used in BCC Chapter 28.

(1) "Gender identity" includes the status of being transsexual or transgender.

(2) "Sexual orientation" means actual or supposed perceived homosexuality, heterosexuality or bisexuality.

(3) "Source of income" means the means by which a person supports himself or herself and his or her dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.

(4) All other terms used in BCC Chapter 28 are to be defined as in Oregon Revised Statutes Chapter 659 or Benton County Code Chapter 1. [Ord. 98-0139] 28.010 Purpose. The purpose of BCC Chapter 28 is to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of Benton County and menaces the institutions and foundation of our community. [Ord. 98-0139] 28.015 Intent. The intent of BCC Chapter 28 is that no person be denied the equal protection of the laws, nor shall any person be denied the enjoyment of his/her civil or political rights or be discriminated against because of race, color, religion, national origin, sex, age, condition of pregnancy, marital status, physical limitations, family responsibilities, educational association, source of income, gender identity, sexual orientation or affectional preferences. Nothing herein contained shall be construed to prohibit any affirmative laws passed by any level of government. [Ord. 98-0139] 28.020 Exceptions.

(1) The prohibitions in BCC Chapter 28 against discriminating on the basis of sexual orientation do not apply:

(a) To the leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as his or her residence;

(b) To dwellings with not more than two individual living units where one of the units is owner

occupied.

(c) To bona fide church or sectarian religious organizations, including churches, temples, synagogues, religious schools or other facilities used primarily for religious purposes.

(2) The prohibitions of BCC Chapter 28 against discriminating on the basis of source of income do not prohibit:

(a) Inquiry into and verification of a source or amount of income;

(b) Inquiry into, evaluation of, and decisions based on the amount, stability, security or creditworthiness of any source of income;

(c) Screening prospective purchasers and tenants on bases not specifically prohibited by BCC Chapter 28 or state or federal law.

(d) Refusal to contract with a governmental agency under 42. U.S.C. §1437f(a) "Section 8". [Ord. 98-0139] 28.025 Enforcement.

(1) Enforcement of all or any part of BCC Chapter 28 shall be governed by the procedures established in ORS Chapter 659. Rules adopted by the County Attorney pursuant to BCC Chapter 28 may also be used to implement enforcement and administration of BCC Chapter 28.

(2) Any person claiming to be aggrieved by an unlawful employment practice under BCC Chapter 28 may file a complaint with the Commissioner of the Bureau of Labor and Industries under procedures established in ORS 659.040, and any person claiming to be aggrieved by an unlawful practice under BCC Chapter 28 relating to selling, renting or leasing real estate or discrimination in public accommodations, may file a complaint with the Commissioner under procedures established in ORS 659.045.

(3) The Commissioner may then proceed and shall have the same enforcement powers under BCC Chapter 28, and if the complaint is found to be justified, the complainant shall be entitled to the same remedies under ORS 659.050 to 659.085 as in the case of any other complaint filed under ORS 659.040 or 659.045

(4) Any order issued by the Commissioner of the Bureau of Labor and Industries under BCC Chapter 28 shall be viewed as one issued by a hearings officer employed by the County within the meaning of ORS 46.045(3) and shall be fully enforceable by the County.

(5) Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of this code shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659.095 and 659.121. The court may grant such relief as it deems appropriate, including but not limited to such relief as is provided in ORS 659.121. [Ord. 98-0139] 28.030 Authority of the County Attorney to Adopt Rules.

(1) The County Attorney is hereby authorized to adopt rules, procedures and forms to assist in the implementation of the provisions of BCC Chapter 28.

(2) Any rule adopted pursuant to this Section shall require a public review process. Not less than ten (10) nor more than thirty (30) days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full text of the proposed rules may be obtained.

(3) During the public review, a designee of the County Attorney shall hear testimony or receive written comment concerning the proposed rules. The County Attorney shall review the recommendation of his or her designee, taking into consideration the comments received during the public review process, and shall either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the hearing at which the original comments are received.

(4) Unless otherwise stated, all rules shall be effective upon adoption by the County Attorney and shall be filed in the office of the Board of Commissioners.

(5) Notwithstanding paragraphs 2) and 3) of this Section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties. The finding shall state the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days. [Ord. 98-0139] 28.035 Construction. BCC Chapter 28 shall be broadly construed, consistent with its remedial purpose. [Ord. 98-0139] 28.040 Severability of Provisions. If any party or provision of BCC Chapter 28, or application thereof to any person or circumstance, is held invalid, the remainder of BCC Chapter 28 and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of BCC Chapter 28 are severable. [Ord. 98-0139]

PROHIBITIONS

28.105 Discrimination in Employment Prohibited.

(1) It shall be an unlawful employment practice for an employer to discriminate on the basis of an individual's race, religion, color, sex, national origin, marital status, age if the individual is 18 years of age or older, or disability, by committing any of the acts made unlawful under the provisions of ORS 659.030 and 659.425.

(2) In addition, it shall be an unlawful employment practice for an employer to discriminate on the basis of an individual's sexual orientation, source of income, gender identity or familial status, by committing against any such individual any of the acts already made unlawful under ORS 659.030 when committed against the categories of persons listed herein. [Ord. 98-0139] 28.110 Discrimination in selling, renting, or leasing real property prohibited.

(1) It shall be unlawful to discriminate in selling, renting or leasing real property on the basis of an individual's race, religion, color, sex, national origin, marital status, familial status, or disability, by committing any of the acts made unlawful under the provisions of ORS 659.033 and 659.430.

(2) In addition, it shall be unlawful to discriminate in selling, renting or leasing real property on the basis of an individual's sexual orientation, gender identity, source of income, or age if the individual is 18 years of age or older except as is excluded in ORS 659.033 subsection 6(a) and

(b), by committing against any such individual any of the acts already made unlawful under ORS 659.033 when committed against the categories of persons listed therein. [Ord. 98-0139] 28.115 Discrimination in Places of Public Accommodation Prohibited.

(1) It shall be unlawful to discriminate in public accommodations on the basis of an individual's race, religion, color, sex, national origin, marital status, age if the individuals is 18 years of age or older, or disability, by committing any of the acts made unlawful under the provisions of ORS 659.037, 659.425, or ORS 30.670 to 30.685.

(2) In addition, it shall be unlawful in public accommodations to discriminate on the basis of an individual's sexual orientation, gender identity, source of income or familial status, by committing against any such individual any of the

acts already made unlawful under ORS 659.037 or ORS 30.670 to 30.685 when committed against the categories of persons listed therein. [Ord. 98-0139]

Last Modified 8/14/98, Ord. 98-0139 28-1

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 03/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Mike Johnson

Phone Extension * 6824

Meeting Attendee Name * Mike Johnson

Agenda Item Details



Item Title * Weight Limit Posting on Harris Rd Bridge over Marys River on County Road No. 16520

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

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement * ☐ Yes ☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

On March 8, 2022; Ray Bottenberg, ODOT Interim State Bridge Engineer notified the Benton County Public Works Department of an updated load rating and recommendation for the bridge to be posted for maximum loads. The load rating was calculated as a part of an ongoing effort by ODOT to update all bridge load ratings in consideration of Specialized Hauling Vehicles (SHVs). SHVs are short but heavy vehicles often used for construction, waste management, and freight transport. SHVs only make up a small percentage of the total number of legal loads in Oregon, but their presence is expected to increase in the future. SHV live load stresses applied to bridges typically exceed those produced by the standard legal loads.

The posting is required due to insufficient design drawings to accurately calculate the capacity of the concrete girders and is not indicative of a decline in the condition or structural integrity of the bridge. The July 2020 inspection report shows that the superstructure is in "satisfactory" condition and the substructure is in "fair" condition. The bridge is currently open to all traffic. The proposed posting is 28 tons for SU5, 28 tons for SU6, and 29 tons for SU7. ODOT recommends that the bridge be posted no later than April 8, 2022.

The new posting is expected to have minor impact on transportation as the specific vehicle postings are not typical equipment used in the area and permits may be issued to allow most restricted loads to cross.

Maps and examples are attached.

Options *

Approve Order please

Fiscal Impact *

- ☒ Yes
☐ No

Fiscal Impact Description *

Negligible – Installation of two signs.

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.
By Order of the State Bridge Engineer

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 ^{*} This item supports safe transportation to the community.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Staff respectfully recommends that the Board of Commissioners adopt the Order so that the posted restriction on Harris Road are finalized.

Meeting Motions * I move to ...
I move to adopt the Order authorizing the Weight Limit Posting on Harris Rd Bridge, over Marys River (County Bridge No. 16520-03).

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.

16520-03 Harris Rd Bridge Map 2022.03.08.pdf	875.31KB
16520-03 Harris Rd Bridge Weight Restriction Sign Graphic 2022.03.08.pdf	33.65KB
031522- Order Harris Rd Bridge Posting.pdf	176.12KB

Comments (optional) Updated documents

If you have any questions, please call ext.6800

Department Approver

GARY STOCKHOFF

Department Approval

Comments

Signature



Gary Stockhoff

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

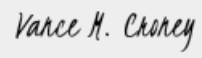
**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

A handwritten signature in black ink, reading "Vance H. Cheney", is centered within a light gray rectangular box.

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

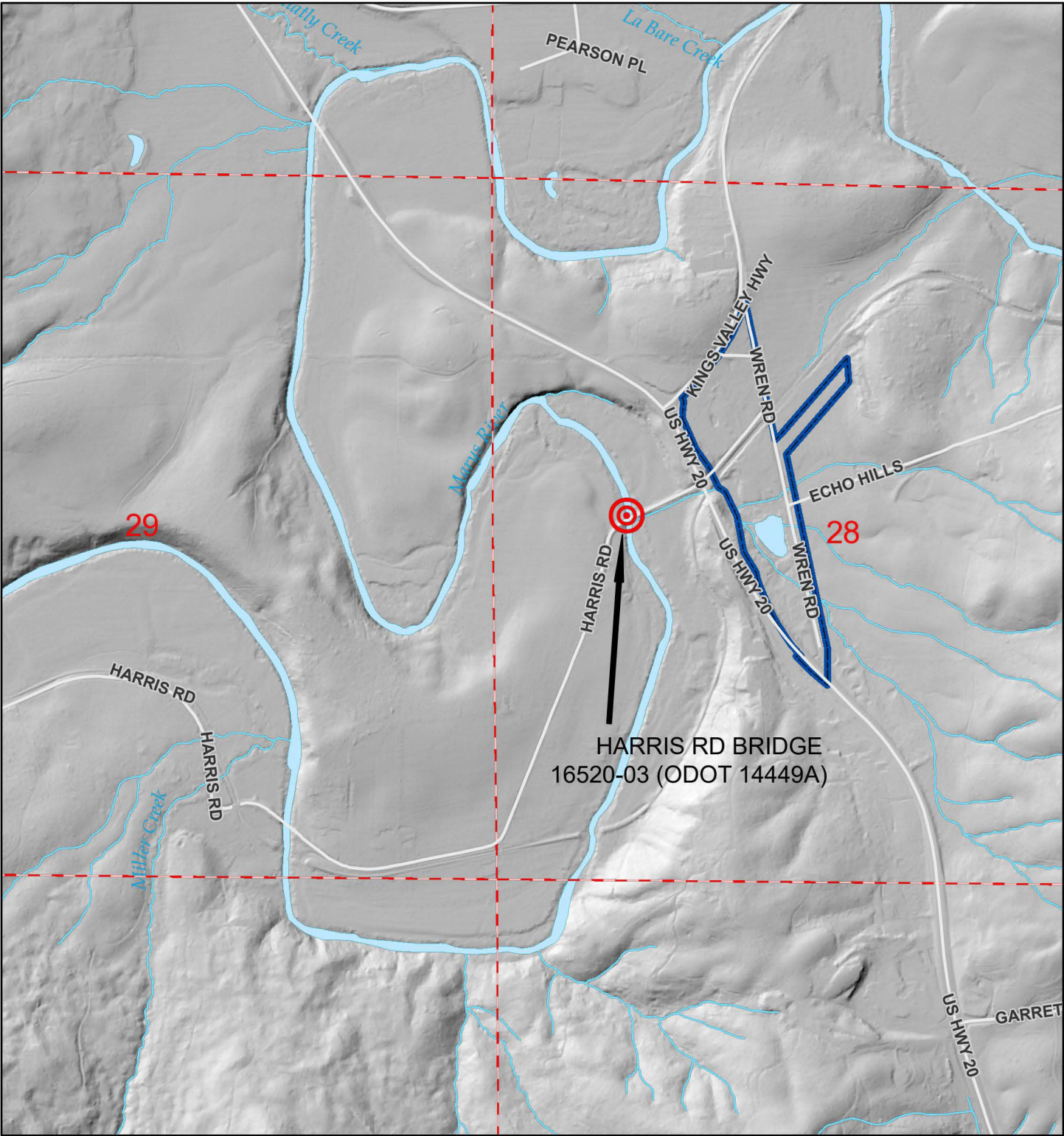
Signature

Teresa Foley

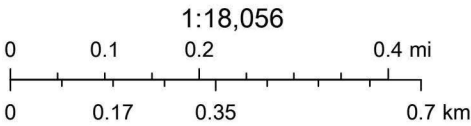
In the Matter of Imposing a Weight)
Limit on Harris Road Bridge) **ORDER NO. D2022-038**
County Bridge No. 16520-03)

Vance Croney, County Counsel

HARRIS RD BRIDGE 16520-03



3/9/2022, 5:19:16 PM



Benton County, Oregon, Esri, HERE, County of Benton, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

**Weight Limit Sign from ODOT Sign Policy and Guidelines
Chapter 3, Page 3-112**

Sign No. OR12-5g



MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
GoToMeeting link: <https://global.gotomeeting.com/join/445730629>
Livestream: <http://facebook.com/BentonCoGov>
Tuesday, November 23, 2021
9:00 a.m.

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

Excused: **Joe Kerby**, County Administrator

Staff: **Joe Hahn**, BOC Staff; **John Haroldson**, District Attorney; **George Looney**, Finance; **Erika Milo**, BOC Recorder; **Lynne McKee**, Natural Areas, Parks & Events; **Alyssa Rash**, Public Information Officer; **Daniel Redick**, Solid Waste & Water Development; **Gary Stockhoff**, **Debie Wyne**, Public Works; **Jef Van Arsdall**, Sheriff; **Greg Verret**, **Inga Williams**, Community Development

Guests: **Julie Jackson**, Republic Services; **Hyatt Lytle**, Corvallis City Council; **Scott McClure**, Historic Resources Commission; **Joel Plahn**, Water Resources Department; **Kate Porsche**, Corvallis-Benton Economic Development Office

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

I. Opening:
 A. Introductions
 B. Announcements

Augerot acknowledged that Benton County residents are on Kalapuya lands that were appropriated through the Willamette Treaty in the 19th century. Descendants are still present in the Confederated Tribes of Grand Ronde Community and the Confederated Tribes of the Siletz Indians. Benton County leaders work with those peoples to honor that stewardship.

Wyse shared that Van Arsdall and Corvallis Police Chief Nick Hurley competed in a pie-eating contest to benefit veterans organizations; Hurley won the contest. Due to losing a side wager with Corvallis City Councilor Hyatt Lytle, Wyse was made a “junior member” of Corvallis Police Department and donated \$50 to the Old Mill Center for Children and Families.

Van Arsdall added that five veterans organizations each received \$2,500 from the fundraiser.

II. Comments from the Public

No comment was offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 Update from District 22 Watermaster – Joel Plahn, District 22 Watermaster

Plahn explained that District 22 covers Yamhill, Polk, and Benton counties. Duties include distributing water among water users in times of drought and responding to water use complaints. This season was very challenging since the area experienced extremely low water flow, similar to 2015. Irrigation season for Benton County streams goes through September. As of October 4, 2021, 25 Oregon counties had received executive orders issuing drought declarations, including Yamhill, Lincoln, Linn, and Lane. Over 96% of Oregon experienced severe to exceptional drought. 76% of Benton County experienced extreme drought. The Marys River had very low water levels and had to be regulated for senior users. When a water right user does not have enough water for their authorized diversion, the user calls the Watermaster, who verifies levels, then shuts off junior users upstream as needed. Plahn sent regulation notices to users on the entire stream system. The City of Philomath received a shutoff notice, but this was not an issue as the City was not exercising all its water rights on the Marys. In 2021, Muddy Creek flow matched the senior user's limit, so it was not necessary to regulate. On the Luckiamute River basin, Plahn's office sent 229 shutoff notices to landowners, some in Benton County.

Plahn's office also investigates complaints about hemp grows and legal or illegal marijuana grows. The Agriculture Department issues hemp growing licenses. Plahn performs site inspections on water use and rights of licensed grows, and works with Oregon Liquor Control Commission to issue notices of violation and fines. Some growers claim to truck in water, but have pumps in a stream. Staff spend more time on this every year.

Plahn received several well complaints in 2021, which are usually due to well malfunction. Plahn has seen only one instance of a domestic user impacting another user. Plahn thanked the Board for funding a temporary Assistant Watermaster in summer 2021. The Assistant performed daily streamflow measurements in all three counties, which are necessary for farming community outreach and regulating water distribution.

Augerot asked if there is any legislative or lottery funding for the time Plahn spends regulating marijuana and hemp.

Plahn replied that the Water Resources Department received a lot of legislative funding this year. Field Services received funds to hire permanent Assistant Watermasters; this region will hire one. Investigation takes a lot of time and resources. The overall trend is for dryer, hotter summer weather with less water available, making water management increasingly challenging and unpredictable.

Augerot shared that Benton County is planning a collaborative water project, focused on municipal water rights and increased sharing capacity, to be led by Stockhoff.

4.2 Discuss Amending 2022 Fee Schedule for Community Development (CD), Natural Areas, Parks & Events (NAPE) and Public Works (PW) – Gary Stockhoff, PW; Lynne McKee, NAPE; Greg Verret, Community Development

Verret explained that the Planning Division's proposed new subdivision fees were discussed at the quarterly meeting. Most fees would go up the standard 5%; there are a few new fees for new categories in the partition application. Subdivision fee: staff propose increasing the base fee by 71% (from \$2,100 to \$3,595) and the per lot fee by 14% (from \$220 to \$250). The increase is requested because the County processed its first subdivision in at least 10 years, which took much more staff time than the fee covered. Regulations and process have changed; there is now more work with the applicant and coordination with other agencies. In comparable counties, the

fee for a small subdivision (4 lots) is under \$2,000 in Marion County, \$6,800 in Lane County, \$8,800 in the City of Corvallis, and \$4,600 proposed for Benton. For 12 lots (a more typical size), fees are \$2,100 in Marion, \$9,000 in Lane, \$9,500 in Corvallis, and \$6,600 proposed for Benton, placing Benton in the middle to upper range.

Augerot felt this increase falls within the ballpark and hopefully will cover staff time. Some other fees vary from a 5% increase.

Verret agreed, but stated that 5% is typical overall. Environmental Health (EH) decided not to raise fees since those businesses are hard hit by the pandemic. This is a consideration with land use fees, but the building industry has not suffered as much. If the County does not raise land use fees, there is still a cost borne by the general public, so the department usually aligns fees with costs.

Augerot agreed that is the philosophical approach to CD and PW. NAPE and EH are a little different, with ongoing fees rather than one-time development fees. Augerot was glad that the County does not penalize too heavily when upgrading septic systems; it is beneficial that those be kept up-to-date.

McKee proposed a 5-6% increase in NAPE fees. The large gathering special use permit will increase from \$1,000 to \$1,250 (for comparison, Marion County charges \$5,000). NAPE will need more increases in the next few years; large events with multiple day inspections take a lot of staff time and travel. McKee wants to create a 5-year special use permit for \$5,000 (\$1,000 per year) to cover inspections of food vendors and sanitation. McKee asked if the County should make that fee different from a one-time event.

Wyse favored that approach.

Augerot observed that Counsel examined the five-year permit and noted that the insurance liability, which is written into County code, had not been updated in a while.

Counsel clarified that the County as a government has insurance requirements, whereas the insurance requirements in code are for a private entity, which is why the County has not raised the amount. Insurance for Shrewsbury Renaissance Festival may be higher than what the County has.

McKee shared that some fees did not change, and most others had small increases, based on comparisons with other facilities. The special use permit has not increased for at least 10 years. Lane County charges a fee of \$250 plus staff hourly rate. Benton charges a set amount, so it is important to ensure staff time is fully covered by the fee.

Counsel noted that the increase may be a shock for applicants who return every five years.

McKee proposed \$1,250 for one year and asked if the Board will allow a five-year permit.

Counsel commented that the County asks applicants to annually verify that requirements are met; having the applicant pay yearly seems more financially practical than verifying yearly that conditions are met.

MOTION: Wyse moved to forward the Order setting fees for Public Works, Community Development, and Natural Areas, Parks & Events to the December 7, 2021 Board Meeting. Augerot seconded the motion, which **passed 2-0.** (Malone excused.)

4.3 Report from Republic Services Regarding Refuse Rate Index Adjustments to 2022 Rates – *Daniel Redick, Greg Verret, Community Development; Julie Jackson, Republic Services*

Redick explained that 2022 Refuse Rate Index (RRI) adjustments are based on Consumer Price Index (CPI) adjustments. The RRI adjustment is 4%, for an average increase of \$1.46 per residential account per month. This change does not require Board action.

Jackson shared that Republic Services (RS) is having difficulty finding truck drivers. RS is training drivers on safety, which takes longer, but is paying off. RS is almost fully staffed in the City of Corvallis. The report included information about the Plastics Pollution and Recycling Modernization Act, to be implemented July 25, 2025. The act will include producers in responsibility for product disposal at end-of-life for products sold in Oregon, and will include a statewide list of what is recyclable.

Augerot noted that Oregon has a fairly small population and asked if other states are moving towards producer responsibility.

Jackson replied that the State Legislature got a lot of pushback because the scale is so small. But based on the Bottle Bill, producers can label products for Oregon. The Maine bill was the first to include extended producer responsibility; California is also working on a bill, and there is discussion of a national bill, which would be the best approach.

Augerot was glad the legislation passed; space for waste is limited, and waste is energy intensive.

Chair Augerot recessed the meeting at 9:50 a.m.

Chair Augerot reconvened the meeting at 9:55 a.m.

4.4 Quarterly Report from Economic Development Office (EDO) – Kate Porsche, EDO Director

Porsche reported on EDO activities from July-September 2021, transitioning from emergency response mode to more typical work. There is a lot of interest in land and projects at the Airport Industrial Park. EDO is helping with some City of Philomath projects. EDO restarted its advisory boards in the City of Corvallis, including the Economic Development Coalition, Climate Action Advisory Board, and Imagine Corvallis Action Network. EDO continues to update the Corvallis City Council quarterly about the status of downtown, working with the Downtown Corvallis Association (DCA). In the past, the DCA used Economic Improvement District (EID) funding, but now is considering a model focused on membership structure for buildings, not just businesses. The EID puts a lien on property if people do not pay, which is not the best approach for downtown. Only about 4-5 communities are still using EID.

On COVID-19 response, Jerry Sorte and the rest of the EDO team worked on the Business Right-of-Way (BROW) program with Jennifer Moreland at the DCA and other partners. The program has been extended through winter. EDO will monitor set-up compliance, as a few

businesses built structures that exceeded parameters. EDO will approach the City Council in spring 2022 about making the program permanent; the Council delayed that decision because Corvallis Public Works is completing a downtown parking study. Sorte has drafted a potential policy.

The Southtown Food Hub project received \$550,00 from Senator Gelser Blouin. Porsche continues to meet with about 15 stakeholders who may join a future work group. When the State finishes reviewing all legislative American Rescue Plan Act (ARPA) allocations in early 2022, the funding will be issued and EDO will convene the group.

Porsche met with several consultants regarding EDO's gap analysis and asset mapping. Courtney Griesel, City of Springfield, spoke to the Economic Development Coalition about a similar project there. EDO intends to use some ARPA funding, but City and County ARPA discussions have taken longer than expected. EDO continues to gather information

EDO is working with Brigetta Olson, Corvallis Housing Manager, to develop an affordable housing policy to accompany the South Corvallis Urban Renewal Project.

EDO is outlining the Airport annexation and Airport Industrial Park project, including integration with City and County. The project will probably require a new type of zoning. This connects to EDO's gap analysis, determining desired sectors and using development code to move in that direction. To create a more streamlined process, EDO will now coordinate all new and renewed licenses at Airport, rather than Corvallis Public Works.

EDO will convene the bi-annual Economic Vitality Partnership on December 8, 2021, an opportunity to share information and collaborate. Businesses say hiring and retaining workforce remains an issue, requiring some restaurants to alter schedules. A related issue is childcare. EDO is working with Oregon Cascades West Council of Governments (COG) on a regional conversation to eliminate childcare barriers.

Augerot noted that during the COVID-19 shutdown, United Way took a lead role in conversations on childhood issues, as did the Early Learning Program at Linn-Benton Community College. Non-profit organizations that provide childcare have expressed interest in applying for ARPA funds. Augerot wants to ensure that all these groups have a good conversation before pitching projects to the Board so that needs can be approached equitably across the County.

Porsche agreed and has discussed this with Kerby. Porsche will contact United Way and Helen Higgins, Boys and Girls Club of Corvallis. It is important not to duplicate effort.

Augerot noted that upcoming Federal legislation such as the Build Back Better Bill could also help, but it will take time to issue funding, so the region needs to know how to fill immediate gaps.

Porsche commented that one approach is helping new childcare centers open and existing ones expand. Anne Wittington and Jenny Glass from COG are working on that with Linn-Benton Community College and Marissa Schwartz, Small Business Development Center (SBDC) Director.

Wyse shared experiencing struggles with childcare. There are childcare spots for only one in three children in Benton County. A year of childcare for one child costs more than a term of tuition at Oregon State University.

Porsche felt there is also need to educate employers on how to support the workforce's childcare needs. This information might be provided through chambers of commerce.

Augerot asked about the status of Benton County funds that pass through EDO to partners.

Porsche replied that SBDC still has several openings for business advisors. Schwartz has brought on a Spanish-speaking advisor who is doing outreach. SBDC will open the Small Business Management Program. Oregon RAIN is working on the next large event and new Venture Catalyst Nate Conroy is holding meetings in rural Benton County.

Wyse was happy to hear that the DCA is moving away from the difficult EID process.

Porsche noted that Moreland received a grant from Oregon Main Street to work with a consultant who has helped governments transition to other programs.

Malone joined the meeting at 10:14 a.m. Malone asked about the Airport Industrial Park.

Porsche shared that Corvallis Public Works will work with the Federal Aviation Administration on a grant of pre-approval for industrial development, which gives blanket approval for standard industries.

4.5 *Discussion Regarding Location of District Attorney's Offices Relative to Proposed New Courthouse – *Xanthippe Augerot, Commissioner*

Augerot explained that this decision drives the cost of a new courthouse (NCH). Including the District Attorney's Office (DAO) would add about \$16 million to the County's cost, as State matching funds are designated strictly for the courts portion. Because the Justice Systems Improvement Program (JSIP) bond election will occur on May 2023, the Board must decide how to fund an NCH, or ask the State to break funds into two parts, which the County would prefer to avoid. The Historic Resources Committee (HRC) issued a memo (Exhibit 1). Both the Technical Advisory Committee (TAC) and Community Advisory Committee (CAC) recommend placing the DAO in the NCH, which is more operationally efficient. It would be very costly to upgrade the historic courthouse (HCH) for DAO use. According to Lynne McKee, Natural Areas, Parks & Events (NAPE) Director, the HCH will be managed by NAPE if it is not used for JSIP. There was a feasibility report on potential reuse/ alternative uses of the HCH. The decision of whether to proceed with a next step case study and business plan for the HCH as an arts/events center is also contingent on this decision about DAO location. The Board can make some of these options bond-dependent, which might help the bond pass, but can be decided later. On December 7, 2021, the Board and Rick Cramer, Chief Financial Officer, will discuss NCH funding strategies.

Haroldson acknowledged that the HCH is a historically meaningful place and the community has a strong emotional connection to the building; however, public safety is paramount. The older the HCH gets, the more of a liability it becomes. Other buildings by this architect were taken down or are no longer free-standing. Haroldson has many concerns about staff and the public working there. Haroldson agreed with most of the HRC memo, but it did not address safety. Upgrading the HCH to the necessary degree for safety would go beyond preservation.

The DAO needs to be in a courthouse (CH) for office efficiency. Haroldson asked other Oregon District Attorneys how many operate outside a CH, with no physical connection. Only 3 operate outside, due to critical circumstances that forced separation; 97% operate in a CH. Housing the DAO elsewhere exposes the County to liability and raises safety and security issues. Handling sensitive information requires integrated systems. The DA, prosecutors, deputy DAs, and lawyers in Benton County have received death threats. Law Enforcement once prevented an active shooter plan. Haroldson would have great concerns about employee exposure.

Haroldson described several possible scenarios:

1. DAO operating in the CH.
2. DAO connected to the CH through a tunnel. Inmates enter the current jail through a basement door. If that were demolished, a tunnel could be extended across the street for some degree of integration.
3. DAO separate but near the CH, across the street. Haroldson strongly opposes this option.
4. DAO within driving distance of the CH, the least desirable and least tenable option.

The Board must abide by Oregon Revised Statutes (ORS), including ORS 1.185: "The County shall provide suitable and sufficient offices and jury rooms for the court, judges, and other officers and employees and juries in attendance." ORS 8.850: "The County shall provide office space and facilities necessary to perform efficiently the duties of the DAO." Both the DAO and the courts should be in the CH. Perhaps an NCH could be designed to add additional courtrooms as funding allows. The configuration should be decided by the Board, not the public, which is less informed about the DAO's needs. While the HCH has historic significance, following sub-standard practices could come at a cost counted in human life.

Malone asked Haroldson to clarify the last concept.

Haroldson explained that one model is to keep the DAO and half the courtrooms in an NCH, but operate the remainder of the courts in the HCH until the NCH is completed. Stability of the HCH would remain a problem.

McClure has been a building contractor in Benton County for over 40 years. The DAO needs to be in or very near the CH. The HRC's main concern is that the HCH will be forgotten in the planning process. A building without a job does not get taken care of. A seismic retrofit of the HCH will be expensive, but McClure would like to see planning for future use of the HCH as an integral part of the JSIP process. McClure offered the assistance of the HRC and the Courthouse Preservation Committee.

Augerot noted that architect DLR Group has given good examples of courthouses being repurposed while preserving the integrity of historic buildings. The County will engage DLR for the next phase of planning to change the function of the HCH and preserve it for future generations. Both committees will play a role in that discussion. Augerot recommended that committee members engage with Kurth, McKee, and Inga Williams, Community Development.

Malone expressed appreciation for McClure's willingness to work with the County. The HCH is an important building and has some issues. Numerous studies on structural needs have been done, but not implemented; this matter needs to be dealt with.

McClure asked about availability of past seismic studies and the DLR report.

Augerot referred McClure to Kurth. The retrofit usually involves placing steel I-beams in walls, which reduces interior space; the State does not provide funds for a retrofit to this extent, only for new buildings that meet best standards. Currently the County has state bond funds pledged.

Haroldson offered to share a timeline of past HCH studies with McClure.

Wyse expressed appreciation for the HRC. The HCH is important, but there are many other factors, such as best practices, operational efficiency, and DAO considerations. Wyse believes housing the DAO in an NCH is best, and is committed to keeping the HCH, just not sure how to fund it.

Augerot stated that the County will continue to seek funding. This is not typically a state or federal help area. Private organizations are eligible for historic preservation grants that local governments are not; if the project moves to the next phase, the County will be seeking a partner.

MOTION: Malone moved that the new courthouse will have the District Attorney's Office either in the building or connected to the courthouse building. Wyse seconded the motion, which passed 3-0.

{Exhibit 1: Memo from Historic Resources Commission to BOC on Historic Courthouse}

V. Information Sharing

5.1 Xanthippe Augerot, Chair

Augerot had a good experience at the Association of Oregon Counties (AOC) Conference and did not encounter challenges regarding masks that Wyse experienced (see 5.2). Highlights included the women commissioners event and three panels on housing and permanent supportive housing, one focused on the Turnkey Project, which highlighted Benton County's project with Corvallis Housing First. Augerot took a housing tour with Lane County Commissioner Pat Farr to look at Opportunity Village, a camp created on county-owned property, working collaboratively with partners and the Oregon Department of Transportation (ODOT). There is one sanctioned camp on ODOT property, with City of Eugene Public Works collecting trash and Eugene Police Department patrolling.

Augerot served on a search committee for a new Sea Grant Director at Oregon State University. Augerot took a sequential intercept mapping workshop co-sponsored by the Corvallis Police Department, Benton County Behavioral Health, ARC of Benton County, and national ARC. This approach helps prevent people with behavioral issues or mental and intellectual disabilities from getting involved in the justice system. There will be a workshop report to identify gaps in the system. The Benton County Mental Health and Developmental Diversity Advisory Committee asked to have a Commissioner on the committee; to discuss at the next Goal Setting meeting.

Augerot is talking with Lizzy Atwood Wills and Andy Smith at AOC about potential legislation from Representative Jason Kropf to create State pilot funding for regional City-County projects on housing and homelessness. Benton County's Housing, Opportunity, Planning, and Equity (HOPE) model could be a good pilot and could be expanded county-wide. Augerot is talking to Julie Arena and Hoffman and will probably also consult the County Administrator and the Corvallis City Manager. The current proposal is \$1 million for a two-year pilot. Since project management has been a challenge in this work, this bill might help with shelter or permanent supportive housing.

5.2 Nancy Wyse, Commissioner

Wyse enjoyed attending the AOC Conference overall. Wyse was surprised that the issue of masks was so dividing; Wyse was mocked by some attendees for wearing a mask. Nonetheless, attendees found some common ground.

Wyse asked where to send a constituent's petition opposing the south Corvallis site for JSIP, which was delivered to Wyse by Corvallis City Council President Hyatt Lytle. Augerot advised Wyse to give the document to Kurth.

Wyse asked if her role as liaison to the HOPE Board begins in January 2022. Augerot affirmed.

5.3 Pat Malone, Commissioner

Malone had a generally positive experience at the AOC Conference and did not encounter mask issues, although some attendees seemed less observant of the pandemic. Sessions were worthwhile, and in-person meetings are helpful for getting to know people.

5.4 Joe Kerby, County Administrator

No business was discussed.

VI. Other

No other business was discussed.

VII. Adjournment

Chair Augerot adjourned the meeting at 11:36 a.m.

Xanthippe Augerot, Chair

Erika Milo, Recorder

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

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 03/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Rick Crager

Phone Extension * 6246

Meeting Attendee Name * Rick Crager

Agenda Item Details



Item Title * Philomath Couplet - Acquisition of Permanent Easement

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

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement *

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

ODOT is planning on proceeding with the US 20: Philomath Couplet Project. The project is to improve roadway conditions along Main and Applegate Streets and revitalize the City's downtown business areas into a more pedestrian friendly space. As part of this project, ODOT needs to acquire a 44 square foot of property owned by Benton County that abuts against Applegate St. The purpose of this easement is to design and construct the new road alignment and the street's widening for a new traffic separator. ODOT has offered just compensation of \$500 for the permanent easement. In consultation with the Assessment Department, it is estimated the property value for this small segment of land is \$168.34, which would validate the ODOT offer as fair. We are currently inquiring with ODOT to determine if they can just acquire this property through simple title as opposed to a permanent easement. While this is not a huge issue, it might position the county better to sell the remaining parcel of land

Options *

Option 1 - Approve the offer of \$500 to allow ODOT to acquire the property for the project.

Option 2. Deny the offer and renegotiate with ODOT for an alternative offer or face potential condemnation.

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.
Oregon Revised Statutes provides the Oregon Department of Transportation with the power of eminent domain to acquire private property to meet public need for highways and public projects.

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 * The results of approving this project will provide for accessible roads and highways, and more pedestrian friendly space

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
- ☐ NA

Explain Focus Areas and Vision Selection * The results of this project will provide for sidewalk replacements that allows for more pedestrian friendly access, and a reconstructed storm drainage system. In addition, there will signal upgrades, and installation of Rectangular Rapid Flashing Beacons.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Accept offer from ODOT for \$500 to acquire a permanent easement (or simple title if more appropriate) for 44 sq ft of land owned by Benton County that is adjacent to Applegate Street

Meeting Motions * I move to ...
I move to accept the offer of \$500 from ODOT to acquire 44 SQ FT of land that is adjacent to Applegate Street for the purposes of the US 20: Philomath Couplet Project

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.

Offer Letter.pdf	53.7KB
Terms of Offer.pdf	68.01KB
Acquistion Summary Statement.pdf	20.89KB
Permanent Easement.pdf	69.08KB
Determination of Just Compensation.pdf	453.92KB
Preliminary Title Report.pdf	73.42KB

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

Department Approver

RICHARD CRAGER

Department Approval

Comments

Signature

Rick Crager

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature



Vance H. Cheney

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature

Teresa Foley



Oregon

Kate Brown, Governor

Department of Transportation
Right of Way Headquarters
4040 Fairview Industrial Drive SE, MS #2
Salem, OR 97302-1142
Phone: (503) 986-3600
Fax: (503) 986-3625
Toll Free: (888) 769-7340

February 4, 2022

Benton County, a political subdivision of
the State of Oregon
P.O. Box 964
Corvallis, Oregon 97339

File No.:	9724-039
Grantor:	Benton County, a political subdivision of the State of Oregon
Section:	US20: Philomath Couplet
Highway:	033 - CORVALLIS-NEWPORT
County:	Benton
FAP No.:	S033(065)e.d.12/31/24

The Oregon Department of Transportation (ODOT) plans to proceed with the US20: Philomath Couplet project. As part of this project, we need to acquire a Permanent Easement for Highway Right of Way Purposes from your property. A determination of just compensation for the needed portion of your property has been made by a qualified appraiser based on market information. This compensation amount is outlined in the attached "Acquisition Summary Statement." This offer is accompanied by either the written appraisal or written explanation of the bases and method by which the valuation was made.

Oregon law provides a **minimum** 40 days from the date of this initial written offer for you, the owner, to consider accepting or rejecting it. You may choose to accept or reject the offer at any time prior to the expiration of the 40-day period. If no attempt has been made to resolve issues and the offer is neither accepted nor rejected at the end of the 40-day period, the offer will be considered rejected. The 40-day provision does not apply when an emergency has been declared by the road authority.

The enclosed Acquisition document(s) and "Terms of State's Offer" cover the terms of our proposed real property agreement. Please read these documents carefully and, if acceptable, sign where indicated. The Acquisition documents must be notarized. Return these signed documents to this office. After the Right of Way Manager accepts the Acquisition document(s) and related agreements, you will receive notification of that acceptance and payment will follow.

The State will pay recording costs, title insurance premiums, and all other normal costs of sale. Outstanding encumbrances, including taxes and other interests, may need to be paid out of the compensation in order to provide sufficient title to the state. Taxes will be prorated as of the date of possession or transfer of title, whichever is earlier.

You have the right to donate the property if you wish. Should you desire to do so, please notify me, and I will see that you receive the necessary forms and instructions.

RELOCATION BENEFITS

For an outline of any relocation benefits available to you, see the "Relocation Summary Statement" which is also attached.

If you have any questions or concerns, please call me at (503) 986-3711 or toll free at (888) 769-7340. I am also prepared to meet with you at your convenience and will be available to assist you and work with you throughout the process.

Thank you for your time and timely attention to this matter. We look forward to working closely with you through successful completion of the acquisition process.

Sincerely,

Nicole Sprecher
Right of Way Assistant Programs Coordinator

TERMS OF STATE'S OFFER**THE STATE'S OFFER IS AS DESCRIBED IN THE ENCLOSED ACQUISITION SUMMARY STATEMENT AND ACQUISITION DOCUMENT(S) AND INCLUDES THE FOLLOWING ADDITIONAL TERMS:**

1. The State will pay recording costs, title insurance premiums, and all other normal costs of sale.
2. Outstanding encumbrances, including taxes and other interests, may need to be paid out of the just compensation in order to provide sufficient title to the State.
3. Pursuant to ORS 311.412-311.414, the State will pay the taxes proportional to the part of the property acquired and prorated as of the date of the acquisition.
4. As part of this acquisition for this Project, the State will require the following actions:

A. **Bonds.** The State and all subcontractors shall maintain a public works bond in full force and effect, as required by Oregon statutes, and shall obtain the mandatory insurance coverage required by the construction contract. The contractor shall verify subcontractors have filed a public works bond and required insurance certificates before the subcontractor begins work. All construction shall be completed in conformance with standard engineering and construction practices.

B. **Utilities.** (Check appropriate box)

☒ There will be no changes to public utilities to the property.

☐ Public utilities will be reconnected to improvements on the remainder property, except for the following:

•

☐ Public utilities will be made available within the right-of-way adjacent to the remainder property, except for the following: _____.

☐ Public utilities will not be available to the remainder property in the after.

If a public utility on the property is not reconnected, just compensation (payment) is provided.

C. **Access.** (Check appropriate box)

☒ Access to the remainder property will remain the same.

☐ There will be no access to the remainder property.

☐ Access to the remainder property will remain the same, except for the following access:

Access #1 located at: _____, is modified, relocated or closed as a result of:

☐ the access modification letter dated: _____ (attached)

☐ this Project as follows: _____.

Access #2 located at: _____, is modified, relocated or closed as a result of:

☐ the access modification letter dated: _____ (attached)

☐this Project as follows: _____.

Access #3 located at: _____, is modified, relocated or closed as a result of:

☐the access modification letter dated: _____(attached)

☐this Project as follows: _____.

After construction of the project, if any access to the property has been modified, relocated or closed, other than a reservation(s) of access noted in the acquisition document(s), the altered access shall be public access; said access before and after the Project is subject to the government's police powers.

The following access, _____, to be removed or modified as part of the project, shall remain open for access to the remainder property until the Project has completed construction of the new access as described above.

Access to the property shall remain open during construction with at least one lane for vehicle traffic, except for minimal closures (up to 2 hours) that are reasonably necessary pursuant to the Oregon Standard Specifications for Construction, Volume 2, Chapter 00220.02.

D. Improvements.

Private improvements in any easement areas shall be protected in place, or returned to a same or similar condition, except for the following: N/A.

Any sidewalks in the acquisition area, that are impacted by the Project, will be reconnected to preexisting sidewalks, except at the following locations: _____.

E. Fencing on the Property.

☒Will not be affected.

☐Will be replaced as follows: _____.

☐Will not be replaced.

F. Other terms of offer:

State will not occupy longer than two years out of three year period. Street sign to be removed and reinstalled if needed by project.

5. To accept this offer, each of the persons listed on the attached signature page must (i) sign and return this document; and (ii) sign, notarize and deliver to ODOT all of the necessary acquisition document(s), in an original and unaltered form sufficient for transferring title and recording in the appropriate county recorder's office.
6. If this offer is addressed to multiple persons, it is a joint offer to all of those persons and must be accepted by all of the persons listed (or provide evidence showing any non-accepting persons do not have an interest in

the property). If accepted, the just compensation in a joint offer may be apportioned among the persons listed in any mutually agreed upon manner.

7. The persons executing this offer each warrant and represent that they have authority to act for and bind their respective party with respect to the transfer of the real property interests that are the subject of this offer.
8. The "Terms of State's Offer" may be signed in counterparts. Once the signature of each person as set forth on the attached signature page has been affixed to one or more counterparts and returned to ODOT, this document shall be deemed fully executed as if all of the signatures were contained in a single document.
9. The Terms of State's Offer does not apply to any uneconomic remainder as identified in the appraisal.

[See attached Signature page]

SIGNATURE PAGE FOR TERMS OF STATE'S OFFER

STATE OF OREGON,by and through its
DEPARTMENT OF TRANSPORTATION



02/03/2022

David Thiessen

Date

Benton County

Date

ACQUISITION SUMMARY STATEMENT

February 4, 2022

File No.:	9724-039
Grantor:	Benton County, a political subdivision of the State of Oregon
Section:	US20: Philomath Couplet
Highway:	033 - CORVALLIS-NEWPORT
County:	Benton
FAP No.:	S033(065)e.d.12/31/24

Valuation	Comment	Value
Land:		\$500
Improvements:		\$0
Other:		\$0
Damages:		\$0
TOTAL JUST COMPENSATION:		\$500

Uneconomic Remainder:	None	\$0
Fencing Allowance:	None	\$0

LAND ACQUIRED:		
Parcel #	Rights to be Acquired	Area of Taking
Parcel 1	Permanent Easement: Highway Right of Way Purposes	44 Sq Ft

NOTICE TO VACATE:

Written notice will not be required. Possession will be upon payment.

THE FOLLOWING SEPARATELY-HELD OWNERSHIP INTERESTS ARE NOT INCLUDED IN THE TOTAL JUST COMPENSATION:

APPRAISAL INFORMATION:	
Appraisal/Valuation By:	Tyger Liner
Date of Valuation:	September 28, 2021
Value:	\$300
Date Written:	November 12, 2021

PERMANENT EASEMENT

BENTON COUNTY, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$500.00, does grant to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described on **Exhibit "A" dated 05/13/2021**, attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 12612CA-10499

Property Address: N/A

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this ____ day of _____, 20____.

ATTEST:

County Clerk

BENTON COUNTY, a political subdivision of the State of Oregon

By _____
Chairperson

By _____
County Commissioner

By _____
County Commissioner

STATE OF OREGON, County of _____

Dated _____, 20____. Personally appeared _____,

_____, _____, and _____, who, being

sworn, stated that they are the Chairperson, County Commissioners and County Clerk of Benton County, a political subdivision of the State of Oregon, and that this instrument was voluntarily signed on behalf of the County by authority of an order of the Board of Commissioners. Before me:

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

DETERMINATION OF JUST COMPENSATION
ADMINISTRATIVE PROCEDURE

File No.: 9724-039

Section:	US20: Philomath Couplet
Date of Description:	May 13, 2021
Date of Inspection:	September 28, 2021
Date of Valuation:	September 28, 2021

Project Description:

The purpose of the US20: Philomath Couplet project is to improve roadway conditions along Main and Applegate Streets and revitalize the City's downtown business area into a more pedestrian-friendly space. Sidewalks will be replaced and Main Street and Applegate Streets will be reconstructed and the storm drainage system will be improved. The project includes traffic Signal upgrades and installation of new Rectangular Rapid Flashing Beacons at 7th Street and Main and 14th Street and Applegate. The project will take two years to construct.

Highest and Best Use:

The highest and best use of a property is that reasonably probable use which is legally permissible (zoning), physically possible, financially feasible and maximally productive, resulting in the highest value. The highest and best use of a property for purposes of this valuation is established as if the property had no improvements (structures) and was vacant.

The subject property is zoned R2 (Duplex-Residential). It is a 0.03 acre (1,307 SF), rectangular, and vacant site. It has good access to transportation systems and utilities, but is not proportioned in size and shape for development as a freestanding parcel. Therefore, it is the opinion of this appraiser that the highest and best use of the subject property is assemblage to a residential, duplex complex property.

Brief Description of Subject and Taking:

The location of the subject property is adjacent to 1406 Applegate St., Philomath, OR 97370. The larger parcel subject property includes the following map and tax lot: 12612CA 10499. The subject property is rectangular shaped located near the couplet intersection at the east end.

The most likely selling unit of this parcel is per square foot. A reviewed sales book was completed for this project on 07-26-2021. The valuation method used is Across the Fence (ATF). Based upon the most probable unit of value being per square foot, the most comparable sales were reviewed and the dollar per square foot value used for this valuation is \$9.00. The market for this parcel is restricted to adjoining properties, so an entrepreneurial incentive is expected at a 25% discount to the adjoining property. After applying a discount, the square foot value is \$6.75 (\$9 X (1 - 0.25))

There is no vehicular access from Applegate St.

The acquisition consists of one Permanent Easement that contains 44 Sq. Ft., more or less (Parcel 1). A permanent easement area is needed to design and construct the new road alignment and the street's widening for a new traffic separator.

Improvements:

There are no improvements within the acquisition area that contribute. Street sign to be removed and reinstalled if needed by project.

Personal Property:

No personal property located in the acquisition area.

Land:

<u>Parcel</u>	<u>Area</u>	<u>\$/Unit</u>
Parcel 1 "Permanent Easement" for highway right of way purposes	44 Sq. Ft.	\$ 6.75/Sq. Ft. \$ 297
Total Land		\$ 297

Improvements:

Improvements within existing right of Way: No Improvements	N/A
Improvements replaced in like kind or preserved and protected: No Improvements	N/A
Improvements that contribute to value: No Improvements	N/A
Improvements that do not contribute: No Improvements	N/A

Total Improvements \$ 0

Damages or Cost to Cure: None

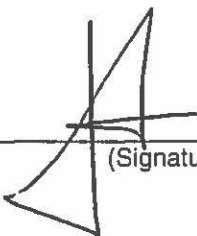
Damages \$ 0

Cost to Cure \$ 0

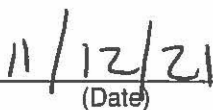
Total of Damages or Cost to Cure: \$ 0

Total Value (land, improvements and damages and/or cost to cure): \$ 297

Estimate of Fair Market Value (rounded): \$ 300



(Signature)



(Date)

ATTACHMENT I
SUBJECT PROPERTY
BENTON COUNTY TAXMAP
MAP AND TAX LOT 12612CA 10499



ATTACHMENT 2
SUBJECT PROPERTY
MAP AND TAX LOT 12612CA 10499



ATTACHMENT 3
PARCEL 1
PERMANENT EASEMENT AREA
MAP AND TAX LOT 12612CA 10499



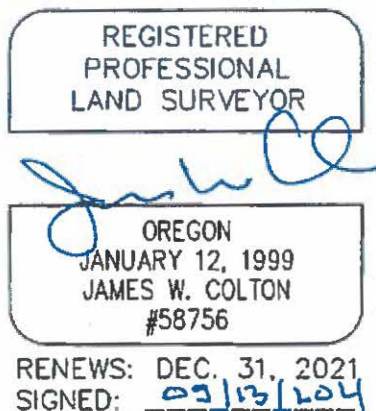
Permanent Easement for Highway Right of Way Purposes

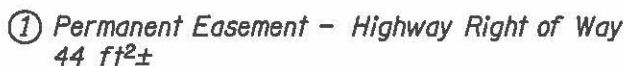
A parcel of land lying in Farm Lot 1, ADDITION TO THE TOWN OF PHILOMATH OF FARMING LOTS, City of Philomath, Benton County, Oregon; the said parcel being that portion of that property described in that Tax Collector's Deed to Benton County, a political sub-division of the State of Oregon, recorded November 18, 1985 in M-72257-85, Microfilm Records of Benton County; the said parcel being that portion of said property included in a strip of land 36.00 feet in width, lying on the Southerly side of the center line of the relocated Applegate Street, which center line is described as follows:

Beginning at Engineer's center line Station "A" 10+00.00, said station being South 998.88 feet and West 5,589.54 feet of the Northeast corner of E.A. Abbey Donation Land Claim No. 38, Township 12 South, Range 6 West, Willamette Meridian; thence South 86°25'57" East a distance of 3,700 feet to Engineer's center line Station "A" 47+00.00.

Bearings are based on County Survey No. 11033, filed December 23, 2020, Benton County, Oregon.

This parcel of land contains 44 square feet, more or less, outside the existing right of way.





50 25 0 50
FEET

9724 039

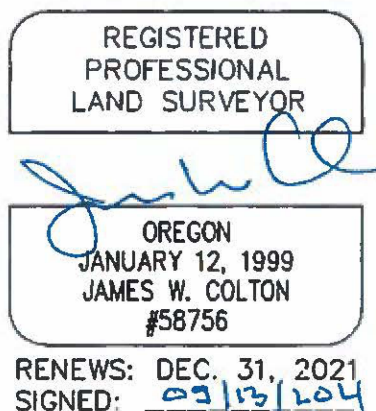
Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in Farm Lot 1, ADDITION TO THE TOWN OF PHILOMATH OF FARMING LOTS, City of Philomath, Benton County, Oregon; the said parcel being that portion of that property described in that Tax Collector's Deed to Benton County, a political sub-division of the State of Oregon, recorded November 18, 1985 in M-72257-85, Microfilm Records of Benton County; the said parcel being that portion of said property included in a strip of land 36.00 feet in width, lying on the Southerly side of the center line of the relocated Applegate Street, which center line is described as follows:

Beginning at Engineer's center line Station "A" 10+00.00, said station being South 998.88 feet and West 5,589.54 feet of the Northeast corner of E.A. Abbey Donation Land Claim No. 38, Township 12 South, Range 6 West, Willamette Meridian; thence South 86°25'57" East a distance of 3,700 feet to Engineer's center line Station "A" 47+00.00.

Bearings are based on County Survey No. 11033, filed December 23, 2020, Benton County, Oregon.

This parcel of land contains 44 square feet, more or less, outside the existing right of way.





AmeriTitle, LLC
320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

March 5, 2021
File Number: 446947AM
Report No.: 1
Title Officer: Matt Paslay

PRELIMINARY TITLE REPORT

Property Address: Tax Lot: 12612CA 10499, Philomath, OR 97370

Policy or Policies to be issued:

OWNER'S STANDARD COVERAGE

Proposed Insured: Oregon Department of Transportation

Liability

\$10,000.00

Premium

\$200.00

Local Government Lien Search

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of Stewart Title Guaranty Company, in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 22nd day of February, 2021 at 7:30 a.m., title is vested in:

Benton County, a political subdivision of the State of Oregon

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

6. Taxes assessed under Code No. 1702 Account No. 263024 Map No. 12S-06W-12CA 10499, including the current fiscal year, not assessed because of Government owned Exemption. If the exempt status is terminated an additional tax may be levied.
7. City liens, if any, of the City of Philomath.
8. The property lies within and is subject to the levies and assessments of the Benton Soil and Water Conservation District.

INFORMATIONAL NOTES:

NOTE: Our examination of the title to the subject property discloses no open Deeds of Trust or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

Oregon Department of Transportation

NOTE: We find no activity in the past 24 months regarding transfer of title to subject property.

NOTE: The following is the last deed of record affecting said land,

Document: Tax Collector's Deed

Grantor: Clark Ruggles, as Tax Collector of the County of Benton, State of Oregon

Grantee: Benton County, a political sub-division of the State of Oregon

Recorded: November 15, 1985

Instrument No.: Microfilm No: 72197-85

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

AmeriTitle will require a surveyed legal description



Oregon

Kate Brown, Governor

Department of Transportation
 Right of Way Headquarters
 4040 Fairview Industrial Drive SE, MS #2
 Salem, OR 97302-1142
 Phone: (503) 986-3600
 Fax: (503) 986-3625
 Toll Free: (888) 769-7340

February 4, 2022

Benton County, a political subdivision of
 the State of Oregon

P.O. Box 964

Corvallis, Oregon 97339

File No.:	9724-039
Grantor:	Benton County, a political subdivision of the State of Oregon
Section:	US20: Philomath Couplet
Highway:	033 - CORVALLIS-NEWPORT
County:	Benton
FAP No.:	S033(065)e.d.12/31/24

The Oregon Department of Transportation (ODOT) plans to proceed with the US20: Philomath Couplet project. As part of this project, we need to acquire a Permanent Easement for Highway Right of Way Purposes from your property. A determination of just compensation for the needed portion of your property has been made by a qualified appraiser based on market information. This compensation amount is outlined in the attached "Acquisition Summary Statement." This offer is accompanied by either the written appraisal or written explanation of the bases and method by which the valuation was made.

Oregon law provides a **minimum** 40 days from the date of this initial written offer for you, the owner, to consider accepting or rejecting it. You may choose to accept or reject the offer at any time prior to the expiration of the 40-day period. If no attempt has been made to resolve issues and the offer is neither accepted nor rejected at the end of the 40-day period, the offer will be considered rejected. The 40-day provision does not apply when an emergency has been declared by the road authority.

The enclosed Acquisition document(s) and "Terms of State's Offer" cover the terms of our proposed real property agreement. Please read these documents carefully and, if acceptable, sign where indicated. The Acquisition documents must be notarized. Return these signed documents to this office. After the Right of Way Manager accepts the Acquisition document(s) and related agreements, you will receive notification of that acceptance and payment will follow.

The State will pay recording costs, title insurance premiums, and all other normal costs of sale. Outstanding encumbrances, including taxes and other interests, may need to be paid out of the compensation in order to provide sufficient title to the state. Taxes will be prorated as of the date of possession or transfer of title, whichever is earlier.

You have the right to donate the property if you wish. Should you desire to do so, please notify me, and I will see that you receive the necessary forms and instructions.

RELOCATION BENEFITS

For an outline of any relocation benefits available to you, see the "Relocation Summary Statement" which is also attached.

If you have any questions or concerns, please call me at (503) 986-3711 or toll free at (888) 769-7340. I am also prepared to meet with you at your convenience and will be available to assist you and work with you throughout the process.

Thank you for your time and timely attention to this matter. We look forward to working closely with you through successful completion of the acquisition process.

Sincerely,

Nicole Sprecher
Right of Way Assistant Programs Coordinator

FILE #: 9724-039**TERMS OF STATE'S OFFER****THE STATE'S OFFER IS AS DESCRIBED IN THE ENCLOSED ACQUISITION SUMMARY STATEMENT AND ACQUISITION DOCUMENT(S) AND INCLUDES THE FOLLOWING ADDITIONAL TERMS:**

1. The State will pay recording costs, title insurance premiums, and all other normal costs of sale.
2. Outstanding encumbrances, including taxes and other interests, may need to be paid out of the just compensation in order to provide sufficient title to the State.
3. Pursuant to ORS 311.412-311.414, the State will pay the taxes proportional to the part of the property acquired and prorated as of the date of the acquisition.
4. As part of this acquisition for this Project, the State will require the following actions:

A. **Bonds.** The State and all subcontractors shall maintain a public works bond in full force and effect, as required by Oregon statutes, and shall obtain the mandatory insurance coverage required by the construction contract. The contractor shall verify subcontractors have filed a public works bond and required insurance certificates before the subcontractor begins work. All construction shall be completed in conformance with standard engineering and construction practices.

B. **Utilities.** (Check appropriate box)

☒ There will be no changes to public utilities to the property.

☐ Public utilities will be reconnected to improvements on the remainder property, except for the following:

•

☐ Public utilities will be made available within the right-of-way adjacent to the remainder property, except for the following: _____.

☐ Public utilities will not be available to the remainder property in the after.

If a public utility on the property is not reconnected, just compensation (payment) is provided.

C. **Access.** (Check appropriate box)

☒ Access to the remainder property will remain the same.

☐ There will be no access to the remainder property.

☐ Access to the remainder property will remain the same, except for the following access:

Access #1 located at: _____, is modified, relocated or closed as a result of:

☐ the access modification letter dated: _____ (attached)

☐ this Project as follows: _____.

Access #2 located at: _____, is modified, relocated or closed as a result of:

☐ the access modification letter dated: _____ (attached)

☐ this Project as follows: _____.

Access #3 located at: _____, is modified, relocated or closed as a result of:

☐ the access modification letter dated: _____ (attached)

☐ this Project as follows: _____.

After construction of the project, if any access to the property has been modified, relocated or closed, other than a reservation(s) of access noted in the acquisition document(s), the altered access shall be public access; said access before and after the Project is subject to the government's police powers.

The following access, _____, to be removed or modified as part of the project, shall remain open for access to the remainder property until the Project has completed construction of the new access as described above.

Access to the property shall remain open during construction with at least one lane for vehicle traffic, except for minimal closures (up to 2 hours) that are reasonably necessary pursuant to the Oregon Standard Specifications for Construction, Volume 2, Chapter 00220.02.

D. Improvements.

Private improvements in any easement areas shall be protected in place, or returned to a same or similar condition, except for the following: N/A.

Any sidewalks in the acquisition area, that are impacted by the Project, will be reconnected to preexisting sidewalks, except at the following locations: _____.

E. Fencing on the Property.

☒ Will not be affected.

☐ Will be replaced as follows: _____.

☐ Will not be replaced.

F. Other terms of offer:

State will not occupy longer than two years out of three year period. Street sign to be removed and reinstalled if needed by project.

5. To accept this offer, each of the persons listed on the attached signature page must (i) sign and return this document; and (ii) sign, notarize and deliver to ODOT all of the necessary acquisition document(s), in an original and unaltered form sufficient for transferring title and recording in the appropriate county recorder's office.
6. If this offer is addressed to multiple persons, it is a joint offer to all of those persons and must be accepted by all of the persons listed (or provide evidence showing any non-accepting persons do not have an interest in

the property). If accepted, the just compensation in a joint offer may be apportioned among the persons listed in any mutually agreed upon manner.

7. The persons executing this offer each warrant and represent that they have authority to act for and bind their respective party with respect to the transfer of the real property interests that are the subject of this offer.
8. The "Terms of State's Offer" may be signed in counterparts. Once the signature of each person as set forth on the attached signature page has been affixed to one or more counterparts and returned to ODOT, this document shall be deemed fully executed as if all of the signatures were contained in a single document.
9. The Terms of State's Offer does not apply to any uneconomic remainder as identified in the appraisal.

[See attached Signature page]

SIGNATURE PAGE FOR TERMS OF STATE'S OFFER

**STATE OF OREGON,by and through its
DEPARTMENT OF TRANSPORTATION**

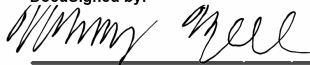


David Thiessen

02/03/2022

Date

DocuSigned by:



85693F1E843F4FD
Benton County

03/17/2022

Date

ACQUISITION SUMMARY STATEMENT

February 4, 2022

File No.:	9724-039
Grantor:	Benton County, a political subdivision of the State of Oregon
Section:	US20: Philomath Couplet
Highway:	033 - CORVALLIS-NEWPORT
County:	Benton
FAP No.:	S033(065)e.d.12/31/24

Valuation	Comment	Value
Land:		\$500
Improvements:		\$0
Other:		\$0
Damages:		\$0
TOTAL JUST COMPENSATION:		\$500

Uneconomic Remainder:	None	\$0
Fencing Allowance:	None	\$0

LAND ACQUIRED:		
Parcel #	Rights to be Acquired	Area of Taking
Parcel 1	Permanent Easement: Highway Right of Way Purposes	44 Sq Ft

NOTICE TO VACATE:

Written notice will not be required. Possession will be upon payment.

THE FOLLOWING SEPARATELY-HELD OWNERSHIP INTERESTS ARE NOT INCLUDED IN THE TOTAL JUST COMPENSATION:

APPRAISAL INFORMATION:	
Appraisal/Valuation By:	Tyger Liner
Date of Valuation:	September 28, 2021
Value:	\$300
Date Written:	November 12, 2021

File: 9724039
Map: RW9724M

PERMANENT EASEMENT

BENTON COUNTY, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$500.00, does grant to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described on Exhibit "A" dated 05/13/2021, attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 12612CA-10499

Property Address: N/A

File: 9724039
Map: RW9724M

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this ____ day of _____, 20____.

ATTEST:

County Clerk

BENTON COUNTY, a political subdivision of the State of Oregon

By _____
Chairperson

By _____
County Commissioner

By _____
County Commissioner

STATE OF OREGON, County of _____

Dated _____, 20____. Personally appeared _____,

_____, _____, and _____, who, being

sworn, stated that they are the Chairperson, County Commissioners and County Clerk of Benton County, a political subdivision of the State of Oregon, and that this instrument was voluntarily signed on behalf of the County by authority of an order of the Board of Commissioners. Before me:

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

DETERMINATION OF JUST COMPENSATION

ADMINISTRATIVE PROCEDURE

File No.: 9724-039

Section:	US20: Philomath Couplet
Date of Description:	May 13, 2021
Date of Inspection:	September 28, 2021
Date of Valuation:	September 28, 2021

Project Description:

The purpose of the US20: Philomath Couplet project is to improve roadway conditions along Main and Applegate Streets and revitalize the City's downtown business area into a more pedestrian-friendly space. Sidewalks will be replaced and Main Street and Applegate Streets will be reconstructed and the storm drainage system will be improved. The project includes traffic Signal upgrades and installation of new Rectangular Rapid Flashing Beacons at 7th Street and Main and 14th Street and Applegate. The project will take two years to construct.

Highest and Best Use:

The highest and best use of a property is that reasonably probable use which is legally permissible (zoning), physically possible, financially feasible and maximally productive, resulting in the highest value. The highest and best use of a property for purposes of this valuation is established as if the property had no improvements (structures) and was vacant.

The subject property is zoned R2 (Duplex-Residential). It is a 0.03 acre (1,307 SF), rectangular, and vacant site. It has good access to transportation systems and utilities, but is not proportioned in size and shape for development as a freestanding parcel. Therefore, it is the opinion of this appraiser that the highest and best use of the subject property is assemblage to a residential, duplex complex property.

Brief Description of Subject and Taking:

The location of the subject property is adjacent to 1406 Applegate St., Philomath, OR 97370. The larger parcel subject property includes the following map and tax lot: 12612CA 10499. The subject property is rectangular shaped located near the couplet intersection at the east end.

The most likely selling unit of this parcel is per square foot. A reviewed sales book was completed for this project on 07-26-2021. The valuation method used is Across the Fence (ATF). Based upon the most probable unit of value being per square foot, the most comparable sales were reviewed and the dollar per square foot value used for this valuation is \$9.00. The market for this parcel is restricted to adjoining properties, so an entrepreneurial incentive is expected at a 25% discount to the adjoining property. After applying a discount, the square foot value is \$6.75 (\$9 X (1 - 0.25))

There is no vehicular access from Applegate St.

The acquisition consists of one Permanent Easement that contains 44 Sq. Ft., more or less (Parcel 1). A permanent easement area is needed to design and construct the new road alignment and the street's widening for a new traffic separator.

Improvements:

There are no improvements within the acquisition area that contribute. Street sign to be removed and reinstalled if needed by project.

Personal Property:

No personal property located in the acquisition area.

Land:

<u>Parcel</u>	<u>Area</u>	<u>\$/Unit</u>	
Parcel 1 "Permanent Easement" for highway right of way purposes	44 Sq. Ft.	\$ 6.75/Sq. Ft.	\$ 297
Total Land			\$ 297

Improvements:

Improvements within existing right of Way: No Improvements	N/A
Improvements replaced in like kind or preserved and protected: No Improvements	N/A
Improvements that contribute to value: No Improvements	N/A
Improvements that do not contribute: No Improvements	N/A

Total Improvements	\$ 0
--------------------	------

Damages or Cost to Cure: None

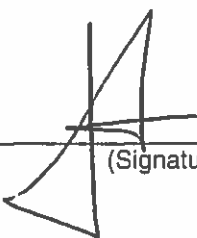
Damages	\$ 0
---------	------

Cost to Cure	\$ 0
--------------	------

Total of Damages or Cost to Cure:	\$ 0
-----------------------------------	------

Total Value (land, improvements and damages and/or cost to cure):	\$ 297
---	--------

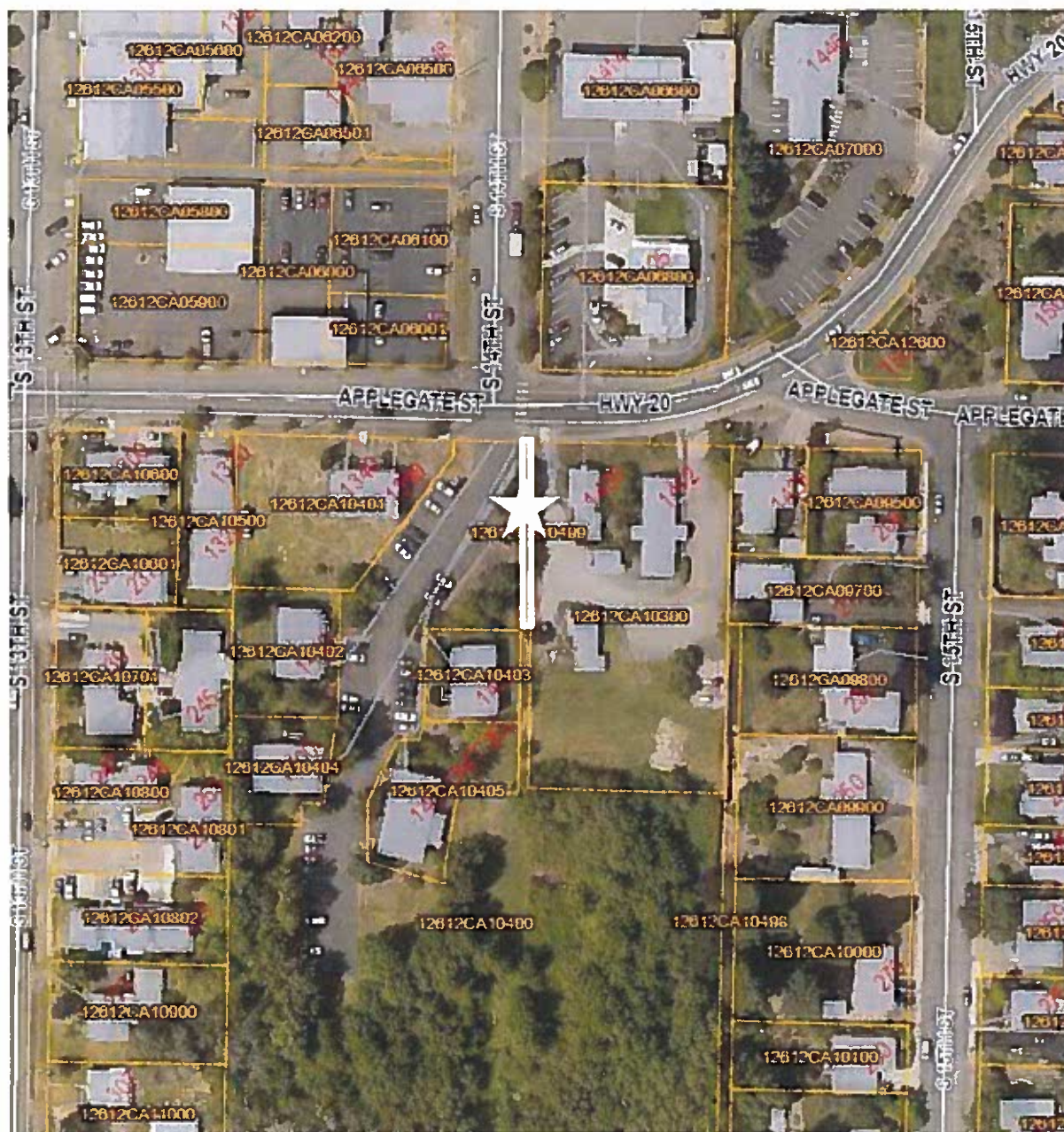
Estimate of Fair Market Value (rounded):	\$ 300
--	--------



 (Signature)

11/12/21

 (Date)



ATTACHMENT 2
SUBJECT PROPERTY
MAP AND TAX LOT 12612CA 10499



ATTACHMENT 3
PARCEL 1
PERMANENT EASEMENT AREA
MAP AND TAX LOT 12612CA 10499



EXHIBIT A – Page 1 of 1

File 9724039
Drawing – RW9724M
05/13/2021

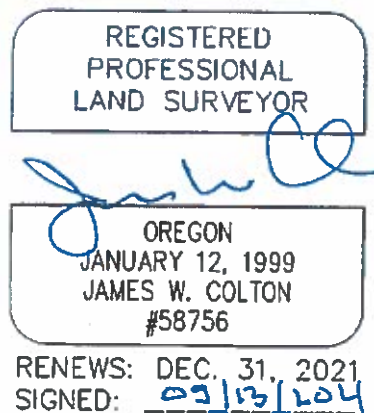
Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in Farm Lot 1, ADDITION TO THE TOWN OF PHILOMATH OF FARMING LOTS, City of Philomath, Benton County, Oregon; the said parcel being that portion of that property described in that Tax Collector's Deed to Benton County, a political sub-division of the State of Oregon, recorded November 18, 1985 in M-72257-85, Microfilm Records of Benton County; the said parcel being that portion of said property included in a strip of land 36.00 feet in width, lying on the Southerly side of the center line of the relocated Applegate Street, which center line is described as follows:

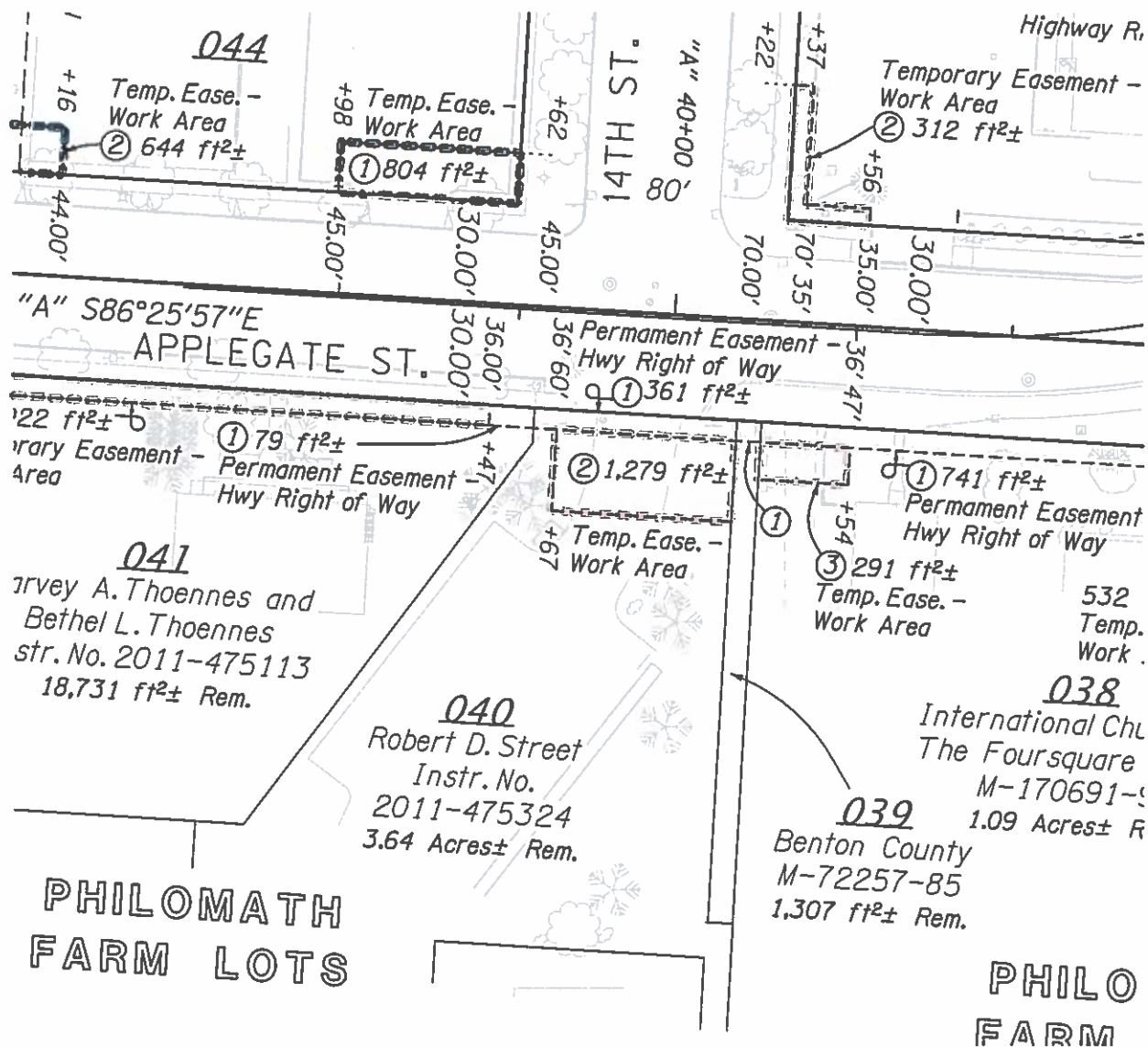
Beginning at Engineer's center line Station "A" 10+00.00, said station being South 998.88 feet and West 5,589.54 feet of the Northeast corner of E.A. Abbey Donation Land Claim No. 38, Township 12 South, Range 6 West, Willamette Meridian; thence South 86°25'57" East a distance of 3,700 feet to Engineer's center line Station "A" 47+00.00.

Bearings are based on County Survey No. 11033, filed December 23, 2020, Benton County, Oregon.

This parcel of land contains 44 square feet, more or less, outside the existing right of way.



Section 12, T 12 S, R 6 W, W.M.



① Permanent Easement - Highway Right of Way
44 ft²±

ACTIVE DRAWING

THIS DRAWING SHOWS THE PROPOSED
R/W NEEDED TO BE ACQUIRED TO
SUPPORT THE PROJECT DESIGN

SUBJECT TO CHANGE

SCALE 1" = 50'



OREGON DEPARTMENT OF TRANSPORTATION



DOWL

WWW.DOWL.COM

SKETCH MAP

Section

US20: Philomath Couplet

Highway

Corvallis - Newport Highway No. 33

County

Benton

Scale

1" = 50'

Purpose

Streetscape

Date

May, 2021

File

9724 039

EXHIBIT A – Page 1 of 1

File 9724039
Drawing – RW9724M
05/13/2021

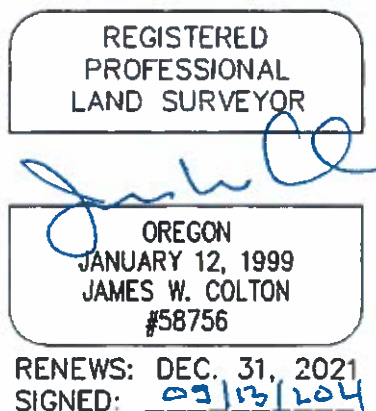
Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in Farm Lot 1, ADDITION TO THE TOWN OF PHILOMATH OF FARMING LOTS, City of Philomath, Benton County, Oregon; the said parcel being that portion of that property described in that Tax Collector's Deed to Benton County, a political sub-division of the State of Oregon, recorded November 18, 1985 in M-72257-85, Microfilm Records of Benton County; the said parcel being that portion of said property included in a strip of land 36.00 feet in width, lying on the Southerly side of the center line of the relocated Applegate Street, which center line is described as follows:

Beginning at Engineer's center line Station "A" 10+00.00, said station being South 998.88 feet and West 5,589.54 feet of the Northeast corner of E.A. Abbey Donation Land Claim No. 38, Township 12 South, Range 6 West, Willamette Meridian; thence South 86°25'57" East a distance of 3,700 feet to Engineer's center line Station "A" 47+00.00.

Bearings are based on County Survey No. 11033, filed December 23, 2020, Benton County, Oregon.

This parcel of land contains 44 square feet, more or less, outside the existing right of way.





AmeriTitle, LLC

320 Church St. NE, Salem, OR 97301

PHONE (503)581-1431 FAX (503)364-8716

March 5, 2021

File Number: 446947AM

Report No.: 1

Title Officer: Matt Paslay

PRELIMINARY TITLE REPORT

Property Address: Tax Lot: 12612CA 10499, Philomath, OR 97370

Policy or Policies to be issued:

OWNER'S STANDARD COVERAGE

Proposed Insured: **Oregon Department of Transportation**

Liability

\$10,000.00

Premium

\$200.00

Local Government Lien Search

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of Stewart Title Guaranty Company, in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 22nd day of February, 2021 at 7:30 a.m., title is vested in:

Benton County, a political subdivision of the State of Oregon

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

File No. 446947AM

Page 2

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

6. Taxes assessed under Code No. 1702 Account No. 263024 Map No. 12S-06W-12CA 10499, including the current fiscal year, not assessed because of Government owned Exemption. If the exempt status is terminated an additional tax may be levied.
7. City liens, if any, of the City of Philomath.
8. The property lies within and is subject to the levies and assessments of the Benton Soil and Water Conservation District.

INFORMATIONAL NOTES:

NOTE: Our examination of the title to the subject property discloses no open Deeds of Trust or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

Oregon Department of Transportation

NOTE: We find no activity in the past 24 months regarding transfer of title to subject property.

NOTE: The following is the last deed of record affecting said land,

Document: Tax Collector's Deed

Grantor: Clark Ruggles, as Tax Collector of the County of Benton, State of Oregon

Grantee: Benton County, a political sub-division of the State of Oregon

Recorded: November 15, 1985

Instrument No.: Microfilm No: 72197-85

File No. 446947AM

Page 3

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

File No.: 446947AM

Page 4

EXHIBIT "A"
LEGAL DESCRIPTION

AmeriTitle will require a surveyed legal description