



Board of Commissioners
 Office: (541) 766-6800
 Fax: (541) 766-6893
 4500 SW Research Way
 Corvallis, OR 97333
 bentoncountyor.gov

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Information Sharing Meeting
Tuesday, January 23, 2024, 9 AM

How to Participate in the Board of Commissioners Meeting

In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	Click for Zoom link	Dial 1(253) 215-8782	Click for Facebook LiveStream link
	Zoom Meeting ID: 899 8695 9964		
	Zoom Passcode: 385356		

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Review and Approve Agenda

3. 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.

4. Work Session

- 4.1 30 minutes – Review of Disposal Site Advisory Committee (DSAC) Revised Bylaws – *Darren Nichols, Community Development*
- 4.2 30 minutes – Sustainable Materials Management Plan Progress Report – *Darren Nichols, Community Development; Steven Chase, DSAC Chair*
- 4.3 45 minutes – Recommendation for Non-represented Employee Compensation Plan – *Tracy Martineau, Tammy Webb, Chip Polito, Human Resources; Rick Crager, Financial Services; Rachel McEneny, County Administrator*

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.

BUSINESS MEETING

5. New Business

- 5.1 15 minutes – Discussion Regarding Alsea Health Center – *April Holland, Health Services; Lacey Mollel, Community Health Centers*
- 5.2 10 minutes – Broadband Technical Assistance Program (BTAP) Application Letter of Support– *Adam Loerts, Information Technology*

Public Hearings

(Hearings are heard at 11:00 a.m., time certain or as soon thereafter as the matter may be heard)

Those wishing to provide public testimony should sign the “Meeting Sign-in Sheet.

- PH 10 minutes – Continuation of the January 16, 2024 Public Hearing, First Reading of Ordinance 2023-0322 Proposing Revision to Benton County Code, Chapters 4, 5, and 6 – *James Morales, Records and Elections*

Public Testimony remains open for this item.

7. Information Sharing: (If time permits, the following section will be heard)

- 7.1 Xanthippe Augerot, Chair
- 7.2 Nancy Wyse, Vice Chair
- 7.3 Pat Malone, Commissioner
- 7.4 Rachel McEneny, County Administrator

8. Other

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

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WORK SESSION

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/23/24

View [Agenda Tracker](#)

Suggested Placement * Work Session

Department * Board of Commissioners

Contact Name * Darren Nichols

Phone Extension * 5417666394

Meeting Attendee Name * Rachel McEneny, Darren Nichols

Agenda Item Details

Item Title * DRAFT of Revised Bylaws for the Disposal Site Advisory Committee

- 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

Name of Board/Committee

Disposal Site Advisory Committee, Ad Hoc Sustainable Materials Management Planning Committee

Board/Committee Involvement *
 Yes
 No

Advertisement *

Yes
 No

Item Issues and Description

Identified Salient Issues*

Following direction from the Board of Commissioners in December 2023, staff and County Counsel worked together to draft revised bylaws for the County's Disposal Site Advisory Committee (DSAC). The first draft bylaws are presented to the Board for review and feedback. Based on direction from the Board, staff will either present the bylaws for Board adoption at a future meeting or prepare a second draft bylaws document for Board review at a future meeting.

SALIENT ISSUES:

- Board and Committee Management
- Constructive Committee/Staff Roles
- Solid Waste and Disposal
- Compliance with Oregon State Laws (ORS 459.320-330)

Options*

Review, discuss, and provide feedback to staff on the draft bylaws for the County's Disposal Site Advisory Committee.

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.

Because Benton County has a regional landfill within the boundaries of its jurisdiction, the County is mandated under Oregon Revised Statute to establish and maintain a regional disposal site advisory committee (ORS 459.320-330 and https://www.oregonlegislature.gov/bills_laws/ors/ors459.html).

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 * Solid waste and disposal impact nearly every aspect of life in Benton County and Western Oregon. As a result, these issues also impact nearly every aspect of our community values and quality of life. For these reasons, Benton County has invested, and is investing in, community-informed and community-driven solutions to the challenges of managing solid waste and disposal.

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 * Solid waste and disposal impact nearly every aspect of life in Benton County and Western Oregon. As a result, these issues also impact nearly every aspect of our community values and quality of life. For these reasons, Benton County has invested, and is investing in, community-informed and community-driven solutions to managing solid waste and disposal.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Staff recommends the Board review the attached draft revised bylaws and provide feedback and recommendations on how best to improve the bylaws for the Disposal Site Advisory Committee (and for other boards and committees that report to the elected Benton County Board of Commissioners).

NOTE: the Board's feedback on these draft revised bylaws will also inform the development of revised bylaws for other Commissions, Boards, Advisory Committees and Task Forces.

Work Session Motions* I move to ...
 . . . direct staff to [insert suggestions as appropriate] and request that staff return to the Board with [insert additional work product as appropriate] by [insert date].

Staff Recommendation

Staff recommends the Board review the attached draft revised bylaws and provide feedback and recommendations on how best to improve the bylaws for the Disposal Site Advisory Committee (and for other boards and committees that report to the elected Benton County Board of Commissioners).

NOTE: the Board's feedback on these draft revised bylaws will also inform the development of revised bylaws for other Commissions, Boards, Advisory Committees and Task Forces.

Work Session Motion

I move to direct staff to *[insert suggestions as appropriate]* and request that staff return to the Board with *[insert additional work product as appropriate]* by *[insert date]*.

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.

DRAFT DSAC By-Laws 1.16.2024.docx	32.88KB
DSAC By-Laws second redline 12-20-2023.pdf	115.01KB

Comments (optional) These draft bylaws reflect/incorporate input from the following:

- County Administrator
 - County Counsel
 - Sustainability Coordinator
 - DEI Coordinator
 - Public Information Office
 - Community Development
- If you have any questions, please call ext.6800

Department Approver

RACHEL MCENENY

1.

Department Approval

Comments

Signature

Rachel L McEneny

2.

Counsel Approval

Comments

Signature

Vance H. Cheney

3.

County Administrator Approval

Comments

Signature

Rachel L McEneny

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

Oregon Revised Statute – Chapter 459.320-330

Also available online here: oregonlegislature.gov/bills_laws/ors/ors459.html

...

459.320 Regional disposal site advisory committee; membership; terms. (1) Except as provided in subsection (3) or (4) of this section, the board of county commissioners of a county in which a regional disposal site is proposed to be located shall establish a local citizens advisory committee when the Department of Environmental Quality receives an application for a regional disposal site within the county. The board shall select members of the committee from among at least each of the following groups, to the extent feasible:

(a) Residents residing near or adjacent to the regional disposal site.

(b) Owners of real property adjacent to or near the regional disposal site.

(c) Persons who reside in or own real property within the county in which the regional disposal site is located.

(d) Employees of the permittee.

(e) Local organizations and citizen interest groups whose majority of members either:

(A) Are electors of the county in which the regional disposal site is located; or

(B) Own real property in the county in which the regional disposal site is located.

(2) Unless determined otherwise by a board of county commissioners:

(a) Members of the local citizens advisory committee shall serve a term of two years.

(b) The committee shall elect from among its members a chairperson of the committee with such duties and powers as the committee imposes.

(c) The committee shall meet at least four times each year for so long as the regional disposal site is proposed or operating.

(3) If the regional disposal site is operated by a metropolitan service district, the local citizens advisory committee shall be established by the governing body of the metropolitan service district.

(4) If the board of county commissioners of a county in which a regional disposal site is located or is proposed to be located has already established a local citizens advisory committee for solid waste issues in general, that committee may serve to fulfill the duties specified in ORS 459.325 so long as the membership of the committee is consistent with this section. [1987 c.876 §9; subsection (4) enacted as 1987 c.876 §10; 1999 c.720 §1]

459.325 Duties of regional disposal site advisory committee. The duties of the local citizens advisory committee established under ORS 459.320 shall include but need not be limited to:

(1) Reviewing with the permittee, the regional disposal site including but not limited to siting, operation, closure and long-term monitoring of the regional disposal site; and

(2) Providing a forum for citizen comments, questions and concerns about the regional disposal site and promoting a dialogue between the community in which the regional disposal site is to be located and the owner or operator of the regional disposal site. The committee shall prepare an annual written

Oregon Revised Statute – Chapter 459.320-330

Also available online here: oregonlegislature.gov/bills_laws/ors/ors459.html

report summarizing the local citizens' concerns and the manner in which the owner or operator is addressing those concerns. The report shall be considered by the Department of Environmental Quality in issuing and renewing a solid waste permit under ORS 459.245. [1987 c.876 §11]

459.330 Notification of advisory committee by regional disposal site permittee. The permittee shall notify the local citizens advisory committee established under ORS 459.320 when the permittee proposes to apply for a change to any state or local permit. [1987 c.876 §12]

...

**BYLAWS
DISPOSAL SITE ADVISORY COMMITTEE**

ARTICLE 1

Name

The name of this organization shall be the Disposal Site Advisory Committee (the "Committee").

ARTICLE 2

Function

The Committee reports to the Community Development Department, which shall assist-prescribe its functions and duties. The ~~the~~ Benton County Board of Commissioners in the planning and implementation of disposal site management may also direct the Community Department Director to prescribe duties to the Committee. At a minimum, and pursuant to ORS 459.325, the Committee's functions shall include (but are not limited to) the following:

- (1) Review with the permittee, of the regional disposal site including, but not limited to, siting, operation, closure, and long-term monitoring of the regional disposal site; and
- (2) Provide a forum for community member comments, questions and concerns about the regional disposal site and promote a dialogue between the community and the owner or operator of the regional disposal site; and
- (3) Prepare an annual written report summarizing the local community ~~members'~~ members' concerns and the manner in which the owner or operator is addressing those concerns. The report shall be considered by the Department of Environmental Quality in issuing and renewing a solid waste permit. The Community Development Department shall submit the report to the Department of Environmental Quality.

ARTICLE 3

Membership

Section 1. Number and Selection: The Committee shall consist of no less than five (5) and no more than eleven (11) members, appointed by the Board of Commissioners, as from the follows: ~~ing groups, to the extent feasible:~~

- (1) Residents residing near or adjacent to the regional disposal site;
- (2) Owners of real property adjacent to or near the regional disposal site;
- (3) Persons who reside in or own real property within Benton County;
- (4) Employees of the permittee; and
- (5) Local organizations and citizen interest groups whose majority of members either:
 - a. Are electors of Benton County; or
 - b. Own real property in Benton County.

~~The ten (10) members of the Solid Waste Advisory Council;
One (1) designated employee of the permittee.~~

The Board of Commissioners may appoint ex officio members entitled to participate in proceedings of the Committee but not to vote, including but not limited to: the Community Development Director or [his/her/their](#) designee; a collection and a disposal franchise holder; a person holding a permit; and a person lawfully engaged in providing recycling or reuse service or the promotion or education for such service.

Section 2. Terms of Office: ~~Terms for members of the Solid Waste Advisory Council shall be as governed by that Council's by laws.~~ Members may not serve more than two (2) successive terms; partial terms shall not be counted toward the successive term limit. The term of the designated employee of the permittee shall be 2 years. Terms begin on January 1 and end on December 31.

Section 3. Responsibilities: Committee members shall regularly attend meetings of the Committee and any meetings of the subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chair, [subject to the approval of the Community Development Director](#).

Section 4. Termination of Membership: The Board of Commissioners may remove Committee members as follows:

- (1) Failure to attend three or more consecutive regular committee meetings.
- (2) For cause following public hearing, for reasons including, but not limited to:
 - (a) Commission of a felony;
 - (b) ~~Corruptness;~~ [Failure to comply with Benton County's Code of Conduct](#);
 - (c) ~~Intentional v~~ [Violation of open meetings law](#);
 - (d) Failure to declare conflicts of interest;
 - (e) ~~Incompetence.~~
 - (f) [Act or threat of physical harm](#)
- (3) Without cause pursuant to Benton County Code chapter 3.035.

Section 5. Vacancies: The Board of Commissioners shall make appointments to fill vacancies as they occur. Such appointments shall be for the duration of the unexpired term of that position.

ARTICLE 4 Officers

[The Community Development Director shall select members to fill the following offices](#)~~The following officers shall be elected from the Committee membership during prior to~~ the first meeting of each calendar year:

Chair: The Chair shall have the responsibility of conducting all meetings ~~and hearings~~ in an [efficient, respectful, and](#) orderly manner. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called. However, in the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.

Vice Chair: The Vice Chair shall be responsible for conducting the meetings ~~and~~ hearings in the absence of the Chair.

ARTICLE 5 Subcommittees

Section 1. Creation of Subcommittees: The Committee ~~shall have the power may,~~ with subject to the concurrence approval of the Community Development Department, to create subcommittees with such responsibilities as the Committee directs, subject to the approval of the Community Development Director.

Section 2. Naming of Subcommittees: The Chair, with subject to the concurrence approval of the Community Development Department, shall appoint and charge each subcommittee with its responsibilities, shall appoint the members of the subcommittee, and shall appoint the chair of the subcommittee in the event the subcommittee consists of more than one person. Subject to the approval of the Community Development Director, ~~t~~The subcommittee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the subcommittee, and reporting to the Committee concerning the work of the subcommittee.

ARTICLE 6 Advisors

Subject to the approval of the Community Development Department, ~~t~~The Committee and the subcommittees may call on lay community members and professionals as advisors without voting rights to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair, and as approved by the Community Development Director.

ARTICLE 7 Meetings

Section 1. Regular Meetings: ~~It is the desire of Benton County desires that this committee will hold quarterly meetings. However, the number and frequency of meetings may vary from year to year. Meetings may be called by the Benton County Board of Commissioners, the Community Development Department or by the Chair, subject to the approval of the Community Development Director. Meetings shall be held quarterly, or more frequently when called by the Chair of the Committee or the Board of Commissioners.~~

Section 2. Special Meetings: Special meetings may be called by the Chair, with the approval of the Community Development Director, by the Community Development Department or by the Board of Commissioners by giving the members and the press written or verbal notice at least 24 hours before the meeting.

Section 3. Quorum: A quorum shall consist of a majority of the sitting members of the committee. All business conducted with a majority vote of the quorum shall stand as the official action of the Committee.

Section 4. Voting: Each Committee member shall have one vote. In the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.

Section 5. Staffing: Staff for recording the proceedings of the Committee shall be provided by the County.

Section 6. Agenda: ~~The agenda shall be developed jointly by the Chair and the Community Development Director or their designee. In the event of disagreement, final agenda decisions shall be made by the Community Development Director or their designee. Committee members may add items of business only with the concurrence of the Community Development Director or their designee. The Board of Commissioners may add items of business at any time. The Chair, with the assistance of the Community Development Director, or his/her designee, shall prepare the agenda of items requiring Committee action, and shall add items of business as may be requested by individual Committee members and/or the Board of Commissioners.~~

Section 7. Notice: All members shall be given written notice of time, date, location, and purpose of the meetings at least three (3) days before a regular Committee meeting, and written or verbal notice one (1) day before a special meeting. In the event a member is provided with less than three (3) days written notice of a regular meeting, or less than one (1) day actual notice of a special meeting, and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting or at a special meeting called with adequate notice.

Section 8. Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflicts of interest shall be noted. Minutes of all meetings shall be maintained by the Community Development Department.

ARTICLE 8 Public Records and Meeting Law

The Committee is a public body for the purposes of ORS Chapter 192, and is subject to the statutory procedures related to public records and meetings.

ARTICLE 9 Parliamentary Procedure

The current edition of Robert's Rules of Order shall govern the Committee where not inconsistent with these bylaws or any special rules of order the Committee shall adopt.

ARTICLE 10 Conflict of Interest

A conflict of interest shall be declared by any member who has a conflict of interest as defined by Oregon law prior to taking any action on the matter causing the conflict.

ARTICLE 11 Bylaw Amendments

These bylaws may be amended by the Board of Commissioners upon its own motion. Prior to an amendment, the Board of Commissioners may request a recommendation from the Committee which may recommend changes at any regular meeting of the Committee by a two-thirds vote of the sitting membership, provided that the recommended amendment has been submitted in writing to the Committee members no later than three days before the regular meeting.

ARTICLE 12 Code of Conduct and Ethics

Section 1. Conduct Guidelines: Committee members and County staff shall adhere to ethical guidelines that promote respectful and professional behavior during all Committee activities.

Section 2. Conflict Resolution: Ethical guidelines dictate the establishment of a mechanism to address conflicts among Committee members, county staff or the public. The Chair, aided by the Community Development Director or ~~other Community Development~~ their designee, is responsible for guiding conflict resolution processes with fairness and impartiality.

Section 3. Training and Orientation: Newly appointed Committee members shall undergo an orientation program that includes training on the Committee's mission, functions, and the importance of ethical conduct. Periodic refresher training may be provided to reinforce ethical standards.

ARTICLE 13 Continuous Improvement and Evaluation

Section 1. Periodic Self-Evaluation: The Committee shall conduct periodic self-evaluations to assess its effectiveness, identify areas for improvement, and, subject to the approval of the Community Development Director, implement strategies to enhance its performance.

Section 2. Feedback Mechanism: Subject to the approval of the Community Development Director, ~~t~~The Committee shall establish a mechanism for obtaining feedback from the community, and other key partners to inform its continuous improvement efforts.

ARTICLE 14 Whistleblower Protection

Section 1. Reporting System: An anonymous reporting system will be implemented to enable Committee members or staff to disclose any observed breaches of ethical standards or unlawful activities without facing retaliation.

Section 2. Inquiry Procedure: Upon receipt of a reported violation, a just and unbiased procedure will be activated to examine the issue, and necessary measures will be implemented to address any concerns.

Adopted this _____ day of _____, 2024.

Signed this _____ day of _____, 2024.

Xanthippe Augerot, Chair

Nancy Wyse, Vice Chair

Pat Malone, Commissioner

Approved as to form:

Vance M. Croney, County Counsel

**BYLAWS
DISPOSAL SITE ADVISORY COMMITTEE**

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- (1) Review with the permittee, of the regional disposal site including but not limited to, siting, operation, closure, and long-term monitoring of the regional disposal site; and
- (2) Provide a forum for community member comments, questions and concerns about the regional disposal site and promote a dialogue between the community and the owner or operator of the regional disposal site; and
- (3) Prepare an annual written report summarizing the local community members' concerns and the manner in which the owner or operator is addressing those concerns. The Community Development Department shall submit the report to the Department of Environmental Quality.

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Membership

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- (5) Local organizations and citizen interest groups whose majority of members either:
 - a. Are electors of Benton County; or
 - b. Own real property in Benton County.

The Board of Commissioners may appoint ex officio members entitled to participate in proceedings of the Committee but not to vote, including but not limited to the Community Development Director or their designee; a collection and a disposal franchise holder; a person

holding a permit; and a person lawfully engaged in providing recycling or reuse service or the promotion or education for such service.

Section 2. Terms of Office: Members may not serve more than two (2) successive terms; partial terms shall not be counted toward the successive term limit. The term of the designated employee of the permittee shall be 2 years. Terms begin on January 1 and end on December 31.

Section 3. Responsibilities: Committee members shall regularly attend meetings of the Committee and any meetings of the subcommittees to which they are appointed and shall fulfill other duties as appointed by the Chair, subject to the approval of the Community Development Director.

Section 4. Termination of Membership: The Board of Commissioners may remove Committee members as follows:

- (1) Failure to attend three or more consecutive regular committee meetings.
- (2) For cause following public hearing, for reasons including, but not limited to:
 - (a) Commission of a felony;
 - (b) Failure to comply with Benton County's Code of Conduct;
 - (c) Violation of open meetings law;
 - (d) Failure to declare conflicts of interest;
 - (e)
 - (f) Act or threat of physical harm
- (3) Without cause pursuant to Benton County Code chapter 3.035.

Section 5. Vacancies: The Board of Commissioners shall make appointments to fill vacancies as they occur. Such appointments shall be for the duration of the unexpired term of that position.

ARTICLE 4 Officers

The Community Development Director shall select members to fill the following offices prior to the first meeting of each calendar year:

Chair: The Chair shall have the responsibility of conducting all meetings in an efficient, respectful, and orderly manner. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called. However, in the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.

Vice Chair: The Vice Chair shall be responsible for conducting the meetings in the absence of the Chair.

ARTICLE 5 Subcommittees

Section 1. Creation of Subcommittees: The Committee may, subject to the approval of the Community Development Department, to create subcommittees with such responsibilities as the Committee directs, subject to the approval of the Community Development Director.

Section 2. Naming of Subcommittees: The Chair, subject to the approval of the Community Development Department, shall appoint and charge each subcommittee with its responsibilities, shall appoint the members of the subcommittee, and shall appoint the chair of the subcommittee in the event the subcommittee consists of more than one person. Subject to the approval of the Community Development Director, the subcommittee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the subcommittee, and reporting to the Committee concerning the work of the subcommittee.

ARTICLE 6

Advisors

Subject to the approval of the Community Development Department, the Committee and the subcommittees may call on lay community members and professionals as advisors without voting rights to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair, and as approved by the Community Development Director.

ARTICLE 7

Meetings

Section 1. Regular Meetings: Benton County desires that this committee will hold quarterly meetings. However, the number and frequency of meetings may vary from year to year. Meetings may be called by the Benton County Board of Commissioners, the Community Development Department or by the Chair, subject to the approval of the Community Development Director.

Section 2. Special Meetings: Special meetings may be called by the Chair, with the approval of the Community Development Director, by the Community Development Department or by the Board of Commissioners by giving the members and the press written or verbal notice at least 24 hours before the meeting.

Section 3. Quorum: A quorum shall consist of a majority of the sitting members of the committee. All business conducted with a majority vote of the quorum shall stand as the official action of the Committee.

Section 4. Voting: Each Committee member shall have one vote. In the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.

Section 5. Staffing: Staff for recording the proceedings of the Committee shall be provided by the County.

Section 6. Agenda: The agenda shall be developed jointly by the Chair and the Community Development Director or their designee. In the event of disagreement, final agenda decisions

shall be made by the Community Development Director or their designee. Committee members may add items of business only with the concurrence of the Community Development Director or their designee. The Board of Commissioners may add items of business at any time.

Section 7. Notice: All members shall be given written notice of time, date, location, and purpose of the meetings at least three (3) days before a regular Committee meeting and written or verbal notice one (1) day before a special meeting. In the event a member is provided with less than three (3) days written notice of a regular meeting, or less than one (1) day actual notice of a special meeting, and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting or at a special meeting called with adequate notice.

Section 8. Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflicts of interest shall be noted. Minutes of all meetings shall be maintained by the Community Development Department.

ARTICLE 8 Public Records and Meeting Law

The Committee is a public body for the purposes of ORS Chapter 192 and is subject to the statutory procedures related to public records and meetings.

ARTICLE 9 Parliamentary Procedure

The current edition of Robert's Rules of Order shall govern the Committee where not inconsistent with these bylaws or any special rules of order the Committee shall adopt.

ARTICLE 10 Conflict of Interest

A conflict of interest shall be declared by any member who has a conflict of interest as defined by Oregon law prior to taking any action on the matter causing the conflict.

ARTICLE 11 Bylaw Amendments

These bylaws may be amended by the Board of Commissioners upon its own motion. Prior to an amendment, the Board of Commissioners may request a recommendation from the Committee which may recommend changes at any regular meeting of the Committee by a two-thirds vote of the sitting membership, provided that the recommended amendment has been submitted in writing to the Committee members no later than three days before the regular meeting.

ARTICLE 12 Code of Conduct and Ethics

Section 1. Conduct Guidelines: Committee members and County staff shall adhere to ethical guidelines that promote respectful and professional behavior during all Committee activities.

Section 2. Conflict Resolution: Ethical guidelines dictate the establishment of a mechanism to address conflicts among Committee members, county staff or the public. The Chair, aided by the Community Development Director or their designee, is responsible for guiding conflict resolution processes with fairness and impartiality.

Section 3. Training and Orientation: Newly appointed Committee members shall undergo an orientation program that includes training on the Committee's mission, functions, and the importance of ethical conduct. Periodic refresher training may be provided to reinforce ethical standards.

ARTICLE 13

Continuous Improvement and Evaluation

Section 1. Periodic Self-Evaluation: The Committee shall conduct periodic self-evaluations to assess its effectiveness, identify areas for improvement, and, subject to the approval of the Community Development Director, implement strategies to enhance its performance.

Section 2. Feedback Mechanism: Subject to the approval of the Community Development Director, the Committee shall establish a mechanism for obtaining feedback from the community, and other key partners to inform its continuous improvement efforts.

ARTICLE 14

Whistleblower Protection

Section 1. Reporting System: An anonymous reporting system will be implemented to enable Committee members or staff to disclose any observed breaches of ethical standards or unlawful activities without facing retaliation.

Section 2. Inquiry Procedure: Upon receipt of a reported violation, a just and unbiased procedure will be activated to examine the issue, and necessary measures will be implemented to address any concerns.

Adopted this _____ day of January, 2024.

Signed this _____ day of January, 2024.

Xanthippe Augerot, Chair

Nancy Wyse, Vice Chair

Pat Malone, Commissioner

Approved as to form:

Vance M. Croney, Benton County Counsel

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/23/24

View [Agenda Tracker](#)

Suggested Placement * Work Session

Department * Human Resources

Contact Name * Tracy Martineau

Phone Extension * 5417666389

Meeting Attendee Name * Tracy Martineau, Rick Crager, Tammy Webb, Chip Polito

Agenda Item Details

Item Title * Recommendation for Non-represented Employee Compensation 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 * 45 minutes

Board/Committee Involvement * Yes
 No

Advertisement * Yes
 No

Item Issues and Description

Identified Salient Issues *

In February 2023, Human Resources (HR) staff engaged Gallagher -- Human Resources & Compensation Consulting firm to conduct a benchmark job compensation study for management, confidential, and managerial employees. Several published salary surveys were used to match County jobs, and data was adjusted geographically to reflect Benton County area cost of living. Gallagher provided recommendations for new salary ranges based on their compensation analysis, as well as reallocation of a small group of positions. Additional details will be provided in our presentation.

The County Administrator, Chief Financial Officer, and HR Director are recommending we replace our current practice of percentage based annual increases with salary ranges divided into steps. The purpose of this is for ease of administration and clarity for employees advancing in the salary ranges. Additional details will be provided in our presentation.

We are also making recommendations for changes to our performance pay program that will simplify and provide clarity and transparency for non-represented employees. Additional details will be provided in our presentation.

Options *

1. Move to the next appropriate Board of Commissioners meeting for a decision to approve or deny.
2. Make a decision today to approve or deny.
3. Request additional information from staff before considering the recommendation to approve.

Fiscal Impact *

- Yes
- No

Fiscal Impact Description *

Details will be added prior to meeting.

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 * Employee compensation

- 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 * Employee compensation.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * The County Administrator, Chief Financial Officer, and HR Director recommend implementation of 9 step salary ranges for annual pay increase and additional 10, 11, and 12 steps exclusively to recognize exceptional performance. Implementation to be effective January 1, 2024.

Work Session Motions * I move to ...
Motion to be determined.

Staff Recommendations

The County Administrator, Chief Financial Officer, and HR Director recommend implementation of 9 step salary ranges for annual pay increase and additional 10, 11, and 12 steps exclusively to recognize exceptional performance. Implementation to be effective January 1, 2024.

Work Session Motion

I move to ... *Motion to be determined.*

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.

Comments (optional)






I will add a copy of our presentation as well as financial impact estimate prior to meeting.

A decision may be made in the work session or future meeting.

If you have any questions, please call ext.6800

**Department
Approver**

TRACY MARTINEAU

<p>1. Dept Approval</p> <hr/> <p>Department Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	<p>5.</p> <hr/> <p>BOC Final Approval</p> <hr/> <p>Comments</p> <p>Signature </p>
<p>2.</p> <hr/> <p>Counsel Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	
<p>3.</p> <hr/> <p>Finance Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	
<p>4.</p> <hr/> <p>County Administrator Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	

Compensation Analysis and Proposal for Non- Represented Employees

Human Resources Department

Tracy Martineau, Chip Polito, Tammy Webb

January 23, 2024



Table of Contents

1. Study Background
2. Compensation Study
3. Salary Ranges
4. Recommendations
5. Financial Impact
6. Next Steps

Background

Gallagher partnered with Benton County in the collection of comparable market data for an identified set of benchmark jobs. The objectives of the study were to:

- Identify benchmark jobs representative of Benton County functions and levels.
- Determine competitiveness of Benton County actual pay and salary ranges by job.

Compensation Study

- Gallagher and Benton County identified 49 benchmark jobs:
 - 46 of these benchmark jobs have incumbents
 - Market data identified for 96% of these benchmark jobs.
- Represents 48.5% of job titles in the scope of the study
- Represents 50 % of employees in the scope of the study

Benchmark Jobs and Survey Sources

Page 34 of 90

- Market data was collected from five main sources and supplemented by two others when appropriate matches could not be identified.

- Willis Towers Watson
- Washington State Public Employees
- Oregon Public Employers
- CompData
- Mercer
- Economic Research Institute
- Northwest Regional Primary Care

Compensation Study

The market data collected represents both local public and private sector through two main sources: Local Public Sector Data and Published Surveys (Private Sector)

Local Public Sector Data

Benton County provided 3 local published surveys: Northwest Regional Primary Care Survey, Washington State Employees Compensation Survey and Oregon Public Employers Survey, and matched jobs to the established benchmark jobs.

Gallagher reviewed the matches made by Benton County to confirm accuracy.

Compensation Study

Published Surveys

- The study utilized new published survey data
- Database includes aggregated data from various reputable published survey sources (similar to survey sources held by Gallagher)
- Considered a valid representation of the broader private sector market
- Represents the national and regional labor market

Compensation Study

Data Review

Review job matches based on descriptions, perform statistical outlier analysis.

Geographic Adjustments

All data will be adjusted geographically to reflect the “cost of labor” for the **Portland, Oregon** area as calculated by the Economic Research Institute (ERI).

Compensation Study

Published Surveys

- The study utilized current published survey data
- Database includes aggregated data from various reputable published survey sources (similar to survey sources held by Gallagher)
- Considered a valid representation of the broader private sector market
- Represents the national and regional labor market

Compensation Study

Individual Position Comparisons

Base Salaries—50th (Median) and 75th Percentiles

Salary Ranges —Average Minimum, Midpoint, and Maximum

Aggregate Comparisons

Aggregate comparisons* covering benchmark jobs will be calculated to assess the overall competitiveness.

* We followed the U.S. Department of Justice and Federal Trade Commission guidelines that require five job matches per job in order to conduct statistical analyses or for drawing conclusions.

Compensation Study

- For the overall comparison to the market, the percentage difference was calculated between Benton County's actual salary and salary structure with the market:
 - Positive (+) figures indicate that Benton County pays above the market
 - Negative (-) figures indicate that Benton County pays below the market
 - The figures on the following page are aggregate differences to show the overall comparison to the market and do not reflect recommended changes
 - The following guidelines are used when determining the competitive nature of current actual compensation:
 - 0 to +/- 5% Highly Competitive
 - +/- 5 to 10% Competitive
 - -10 to 15% Potentially Misaligned
 - -15% Misaligned

Compensation Study

- We calculated the overall difference between Benton County's benchmark jobs and the market 50th percentile for comparison.
- The 50th percentile represents the competitive market, or the middle of the market, and the target pay level for a majority of organizations.
- Individual jobs may have a greater variance from the market. Comparisons by position have been provided under separate cover.
- Factors such as performance and time in position impact actual salaries and have an impact on the differences between Benton County's and the market actual salaries for individual jobs.

Compensation Review

On an overall basis of all jobs combined, the percentage that Benton County is above or below the market is shown in the table below:

Summary Comparison						
	Mkt 25th	Mkt 50 th	Mkt 75th	Range Min % Diff	Range Mid % Diff	Range Max % Diff
Benchmark Summary - Custom	-7%	-19%	-27%	-20%	-17%	-11%
Benchmark Summary - Published	2%	-10%	-23%	-12%	-19%	-19%
Benchmark Summary – Full Market	-3%	-15%	-25%	22%	-17%	-28%

Salary Ranges

- Using the market data, regression analysis was used to model a new structure.
- This model provided a solid baseline predictor of new pay ranges overall; range smoothing then occurred to create better flow between the pay grades.
- Range spreads were maintained at the current levels to maintain employee pay opportunities within the grades.
- Premium grades were built using their actual market data (not included in the regression model).
- Remove grades E82 and E91 (no current jobs)
- Please refer to the **Current and New Ranges Side by Side** supplemental document.

Recommendations

1. Anchor ranges to the 50th percentile (market average).
2. Divide ranges into 12 steps: annual increases use steps 1-9; exceptional performance steps 10-12.
3. Law enforcement (supervisors): Effective January 1, 2024, employees maintain their current compa-ratio (compa-ratio: step) in the new range. Resolves any compression issues.

Recommendations

4. Other non-represented employees: Effective January 1, 2024, placed on step that is closest to, but not less than current salary.
5. Bring employees falling below minimum of new range to minimum.
6. Implement reallocation recommendations. (3 jobs)

Financial Impact

Action	Cost Impact
Law enforcement maintain compa ratio	\$514,714
Law enforcement align to 12 steps	\$64,786
All others Bring to Minimum (31 employees)	\$346,223*
Grade changes (3 jobs/3 employees)	\$0
All others align to 12 steps	\$145,301
Total all recommendations	\$1,071,024

*12 employees in Physician job classification make up \$218,255 of this total

Next Steps: Phase II

- Implement pay equity adjustments (effective date TBD).
- July 1, 2024- no ECI adjustment.
- Performance pay:
 - Maintain current policy for 1 step increase.
 - New: 4% lump sum incentive.
 - New: Create performance incentive review committee (senior leadership). Will develop criteria and guidance.



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Benton County

COMPENSATION ANALYSIS AND PROPOSAL FOR NON-REPRESENTED EMPLOYEES

Grade	CURRENT RANGES			Range Spread (no change)	NEW RANGES			Midpoint % Change	Midpoint Differential (Current)	Midpoint Differential (New)
	Minimum	Midpoint	Maximum		Minimum	Midpoint	Maximum			
A11	31,341	37,609	43,877	40%	31,340	37,608	43,876	0%		
A12	35,404	42,488	49,573	40%	33,534	40,241	46,947	-5%	13.0%	7.0%
A13	39,469	47,366	55,264	40%	35,881	43,058	50,234	-9%	11.5%	7.0%
B21	42,665	52,259	61,854	45%	42,659	52,257	61,855	0%	10.3%	21.4%
B22	46,647	57,138	67,628	45%	46,641	57,135	67,630	0%	9.3%	9.3%
B23	50,630	62,017	73,404	45%	50,624	62,015	73,405	0%	8.5%	8.5%
B24/B31	54,500	68,125	81,750	50%	54,498	68,122	81,747	0%	9.8%	9.8%
B25/B32	60,361	75,450	90,540	50%	63,517	79,396	95,275	5%	10.8%	16.5%
B2PA	66,419	83,030	99,641	50%	65,119	83,027	100,935	0%		
C41	65,252	81,560	97,869	50%	68,598	85,747	102,897	5%	8.1%	8.0%
C42	69,145	86,439	103,733	50%	74,086	92,607	111,129	7%	6.0%	8.0%
C43	73,054	91,317	109,579	50%	80,013	100,016	120,019	10%	5.6%	8.0%
C44/C51	77,941	97,426	116,910	50%	86,414	108,017	129,620	11%	6.7%	8.0%
C45/C52	83,801	104,751	125,701	50%	96,195	120,243	144,292	15%	7.5%	11.3%
C4PA	90,387	112,983	135,579	50%	107,278	134,098	160,917	19%		
C4PC	97,175	123,898	150,621	55%	115,335	147,053	178,770	19%	9.7%	9.7%
C4PD	84,546	107,800	131,055	55%	84,546	107,796	131,046	0%		
C5PA	84,568	107,824	131,081	55%	84,565	107,820	131,076	0%		
D61	86,949	110,860	134,770	55%	101,853	129,863	157,872	17%	5.8%	8.0%
D62	90,775	115,738	140,701	55%	110,001	140,251	170,502	21%	4.4%	8.0%
D63	94,601	120,617	146,633	55%	118,801	151,472	184,142	26%	4.2%	8.0%
D64/D71	99,394	126,727	154,060	55%	128,305	163,589	198,873	29%	5.1%	8.0%
D65/D72	105,139	134,052	162,964	55%	138,570	176,676	214,783	32%	5.8%	8.0%
D6PD	135,156	150,173	165,190	22%	159,488	177,032	194,575	18%		
D6PA	156,624	174,027	191,430	22%	172,914	191,935	210,955	10%	15.9%	8.4%
D6PC	178,433	198,259	218,085	22%	239,057	265,353	291,649	34%		
D6PM	196,276	218,085	239,893	22%	269,099	298,700	328,301	37%	10.0%	12.6%
E81	107,815	140,160	172,505	60%	142,700	185,510	228,320	32%	4.6%	5.0%
E82	111,568	145,038	178,509	60%					3.5%	
E83	115,321	149,917	184,513	60%	149,835	194,786	239,736	30%	3.4%	5.0%
E91	122,838	159,689	196,539	60%					6.5%	
E92	129,251	168,022	206,794	60%	157,327	204,525	251,723	22%	5.2%	5.0%
F101	143,624	198,200	252,777	76%	203,822	281,274	358,727	42%	18.0%	37.5%

NEW BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/23/24

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Health Centers

Contact Name * Lacey Mollel

Phone Extension * 6657

Meeting Attendee Name * Lacey Mollel, Christine Mosbaugh

Agenda Item Details

Item Title * Decision Regarding Continued Closure of Alsea Health Center

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 * 15 minutes

Name of Board/Committee Community Health Centers Board of Directors

Board/Committee Involvement * Yes
 No

Advertisement * Yes
 No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Alsea Health Center is currently closed. The Community Health Centers (CHC) will share a brief history of services in Alsea, the current state of efforts, and ideas about how we might move forward with the community of Alsea. Our goal is a conversation and requested action related to the continued closure of the building, along with discussion related to ongoing efforts to connect, bridge, and bring potential services to Alsea.

Options *

Discussion and approval of continued closure of the Alsea site and support for ongoing CHC services, exploration of options, and a bridge plan for ongoing and future services.

1. Discussion and approval of plan
2. Discussion without any action

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 operates with a Health in All Actions framework, departments and their services identify and assume they impact health. While the CHC has a clear impact on the provision of health services to Alsea, other departments such as public health, environmental health, community development, and emergency response also impact access to health, wellbeing, and related services. Working together as a county to understand and meet the needs of Alsea is a critical part of this process.

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*

Access to health services and social supports involves a robust strategy to support a community, in addition to the actual provision of services. The focus for a CHC conversation around Alsea and action impacts the experience of residents and the creative response of the county to their needs. Health, safety, a thriving and resourced economy to draw residents, and the ability for them to move within and outside the area are all components of health and wellbeing that we hope to support, bridge, and resource in various ways.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Staff recommends the ongoing closure of the Alsea site and continued investment in planning for current and future Benton County services.

Meeting Motions* I move to ...
...approve the ongoing closure of the Alsea site and continued investment in planning for current and future Benton County services.

Staff Recommendation

Staff recommends the ongoing closure of the Alsea site and continued investment in planning for current and future Benton County services.

Meeting Motion

I move to approve the ongoing closure of the Alsea site and continued investment in planning for current and future Benton County services.

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.

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

LACEY MOLLEL

1.

Department Approval

Comments

Signature

Lacey Hollel

2.

Counsel Approval

Comments

Signature

Vance H. Cheney

3.

County Administrator Approval

Comments

Signature

Rakka Kiviatyoki

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/23/24

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Information Technology

Contact Name * Adam Loerts

Phone Extension * 541-766-6889

Meeting Attendee Name * Adam Loerts

Agenda Item Details

Item Title * Broadband Technical Assistance Program (BTAP) Application Letter of Support

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 * 10

Board/Committee Involvement * Yes
 No

Advertisement * Yes
 No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Rural Prosperity, a vendor assisting Benton County and its local Broadband Action Team (BAT) with Rural Broadband efforts, are working to secure letters of support from stakeholders for the Broadband Technical Assistance Program (BTAP) application (a program of the Oregon Broadband Office, due February 2, 2024). The Economic Development Association of Lincoln County (EDALC) has agreed to take on the role as lead applicant for our region. As many of you know, EDALC played a strong role in helping steward the broadband feasibility studies conducted by Solarity/OCWCOG this last year.

Rural Prosperity's team will be working with EDALC to implement funding secured from this grant application, apply for funding to continue the BAT work, secure funding for preliminary engineering studies for regional internet service providers (ISPs) (Peak, Alyrica, Pioneer), and grant writing support to help ISPs and communities secure broadband funding (BEAD, ReConnect, Community Connect).

The application is due February 2, 2024, and a signed letter of support must be submitted no later than January 26, 2024.

Options *

Approve signing the letter of support; or
Decline to approve signing the letter of support.

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 *

Support for expanding broadband by its nature supports a broad range of values and focus areas.

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 *

Support for expanding broadband by its nature supports a broad range of values and focus areas.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Sign letter of support as presented.

Meeting Motions * I move to ...
...sign the letter of support as presented.

Staff Recommendation

Sign letter of support as presented.

Meeting Motion

I move to sign the letter of support as presented.

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.

240123 Broadband Support, DRAFT.pdf

159.76KB

Comments (optional)

If you have any questions, please call ext.6800

Department

ADAM LOERTS

Approver

1.

Department Approval

Comments

Signature

Adam Leerts

2.

Counsel Approval

Comments

Signature

Vance H. Chokey

3.

County Administrator Approval

Comments

Signature

Rachel L McEneny

4.

BOC Final Approval

Comments

Signature

Kauka Kwiatkowski



Board of Commissioners

Office: (541) 766-6800
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4500 SW Research Way
P. O. Box 3020
Corvallis, OR 97339

co.benton.or.us

January 23, 2024

DRAFT

Michael DeHart
Broadband Program Coordinator
Oregon Broadband Office
775 Summer Street, NE, Suite 200
Salem, Oregon 97301

Re: Economic Development Association of Lincoln County's Broadband Technical Assistance Program Application

Dear Mr. DeHart:

The Benton County Board of Commissioners is pleased to support the Economic Development Association of Lincoln County's application for the Broadband Technical Assistance Program. We strongly support this project, as it will provide the necessary planning for broadband service infrastructure in Linn, Benton, and Lincoln Counties.

As a region with a large swath of rural areas, broadband is necessary to ensure our residents and businesses have access to critical services to help our community thrive. Many homes lack connectivity, and broadband contributes to our community well-being and economic growth. This application will help prepare Linn, Benton, and Lincoln Counties to access infrastructure funding by providing the necessary planning and technical assistance required to secure broadband dollars.

As a county, we have participated in the broadband strategic planning conducted over the past three and a half years through the regional Broadband Action Team. In addition, we have participated in the project with Oregon Cascades West Council of Governments to conduct a feasibility study across the region. What is next is to work with our local county-specific taskforces, regional stakeholders, and internet service providers to implement the recommendations developed over the last several years. Securing funding

Mr. Michael DeHart

**Re: Economic Development Association of Lincoln County's Broadband Technical
Assistance Program Application**

January 23, 2024

Page 2

DRAFT

to continue to implement the strategic planning and support our regional internet service providers to secure grant funding to close the digital divide is critical.

Benton County is contributing to the overall cost of the proposed project in the amount of \$20,000 that has already been allocated for this work.

Sincerely,

BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot
Chair

Nancy Wyse
Vice Chair

Pat Malone
Commissioner

PUBLIC HEARINGS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 01/16/24; [Continued to 01/23/24](#)

View [Agenda Tracker](#)

Suggested Placement * Meeting

Department * Records & Elections

Contact Name * James Morales

Phone Extension * 6832

Meeting Attendee Name * James Morales

Agenda Item Details

Item Title * Proposed Revisions to Benton County Code (BCC) Chapters 4, 5 and 6

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 * 15

Board/Committee Involvement * Yes
 No

Advertisement * No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Chapter 4, identify elections impacted, remove confusing titles and unrelated precinct committee person section. Correct an erroneous filing date. Being clear on which candidate is elected whether or not RCV is used.

Chapter 5, clarify the explanatory statements are not subject to Judicial Review and that the requirements are outlined in Chapter 6. Add language to clarify the advisory measure ballot title and explanatory review process. Specify the election dates on which an advisory measure may appear on the ballot.

Chapter 6, adds flexibility to voters' pamphlet distribution requirements, cite availability of translated voters' pamphlet information. Clarify word, space and photo requirements related to statements and arguments.

Options *

1. Direct staff to present the proposed BCC Chapters 4, 5 and 6 revisions for a first reading on January 16, 2024.
2. Identify additional revisions and direct staff to bring forward the re-revised proposed changes to BCC Chapters 4, 5 and 6 for a first reading on January 23, 2024.
3. Direct staff to make no changes to the existing language in BCC Chapters 4, 5 and 6.

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.
Governing election requirements within the Benton County Code.

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* Clarification and translation in governing county code.

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* Encouraging civic engagement and supporting democratic principles.

Item Recommendations and Motions

Staff Recommendations * Staff recommends the Board adopt Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

Meeting Motions * I move to ...
...adopt Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

Staff Recommendation

Staff recommends the Board adopt Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

Meeting Motion

I move to adopt Ordinance No 2024-0323 Amending Chapters 4, 5, and 6 of the Benton County Code to revise, update, and clarify election procedures and conduct the first reading.

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.

Chap 4 County Elections and Candidates_Proposed2024.pdf	154.7KB
Chap 5 Ballot Measures_Proposed2024.pdf	134.7KB
Chap 6 Voters Pamphlet_Proposed2024.pdf	160.43KB
Ordinance BCC 4 5 6 amendments 2024.docx	18.95KB

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

Department Approver JAMES MORALES

1.

Department Approval

Comments

Signature

James V. Morales

2.

Counsel Approval

Comments

Signature

Vance H. Chokey

3.

County Administrator Approval

Comments

Signature

Russa Kiriakowski

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, COUNTY OF BENTON**

In the Matter of Amending Chapters 4, 5 and 6)
of the Benton County Code to Revise, Update and) **Ordinance No. 2024-0323**
Clarify Election Procedures)

THE BENTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the Benton County Code affecting elections requires revision to reflect statutory, organizational and technical changes;

Chapter 4 revisions identify elections impacted, amends confusing titles, and removes BCC 4.230 regarding precinct committee persons;

BCC 4.215 is corrected to align the filing date with related filing deadlines and governing statutes;

BCC 4.265 makes clear the elected candidate, whether or not ranked choice voting is utilized in the contest;

Chapter 5 revisions clarify that measure explanatory statements are not subject to judicial review and provides clarity related to advisory measure ballot titles, explanatory statements and election dates;

Chapter 6, revisions add flexibility to voters' pamphlet distribution requirements, recognize the availability of translated information and clarify the word count, space and photo requirements related to candidate and argument filings for inclusion in the voters' pamphlet.

NOW, THEREFORE, the Board of Commissioners of Benton County does ordain as follows:

Part I. Short Title. This Ordinance shall be known as “Election Code Amendments to Chapters 4, 5 and 6 of the Benton County Code.”

Part II. Text Amendment. Election Code Chapters 4, 5 and 6 are hereby adopted as noted in the attachments marked as Exhibit “A”.

Part III. The effective date of the amendments to the Benton County Code will be:

1 st Reading:	January 23, 2024
2 nd Reading:	February 6, 2024
Effective Date:	March 7, 2024

BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot, Chair

Nancy Wyse, Vice Chair

Pat Malone, Commissioner

Approved As To Form:

Vance M. Croney, County Counsel

CHAPTER 4

ELECTIONS AND CANDIDATES

ADMINISTRATION

4.001 Purpose.

The purpose of this chapter is to provide clear guidance to county offices and other interested parties in the conduct of elections held in Benton County. [Ord. 99-0153; Ord. 2019-0291]

4.002 Definitions.

(1) “**Electoral District**” means the physical boundaries within Benton County of any elected position. [Ord. 99-0153; Ord. 2019-0291]

~~SPECIAL ELECTIONS~~

4.101 **Primary Elections.**

Each qualified major party may nominate one candidate in the Primary Election for each county partisan office position to be filled at the General Election. Non-partisan county office positions shall be nominated and elected in accordance with ORS 249.088 and 249.091.

4.105 **General Elections.**

One candidate shall be elected to fill each county office position appearing on the General Election ballot.

4.110 **Special Elections.**

The Board of Commissioners may call a special election by order. The order shall state the purpose for calling the special election, the propositions to be voted upon, and the date on which the election shall be held. [Ord. 11, adopted May 6, 1986; Ord. 85-0002; Ord. 90-0062; Ord. 2019-0291]

~~4.102 **Filing Deadlines.** Special district nominations shall be filed not later than the 70th day before the election and in compliance with existing election law. [Ord. 2019-0291]~~

COUNTY OFFICES ~~ELECTIONS GENERALLY~~

4.201 **Election to Fill a Vacancy.**

If an election is required to fill a vacancy in an elected County office pursuant to Benton County Charter Chapter V Section 22(4)(a)(A), the election shall be conducted pursuant to Benton County Charter Chapter VII Section 25(1). [Ord. 90-0062; Ord. 2019-0291]

4.205 Ballot Specifications for Partisan Offices.

If an election is held to fill a vacancy in a partisan county office, the candidate's party affiliation as listed in the candidate's petition or declaration of candidacy or certificate of nomination shall appear first following the name of the candidate on the ballot, followed by up to two minor party nominations received by that candidate, if applicable. Abbreviated party names as established by the Secretary of State can be used. [Ord. 90-0062; Ord. 2019-0291]

4.210 Candidate Petition or Declaration of Candidacy for County Office.

(1) A person eligible pursuant to the Benton County Charter may become a candidate to fill partisan or non-partisan elected County office, or to fill a vacancy in a partisan or non-partisan elected County office, by filing either a petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by a filing fee set by order of the Board of Commissioners. The Board shall set the amount of the filing fee based on the filing fee provided in state law for a declaration of candidacy for an elected County office.

(3) In lieu of filing a declaration of candidacy and paying a fee, a person may become a candidate for an elected County office by filing a petition of candidacy as follows:

(a) If the person is filing a petition of candidacy to fill a nonpartisan elected County office, at the time of filing, the petition shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition, these signatures shall include those of electors registered in each of at least one-fifth of the precincts in the electoral district.

(b) If the person is filing a petition of candidacy as a candidate of a major political party to fill a partisan elected County office, the petition shall contain the signatures of electors who are members of the same major political party as the candidate. The petition shall contain at least 500 signatures or the number of signatures at least equal to two percent of the vote in the County for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. In addition, the signatures shall include those of electors registered in at least one-fifth of the precincts in the electoral district. [Ord. 90-0062]

4.215 Filing Deadlines.

(1) A petition for candidacy or declaration of candidacy shall be filed not later than the ~~61st~~70th day prior to ~~the a primary or general election or any other special~~ election.

(2) The certificate of nomination of a candidate for public office shall be filed in accordance with ORS 249.722. [Ord. 90-0062; Ord. 2019-0291]

4.220 Contents of Petition or Declaration.

(1) A petition or declaration of candidacy shall contain the information required in ORS 249.031.

(2) A declaration of candidacy shall also include a statement that the required fee is included with the declaration.

(3) A petition of candidacy shall also include the required signatures as provided by BCC 4.21005(3). [Ord. 90-0062; Ord. 2019-0291]

4.225 Certification of Signatures.

The Benton County Elections Office shall ~~verify~~**certify** the signatures on a petition of candidacy for ~~genuineness~~**authenticity**, while ensuring that the signer meets all of the necessary requirements for signing and that the signer has signed no other petitions regarding the same contest **prior to certification**. [Ord. 90-0062; Ord. 2019-0291]

~~4.230 Precinct Committeepersons.~~

~~The election of major party precinct committeepersons will take place in accordance with the applicable provisions of ORS Chapter 248 [Ord. 99-0153; Ord. 2019-0291]~~

4.235 Certificate of Nomination for Partisan Office.

A minor political party, assembly of electors or individual electors may nominate one candidate for **office or to fill** a vacancy in a partisan county office by preparing and filing a certificate of nomination.
[Ord. 90-0062; Ord. 2019-0291]

4.240 Contents of Certificate of Nomination.

(1) A certificate of nomination shall state:

- (a) The name by which the candidate is commonly known. A candidate may use a nickname in parenthesis in connection with the full name.
- (b) The mailing address and residence of the candidate.
- (c) The office, and department or position number, if any, for which the candidate is nominated.
- (d) The name of the minor political party, if any, which nominated the candidate.

- (e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "Nonaffiliated" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the date the certificate of nomination is filed, shall be included.
- (2) A certificate of nomination made by a minor political party or assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the party or assembly. An affidavit shall be made on the certificate by the presiding officer and the secretary and sworn to or affirmed by them before one of the following: a judge, justice of the peace, County Clerk, or notary public. The affidavit shall state that the statements in the certificate are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of BCC 4.255.
- (3) The nominee must accept the nomination ~~by either signing the certificate of nomination, or filing a signed acceptance of the nomination~~ prior to or at the ~~same~~ time as the ~~filing of~~ certificate of nomination **is filed**. [Ord. 90-0062; Ord. 2019-0291]

4.245 Entries in Register of Nominations Upon Filing Certificates.

- (1) Immediately after each certificate of nomination is filed, the Benton County Elections Office shall enter in the register of nominations:
 - (a) The date the certificate was filed.
 - (b) The name of each candidate.
 - (c) The office for which the candidate is nominated.
 - (d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairperson and secretary certifying it.
 - (e) If the certificate of nomination is made by individual electors, the total number of ~~certified~~ **verified** signatures contained in the certificate.
- (2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Ord. 90-0062; Ord. 2019-0291]

4.250 Nomination by Minor Political Party.

An affiliation of electors qualified as a minor political party pursuant to **ORS 248.008 may nominate a candidate in accordance with ORS 249.705 through 249.722** ~~state law may nominate a candidate to fill a vacancy in a partisan county office~~. [Ord. 90-0062; Ord. 2019-0291]

4.255 Nomination by Assembly of Electors.

- (1) An assembly of electors is an organized body of not fewer than 250 electors in the County.
- (2) An assembly of electors ~~shall~~may nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than ~~128~~ hours. The signature, printed name, residence and mailing address of each member of the assembly ~~shall~~may be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the minimum number of electors required to constitute an assembly of electors shall have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.
- (3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the County. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be made, and the names and addresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.
- (4) Proof of publication of the notice ~~required~~in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the Benton County Elections Office with the certificate of nomination.
- (5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the Benton County Clerk who will supervise the conduct of the nominating convention.
- (6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the Benton County Elections Office. The signatures shall be verified by that office. A copy of the minutes, certified by the secretary of the assembly; and an affidavit of compliance; for the assembly, ~~from the Benton County Elections Office~~ shall be filed along with the certificate of nomination ~~at the Benton County Elections Office~~ on the next business day following the assembly.
- (7) The Benton County Clerk or ~~their~~ designee shall ~~supervise the conduct of~~attend the nominating convention. ~~The County Clerk or designee shall insure~~verify that, ~~w~~When the assembly of electors makes a nomination, the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors ~~or not~~.
- (8) Vacancies shall be filled in the manner provided by ORS 249.735(7). [Ord. 99.0153; Ord. 2019-0291]

4.260 Nomination by Petition of Individual Electors.

- (1) A certificate of nomination by petition of individual electors shall contain signatures of electors in the electoral district equal to, but, not less than, one percent of the total votes cast in the electoral district for all candidates for presidential electors at the last general election.
- (2) Each elector signing a certificate of nomination by petition of individual electors shall include the residence address of the elector.
- (3) A certificate of nomination made by individual electors shall contain the name of only one candidate.
- (4) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the Benton County Clerk.
- (5) The certificate shall comply with the provisions set forth in ORS 249.740(3) and ORS 249.740(4).
- (6) The signatures contained in each certificate of nomination made by individual electors shall be ~~verified~~~~certified~~ for ~~genuineness~~authenticity by the Benton County Elections Office.
- (7) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.265 The Candidate ~~Receiving More Than Fifty Percent of Votes~~ Elected to County Office.

- (1) In accordance with Benton County Charter Chapter VII Section 25(1) the candidate that receives more than fifty percent of the ranked choice votes is declared the winner. The winning candidate shall be the elected official of the county office.
- (2) The person elected shall take office immediately upon receiving the person's certificate of election and filing their oath of office with the Benton County ~~Elections Office~~Clerk in accordance with ORS 204.020. [Ord. 90-0062; Ord. 2019-0291]
- (3) If Ranked Choice Voting is not utilized, the candidate receiving the most votes shall be declared the winner.

CHAPTER 5 BALLOT MEASURES

ADMINISTRATION

5.005 Purpose.

The purpose of BCC Chapter 5 is to describe the process for initiative and referendum petitions, referral measures and the creation of ballot titles to be placed on the ballot in accordance with the County Charter, Code and applicable state law. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

5.010 Application.

A county measure may be submitted for inclusion on the ballot by qualifying petition, referral by the Benton County Commissioners or referral by the governing body of a local government in Benton County if:

(1) The measure is submitted in accordance with state and local laws applicable to the election for which the measure is to appear on the ballot; and

(2) All procedures set forth in BCC Chapter 5 relating to the preparation of the ballot title and to the explanatory statement for the measure shall be completed on or before the 70th day before the election at which the measure is to be submitted to the electors; and

(3) One or more of the following persons decides to include a measure on the ballot in the following manner:

(a) In the case of a measure proposed by initiative or referendum petition:

(A) All chief petitioners agree to include the measure, its ballot title and explanatory statement on the ballot, by filing with the Benton County Elections Office a statement of that decision, in such form as the County Clerk shall prescribe, at the time the prospective petition for the measure is filed with the Elections Office; and

(B) A petition containing sufficient numbers of qualified signatures to require submission of the measure to the electors shall be filed with the Elections Office on or before the 90th day preceding the election at which the measure is to be submitted to the electors; or

(b) In the case of a measure referred to the electors by a local government body:

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

BALLOT TITLES AND EXPLANATORY STATEMENTS

5.105 Preparation of Ballot Titles and Explanatory Statements.

- (1) When a prospective petition is filed regarding a measure proposed by initiative or referendum petition, the Benton County Clerk shall convey two copies of the prospective petition to the County Counsel, who shall, within five (5) business days after receiving it, prepare a ballot title and explanatory statement for the measure and return a copy of the prospective petition, together with the ballot title and explanatory statement, to the Elections Office and to one of the chief petitioners.
- (2) In the case of a measure referred to the electors by the Board of County Commissioners, the Board shall file with the Elections Office a ballot title and explanatory statement for the measure at the time it files the ~~order~~form described in BCC 5.010(3)(b).
- (3) Ballot titles shall consist of:
 - (a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and
 - (b) A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
 - (c) A concise and impartial statement of not more than 175 words summarizing the measure and its major effect.
- (4) Explanatory statements shall comply with and be **subject to the requirements set forth in BCC 6.205, simple, and understandable, shall explain the measure and its effect and shall not exceed 500 words.** [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

5.110 Judicial Review of Ballot Titles ~~and Explanatory Statements.~~

Within seven (7) business days after the ballot title ~~and explanatory statements are~~ **is** received by the Elections Office under subsection (1) or (2) of BCC 5.105, any elector dissatisfied with the ballot title ~~or explanatory statement~~ may petition the Benton County Circuit Court for review of the title ~~or statement~~, and shall set forth the reasons why the title ~~or statement~~ does not conform to the requirements of BCC Chapter 5 or other applicable law. If the court finds that the ballot title ~~or explanatory statement~~ complies with the requirements of BCC Chapter 5 and other applicable law, it shall enter an appropriate order to that effect. If the court determines that the ballot title ~~or explanatory statement~~ does not comply with the requirements of BCC Chapter 5 or other applicable law, the court shall prepare an alternative ballot title ~~or explanatory statement~~. The title ~~or statement~~ so prepared shall replace that of the County Counsel for purposes of BCC Chapter 5. The order of the Circuit Court shall not be appealable. [Ord. 17, adopted March 8, 1978; Ord. 85-0002; Ord. 2019-0291]

ADVISORY MEASURES

5.301 Definitions.

(1) “**Advisory Measure**” means a ballot measure created by a local government for the purpose of gauging support or opposition to specific issues or ideas. Advisory measures do not mandate changes to the state constitution, state law or regulations or local government charters, local laws or ordinances or policies.

(2) “**Local government**” has the meaning set forth in ORS 174.116. [Ord. 2019-0291]

5.305 Advisory Measures.

A local government, located wholly within the boundaries of Benton County, may refer no more than one advisory measure to the electorate of the district in any election in accordance with BCC sections 5.301 thru 5.375. A local government that submits an advisory measure to the district electorate in Yes/No format, need not be located wholly within Benton County. [Ord. 2019-0291]

5.315 Filing Requirements.

(1) A local government may file with the Benton County Elections Office an order calling for a local advisory measure. The order shall include the ballot title of the advisory measure, the method of voting to be utilized (Yes/No or Ranked Choice Options) and the election date on which the measure shall appear on the ballot.

(2) In the case of a Yes/No advisory measure referred to the electors by a local government, it shall file with the Elections Office a ballot title and explanatory statement in accordance with BCC 5.105(3) & (4).

(3) In the case of a Ranked Choice Option advisory measure referred to the electors by a local government, it shall file with the Elections Office a ballot title and explanatory statement in accordance with the following:

(a) A caption of not more than 10 words which reasonably identifies the subject of the measure; and

(b) The question shall provide 3 to 5 Options for voters to rank. Each ranked choice option shall not exceed 8 words or 40 character spaces whichever is less, to plainly identify each option on the ballot, to meet this requirement abbreviations may be utilized. Options will be identified as Option A, Option B, Option C, etc., and shall not be included in the word/character count; and

(c) A concise and impartial statement of not more than 150 words summarizing each measure option.

(4) Explanatory statements shall explain each advisory measure option in an impartial, simple, and understandable manner. Advisory measure statements with three ranking options shall be limited to 400 words, four options shall be limited to 500 words and five options shall be limited to 600 words or less. [Ord. 2019-0291]

5.325 Advisory Measure Filing Deadlines.

A local government shall file its order for an advisory measure with the Benton County Elections Office, on or before the 81st day preceding the election at which the measure is to appear on the ballot. [Ord.2019-0291]

5.335 Advisory Measure Ballot Title & Explanatory Statement Review.

(1) Petition for Review.

(a) Any elector registered and qualified to vote on the subject advisory measure may file a petition with the Elections Office, for an administrative review of the **advisory measure** ballot title and/or explanatory statement, not later than the 5th day after the last day on which a notice of election can be filed.

(b) A petition filed under this section shall contain a statement of reasons why the **ballot title and/or** explanatory statement is not impartial, is insufficient, or unclear.

(c) Upon receipt of a petition, the County Clerk, or ~~their~~**the Clerk's** designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the local government shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the **ballot title and/or** explanatory statement. At the conclusion of the hearing, the County Clerk may modify the **ballot title and/or** explanatory statement to comply with the requirements of this section. The reviewed ballot title and/or explanatory statement, modified or not modified by the County Clerk, shall be certified for use in the election.

(2) The Clerk's review of the advisory measure ballot title and explanatory statement shall be the first and final review in order to ensure the timely availability of voters' pamphlets and ballots for the election. [Ord. 2019-0192]

5.345 Printing Advisory Measures on the Ballot.

Ballots shall be printed in accordance with ORS Chapter 254 and in a manner that will provide each qualified elector with the opportunity to rank advisory measure options in the order of preference. [Ord. 2019-0291]

5.375 Cost and Election Date for Advisory Measures

Local governments that refer an advisory measure to their voters shall pay the full apportioned cost for the advisory measure submission. ~~without regard to the~~ **The election date on which the an advisory measure may appears on the ballot shall be limited to election dates other than those set for even year Primary and General Elections in ORS 203.085.** [Ord. 2019-0291]

CHAPTER 6

VOTERS' PAMPHLET

6.005 Purpose.

The purpose of BCC Chapter 6 is to authorize and direct the Election Office in the production and mailing of a county voters' pamphlet, as directed by the County Clerk. The voters' pamphlet will provide electors with information necessary to make an informed choice in elections by allowing candidates and measure committees the opportunity to put forward information and arguments concerning ballot issues. [Ord. 99-0153; Ord. 2019-0291]

6.105 Preparation and Mailing of Benton County Voters' Pamphlet.

When directed by the County Clerk, the Elections Office, under the supervision of the ~~Supervisor of Elections~~ **Manager**, shall prepare and mail a county voters' pamphlet as follows:

- (1) The Elections Office shall prepare and have printed a county voters' pamphlet, which will include filed information on all candidates and measures that will appear on the ballot.
- (2) The voters' pamphlets ~~shall~~ **may** be distributed to all households within the jurisdiction(s) taking part in the election. One pamphlet ~~will~~ **may** be distributed to each household, regardless of how many voters reside in that household. All the measures and candidates that will appear on the ballot for the election may be included in one voters' pamphlet. Additional means of distribution may be utilized if ~~it is determined that the additional distribution is necessary to make pamphlets available to all households of the electoral district.~~
- (3) No voters' pamphlet will be prepared unless there are candidate statements or **measure** explanatory statements filed with the county.
- (4) The voters' pamphlets shall be distributed not later than the 7th day before the election or the last day for mailing ballots.
- (5) Voter pamphlets may be distributed **electronically or** by including one in each ballot envelope mailed to voters. If the voters' pamphlet is distributed in this manner, the information in the pamphlets may be district specific, ~~but, shall include all other information prescribed in this section and BCC 6.110.~~ [Ord. 99-0153; Ord. 2019-0291]

6.110 Other Required Items in Voters' Pamphlet.

In compliance with state election law the following items shall be part of the Benton County voters' pamphlet or the combined voters' pamphlet, if inserting with a state produced pamphlet, ~~in addition to those items previously listed:~~

- (1) The requirements for a citizen to qualify to vote.
- (2) The requirements to register to vote.
- (3) The hours that the Benton County Elections Office will be open on Election Day, as well as the location of all ballot drop sites throughout the county and the hours during which voters will be able to deliver ballots to those drop sites.
- (4) Instructions to voters concerning their rights and duties dealing with the election process to include: how voters may obtain an absentee ballot, how to request a second ballot if the first was spoiled or that voters may cast a ballot in-person by coming to the Elections Office.
- (5) The ballot title of each measure, the explanatory statements, and any arguments submitted, in accordance with the terms of this ordinance.
- (6) Any candidate statements submitted in accordance with the terms of this ordinance.
- (7) Such other information **and language translations** as may be necessary, **required**, or appropriate. [Ord. 99-0153; Ord. 20190291]

6.205 Explanatory Statements.

- (1) Filing Deadlines.

Not later than the filing deadline for the notice of election provided in state statute.

- (a) Any authorized governing body which institutes a measure to appear on the ballot, shall submit an impartial, simple, and understandable statement explaining the measure and its effect.
- (b) For measures instituted by petition to the authorized governing body, the governing body may submit an impartial, simple, and understandable statement explaining the measure and its effect.

- (2) Contents.

The explanatory statement shall contain words and numbers only and shall not exceed 500 words, shall be typewritten, and shall be an impartial, simple, and understandable statement, which explains the measure and its effects. This shall be in addition to the ballot title requirements set forth by state statute.

- (3) Availability to Public.

A full and complete copy of the explanatory statement shall be available to the public in the Elections Office.

(4) Challenge and Review.

- (a) Any elector registered and qualified to vote on the subject measure may file a petition with the Elections Office, for an administrative review of the explanatory statement, not later than the 5th day after the last day on which a notice of election can be filed.
- (b) A petition filed under this section shall contain a statement of reasons why the explanatory statement is not impartial, is insufficient, or unclear.
- (c) Upon receipt of a petition, the County Clerk, or ~~the Clerk's~~their designee, shall schedule a hearing at the earliest possible date. At said hearing the petitioner and the filing body shall have an opportunity to present evidence and argue the question of impartiality, sufficiency, or clarity of the explanatory statement. At the conclusion of the hearing, the County Clerk may modify the explanatory statement to comply with the requirements of this section in a manner that reflects the drafter's intent as closely as possible. The modified explanatory statement, or the original explanatory statement, if not modified by the ~~Supervisor of Elections~~ Manager, shall be certified and included in the voters' pamphlet. [Ord. 99-0153; Ord. 2019-0291]

6.305 Arguments.

(1) Filing Deadline.

Arguments supporting or opposing a measure must be filed not later than the 5th day after the last day on which the notice of election may have been filed.

(2) Form of Argument.

- (a) The argument filed shall be in words and numbers only, shall be typewritten, and shall be ~~printed on~~ no more than ~~29.8 square inches, which allows a maximum of~~ 325 words.
- (b) The Elections Office shall reject any argument which:
 - (i) Contains any obscene, profane, scandalous or defamatory language.
 - (ii) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, ~~gender~~, religion or manner of worship.

- (iii) Contains any language that may not legally be circulated in the mail.
- (iv) Otherwise does not comply with this ordinance.

(3) Filing Fee.

Shall be established by resolution approved by the Benton County Board of Commissioners.

(4) Subscription and Disclaimer.

The argument shall also contain the name of the submitting organization or person; whether the argument supports or opposes the measure; and a disclaimer in substantially the following form;

"The printing of this argument does not constitute an endorsement by Benton County, nor does the County warrant the accuracy or truth of any statements made in the argument."

- (5) The language referred to in BCC 6.305(4) shall not be included in the 325 word limitation set forth in BCC 6.305(2). [Ord. 99-0153; Ord. 2019-0291]

6.405 Candidate Statements.

(1) Filing Deadline.

Not later than the filing date set forth in state statute for filing for the position, a candidate may file with the Benton County Elections Office a typewritten statement of reasons why the candidate should be nominated or elected; and a photograph of the candidate.

(2) Contents of candidate's statement.

- (a) The candidate's statement shall consist of words or numbers only and shall not exceed 325 words. The candidate's statement shall begin with a summary of the following: Occupation, education and occupational background, and prior governmental experience.
- (b) The Elections Office shall reject any candidate's statement which:
 - (i) Contains any obscene, profane, scandalous or defamatory language.
 - (ii) Incites, promotes or advocates hatred, abuse, violence or hostility toward or which tends to cast ridicule or shame upon any person or group by reason of race, color, **gender**, religion or manner of worship.

- (iii) Contains any language which may not legally be circulated in the mail.
- (iv) Otherwise does not comply with this ordinance.
- (c) Each candidate's statement submitted shall be subscribed and sworn to before a notary or a Deputy Clerk in the Elections Office, and the subscription shall be in the following form:

"I hereby subscribe and swear under penalty of law that the above submitted candidate's statement is true and accurate to the best of my knowledge and belief."

(3) Photograph Requirements.

A candidate, at the time of filing a candidate's statement, may submit ~~two identical 5" X 7" glossy~~ a photograph~~s~~ for use in the voters' pamphlet. A candidate shall not submit for inclusion in the voters' pamphlet a photograph that was taken more than two years before the date the photograph is filed with the Elections Office.

- (a) A photograph submitted for inclusion in the voters' pamphlet shall:
 - (i) Be a conventional photograph with a plain background; and
 - (ii) Show the face or head, neck and shoulders of the candidate; and
 - (iii) Be of sufficient quality and size for reproduction.
- (b) A photograph submitted for inclusion in the voters' pamphlet shall not:
 - (i) Include the hands or anything held in the hands of the candidate;
 - (ii) Show the candidate wearing a judicial robe, a hat or military, police or fraternal uniform;
 - (iii) Show the uniform or insignia of any organization; and
 - (iv) Include the display of any flag or pennant.

(4) Filing Fee.

Each candidate's statement filed shall be accompanied by the required fee, \$25 for unpaid offices and \$100 for paid offices. The Elections Office shall reject any candidate's statement tendered for filing unless accompanied by the specified fee.

(5) Language.

The subscription language provided for in BCC 6.405(2)(c) shall not be included in the 325 word limitation set forth in BCC 6.405(2)(a). [Ord. 99-0153; Ord. 2019-0291]

6.505 Miscellaneous.

(1) Spacing and Type Size.

The ~~Supervisor of~~ Elections **Manager** shall have the authority to determine type size and spacing to be used in the printing of explanatory statements, arguments and candidate's statements. The ~~Supervisor of~~ Elections **Manager** shall exercise this authority only for the purpose of ensuring that each explanatory statement, argument or candidate's statement occupies no more than one page of the printed voters' pamphlet. ~~A page for the purpose of this means 46.5 square inches, or one of the two columns on each page of the voters' pamphlet.~~

(2) Deadline.

A measure, explanatory statement, argument, or candidate's statement, together with the required fee, must be filed with the Elections Office not later than 5 PM of the day the document or fee is due. If the day the document or fee is due is a Saturday, Sunday, or holiday, the document or fee can be filed by 5 PM on the next business day. If a person is physically present within or in line to enter the Elections Office, in order to deliver the document or fee, the person shall be considered as having begun the act of delivering the document or fee. The person shall then be permitted to file so long as that person does not leave prior to completing the process with the Elections Office.

(3) Forms.

The Elections Office may develop and require the use of standardized forms for any or all of the filings authorized or required by this ordinance. [Ord. 99-0153; Ord. 2019-0291]

6.605 Disposition of funds.

(1) The Benton County voters' pamphlet shall be published and distributed under the authority of the Benton County Clerk.

(2) Revenues derived pursuant to this ordinance shall be utilized to offset the cost of producing and distributing the voters' pamphlet. If the revenues generated, as a result of argument fees,

candidate's statement fees or other revenues exceeds the total cost of producing and distributing the voters' pamphlet, the balance shall be used to offset the election costs. [Ord. 99-0153; Ord. 2019-0291]