

POLK COUNTY BOARD OF COMMISSIONERS

DATE: December 21, 2022
TIME: 9:00 a.m.
PLACE: Polk County Courthouse, Dallas, Oregon

THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS AT (503-623-8173), AT LEAST 24 HOURS IN ADVANCE, OF ANY SPECIAL ACCOMMODATIONS NEEDED TO ATTEND OR TO PARTICIPATE IN THE MEETING VIRTUALLY.

PAGE: **AGENDA ITEMS**

- 1. CALL TO ORDER AND NOTE OF ATTENDANCE**
- 2. ANNOUNCEMENTS**

- (a) Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00am on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.
- (b) The Grand Ronde Sanitary District Board is meeting on December 28, 2022 at 9:15 a.m. The meeting will take place in the Polk County Courthouse, 850 Main Street, Dallas, OR, 97338.
- (c) Polk County is completing a Child Care Assistance project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is: Rural Polk County. It is estimated that the project has benefited at least 8 persons of whom 100% are low or moderate income. A public hearing will be held by the Polk County Board of Commissioners at The Polk County Courthouse in the Main Conference Room on December 21st at 9:00 am. The purpose of the hearing is for the Polk County Board of Commissioners to obtain citizens views about the project and to take comments about the local government's performance. Written comments are also welcome and must be received by 5:00 pm on December 20th at 850 Main St. Dallas OR 97338. Both oral and written comments will be reviewed by the Polk County Board of Commissioners. The location of the hearing is accessible to the disabled. Please let Nicole Pineda at 503-623-0896 know if you need any special accommodations to attend or participate in the hearing. More information about the Oregon Community Development Block Grant program and the project is available for public review at The Polk County Courthouse during regular office hours. Advance notice is requested.

AVISO PÚBLICO Y NOTICIA DE AUDIENCIA PÚBLICA

El condado de Polk está completando un proyecto de asistencia de pago de cuidado infantil patrocinado con el Community Development Block Grant del Oregon Business Development Department. La ubicación del proyecto es el condado de Polk. Está estimado que el proyecto propuesto beneficiará a por lo menos 8 personas, de los cuales 100% serán de ingresos moderados o bajos.

Una audiencia pública se llevará a cabo por la Junta de Comisionados del condado de Polk a las 9:00 el 21 de Diciembre, en el Juzgado del condado de Polk en la sala de conferencias en el 850 Main St. Dallas OR 97338.

El propósito de este segundo audiencia pública es para que el receptor puede examinar los resultados del proyecto con los ciudadanos y para tomar comentario de la ejecución del gobierno municipal. Los comentarios escritos son también bienvenidos y deben ser recibidos antes de 5:00 pm el 20 de Diciembre en el 850 Main St. Dallas OR 97338. Ambos comentarios, escritos y orales serán considerados por la Junta de Comisionados del condado de Polk.

La ubicación de la audiencia es accesible para personas con incapacidades. Por favor llame Nicole Pineda, a 503-623-0896, para avisar si usted necesitará cualquier tipo de acomodaciones especiales para asistir o participar en la reunión.

Más información sobre el Oregon Community Development Block Grants, y el proyecto están disponibles para la revisión pública en el Juzgado del condado de Polk, 850 Main St. Dallas OR 97338, durante las horas regulares de oficina. Se requiere del aviso anticipado.

- (d) Public Works will be holding a Public Hearing in conjunction with the BOC meeting on December 21, 2022 for the vacation of several portions of undeveloped right of way in the un-incorporated community of Ballston.
- (e) Public Works will be holding a Public Hearing in conjunction with the BOC meeting on December 21, 2022 for the vacation of a portion of Morris Road.

3. COMMENTS (for items not on this agenda)
4. APPROVAL OF AGENDA
5. APPROVAL OF THE MINUTES FROM December 14, 2022
6. APPROVAL OF CONSENT CALENDAR
7. PUBLIC HEARING: WRAP UP OF CHILD CARE ASSISTANCE, GRANT, FUNDED BY BUSINESS OREGON USING CBDG FUNDING – Brent DeMoe
8. PUBLIC HEARING: VACATING SEVERAL PORTIONS OF UNDEVELOPED RIGHT OF WAY IN THE UN-INCORPORATED COMMUNITY OF BALLTSON – Eric Berry
9. PUBLIC HEARING: VACATING A PORTION OF MORRIS ROAD – Eric Berry

CONSENT CALENDAR

- (a) Polk County Contract No. 22-200, Willamette Workforce
(Morgan Smith, County Counsel)

THE BOARD OF COMMISSIONERS WILL MEET IN EXECUTIVE SESSION
PURSUANT TO ORS 192.660.

ADJOURNMENT

POLK COUNTY BOARD OF COMMISSIONERS
MINUTES December 14, 2022

1. CALL TO ORDER & ATTENDANCE

At 9:00 a.m., Commissioner Mordhorst declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Gordon was present and Commissioner Pope was absent.

Staff present: Greg Hansen, Administrative Officer
Morgan Smith, County Counsel
Matt Hawkins, Administrative Services Director

2. ANNOUNCEMENTS

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The Homeless Prevention Advisory Council will be meeting on Thursday December 15, 2022 from 12:00 pm to 1:30 pm located in the first floor conference room at 182 SW Academy St, Dallas Oregon, 97338.

The Grand Ronde Sanitary District Board is meeting on December 28, 2022 at 9:15 a.m. The meeting will take place in the Polk County Courthouse, 850 Main Street, Dallas, OR, 97338.

Polk County is completing a Child Care Assistance project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is: Rural Polk County. It is estimated that the project has benefited at least 8 persons of whom 100% are low or moderate income. A public hearing will be held by the Polk County Board of Commissioners at The Polk County Courthouse in the Main Conference Room on December 21st at 9:00 am. The purpose of the hearing is for the Polk County Board of Commissioners to obtain citizens views about the project and to take comments about the local government's performance. Written comments are also welcome and must be received by 5:00 pm on December 20th at 850 Main St. Dallas OR 97338. Both oral and written comments will be reviewed by the Polk County Board of Commissioners. The location of the hearing is accessible to the disabled. Please let Nicole Pineda at 503-623-0896 know if you need any special accommodations to attend or participate in the hearing. More information about the Oregon Community Development Block Grant program and the project is available for public review at The Polk County Courthouse during regular office hours. Advance notice is requested.

AVISO PÚBLICO Y NOTICIA DE AUDIENCIA PÚBLICA

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Una audiencia pública se llevará a cabo por la Junta de Comisionados del condado de Polk a las 9:00 el 21 de Diciembre, en el Juzgado del condado de Polk en la sala de conferencias en el 850 Main St. Dallas OR 97338.

El propósito de este segundo audiencia pública es para que el receptor puede examinar los resultados del proyecto con los ciudadanos y para tomar comentario de la ejecución del gobierno municipal. Los comentarios escritos son también bienvenidos y deben ser recibidos antes de 5:00 pm el 20 de Diciembre en el 850 Main St. Dallas OR 97338. Ambos comentarios, escritos y orales serán considerados por la Junta de Comisionados del condado de Polk.

La ubicación de la audiencia es accesible para personas con incapacidades. Por favor llame Nicole Pineda, a 503-623-0896, para avisar si usted necesitará cualquier tipo de acomodaciones especiales para asistir o participar en la reunión.

Más información sobre el Oregon Community Development Block Grants, y el proyecto están disponibles para la revisión pública en el Juzgado del condado de Polk, 850 Main St. Dallas OR 97338, durante las horas regulares de oficina. Se requiere del aviso anticipado.

Public Works will be holding a Public Hearing in conjunction with the BOC meeting on December 21, 2022 for the vacation of several portions of undeveloped right of way in the un-incorporated community of Ballston.

Public Works will be holding a Public Hearing in conjunction with the BOC meeting on December 21, 2022 for the vacation of a portion of Morris Road.

3. COMMENTS

None.

4. APPROVAL OF AGENDA

MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE AGENDA.

MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.

5. APPROVAL OF MINUTES OF BOARD MEETING OF December 7, 2022

MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE MINUTES OF December 7, 2022.

MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.

6. APPROVAL OF CONSENT CALENDAR

MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE CONSENT CALENDAR.

MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.

7. LENGTH OF SERVICE AWARDS

The Board of Commissioners and staff recognized and thanked the following employees for their length of service:

- Monica David, 15 years
- Gilbert Doersch, 10 years

8. RECLASSIFICATION OF AN EMPLOYEE

Matt Hawkins, Admin Services Director, recommending the reclassification of an employee from an Assistant Planner to an Associate Planner. Should the reclassification be approved it would be effective January 1, 2023 with an impact on the budget for FY22-23 of approximately \$3700.00 including PERS contributions should it be for 12 months.

MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.

9. RECLASSIFICATION OF AN EMPLOYEE

Matt Hawkins, Admin Services Director, recommending the reclassification of an employee from a Human Resource Analyst 1 to a Human Resource Analyst 2. Should the reclassification be approved it would be effective January 1, 2023 with an impact on the budget for FY22-23 of approximately \$4100.00 including PERS contributions should it be for 12 months.

MOTION PASSED BY UNANIMOUS VOTE OF THE QUORUM.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- a) Polk County Order No. 22-18, Dog Board ReAppointment
Gary Cordy, Donald Hoffman, and Delbert Hoekstre
(Morgan Smith, County Counsel)

There was no need for an executive session and Commissioner Mordhorst adjourned the meeting at 9:07 am.

POLK COUNTY BOARD OF COMMISSIONERS

Lyle Mordhorst, Chair

Craig Pope, Commissioner

Jeremy Gordon, Commissioner




Polk County Public Works

County Surveyors Office

820 SW Ash Street ♦ Dallas OR 97338 ♦ 503-623-1887

MEMORANDUM

TO: Board of Commissioners

FROM: Eric Berry 

DATE: December 2, 2022

SUBJECT: Vacation of several portions of undeveloped right of way in the un-incorporated community of Ballston.

Wednesday, December 21, 2022 – 15 minutes

RECOMMENDATION:

That the Board approves the vacation of several portions of undeveloped right of way in the un-incorporated community of Ballston.

ISSUE:

Shall the Board of Commissioners vacate several portions of undeveloped right of way in the un-incorporated community of Ballston?

DISCUSSION:

This right of way was platted by The Salings Addition to the Town of Ballston in November 1892, as recorded in Book 1, pages 46 and 63, Book of Town Plats, Polk County, Oregon. A citizen request was received by Public Works to vacate several portions of undeveloped right of way in the un-incorporated community of Ballston. A failed attempt was made to obtain agreement by abutting land owners to vacate this road without a public hearing. Public Works has provided notice of this public hearing to affected landowners and the public by posting, publication, and service by certified mail per ORS 368.401 to ORS 368.426.

FISCAL IMPACT:

Vacation fees to be collected.

Recording fees.

Tax revenue on the land to be vacated.

Enclosures;

Draft order 22-XX

Road officials report

Exhibit A

Exhibit B

SP1-46

SP1-63

1
2 **BEFORE THE BOARD OF COMMISSIONERS FOR**
3 **POLK COUNTY, OREGON**
4

5 In the Matter of vacating several portions of undeveloped)
6 right of way in the un-incorporated community of Ballston.)
7 See Exhibit "A" and "B".)
8

9 **ORDER NO. 21-XX**
10

11 **WHEREAS**, a member of the public has submitted a petition to Public Works requesting that
12 proceedings be initiated to vacate several portions of undeveloped and unnamed right of way in the un-
13 incorporated community of Ballston, more particularly described in Exhibit "A" and depicted in Exhibit
14 "B"; and
15

16 **WHEREAS**, this matter came before a regularly scheduled public hearing on December 21, 2022;
17 and
18

19 **WHEREAS**, Public Works has recommended that several portions of undeveloped and unnamed
20 right of way in the un-incorporated community of Ballston, more particularly described in Exhibit "A" and
21 depicted in Exhibit "B" be vacated; and
22

23 **WHEREAS**, it appearing to the board that it is in the best interest of the public to vacate the said
24 portions of undeveloped and unnamed right of way in the un-incorporated community of Ballston,
25 described in Exhibit "A" and depicted in Exhibit "B"; and
26

27 **WHEREAS**, notice of the public hearing was posted and all owners of abutting property affected
28 by the vacations were notified of the public hearing; and
29

30 **WHEREAS**, ORS 368.326 to 368.366 specifies the procedure for vacation of County property;
31 now, therefore,
32

33 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDERS AS FOLLOWS:**
34

- 35 (1) That several portions of undeveloped and unnamed right of way in the un-incorporated community
36 of Ballston, more particularly described in Exhibit "A" and depicted in Exhibit "B"; be vacated.
37
38 (2) This order takes effect upon signing.
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41 Dated: December 21, 2021 at Dallas, Oregon.
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44 **POLK COUNTY BOARD OF COMMISSIONERS**
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48 _____
49 Craig Pope, Chair
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52 Approved as to Form

53 _____
54 Lyle Mordhorst, Commissioner
55

56 _____
Morgan Smith
County Counsel

57 _____
Jeremy Gordon, Commissioner



Polk County Public Works

County Surveyors Office

820 SW Ash Street ♦ Dallas OR 97338 ♦ 503-623-1887

ROAD OFFICIALS REPORT

My assessment is that the approval of the vacation of the unnamed right of way in the unincorporated community of Ballston is in the interest of Polk County. Items required by the Polk County Code of Ordinances and the applicable portions of the Public Works SOP A-4 are presented for your consideration.

These rights of way are not currently being used. There are 3 properties in the affected area.

All of the surrounding properties have access to County Roads; removal of this right of way will not restrict access to the existing properties.

These vacations will not affect postal service, emergency services, schools, utilities, or other services. It is believed that no utilities exist within the right of ways to be vacated, however any utilities within the vacated right of way would serve the landowner and be their responsibility. An easement would be reserved for any existing utilities. Public Works has reviewed the road for permitted utilities, none exist.

This right of way is not within, nor does it access National Forest or BLM Lands.

Annual maintenance cost is zero for an undeveloped right of way.

It is in the interest of the County to eliminate right of way where no significant reason exists for the right of way to be retained. Therefore, as stated earlier, my assessment is that the approval of the vacation of the undeveloped right of way in the unincorporated community of Ballston is in the interest of Polk County.

Eric Berry, LS
County Surveyor

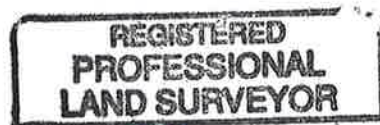
EXHIBIT "A"

Legal Description

A tract of land lying in the northeast one-quarter of Section 8, Township 6 South, Range 5 West of the Willamette Meridian, Polk County, Oregon and being platted by Salings Addition to the town of Ballston, as recorded in Book 1 pages 46 and 63, Book of Town Plats, Polk County, Oregon and being more particularly described as follows;

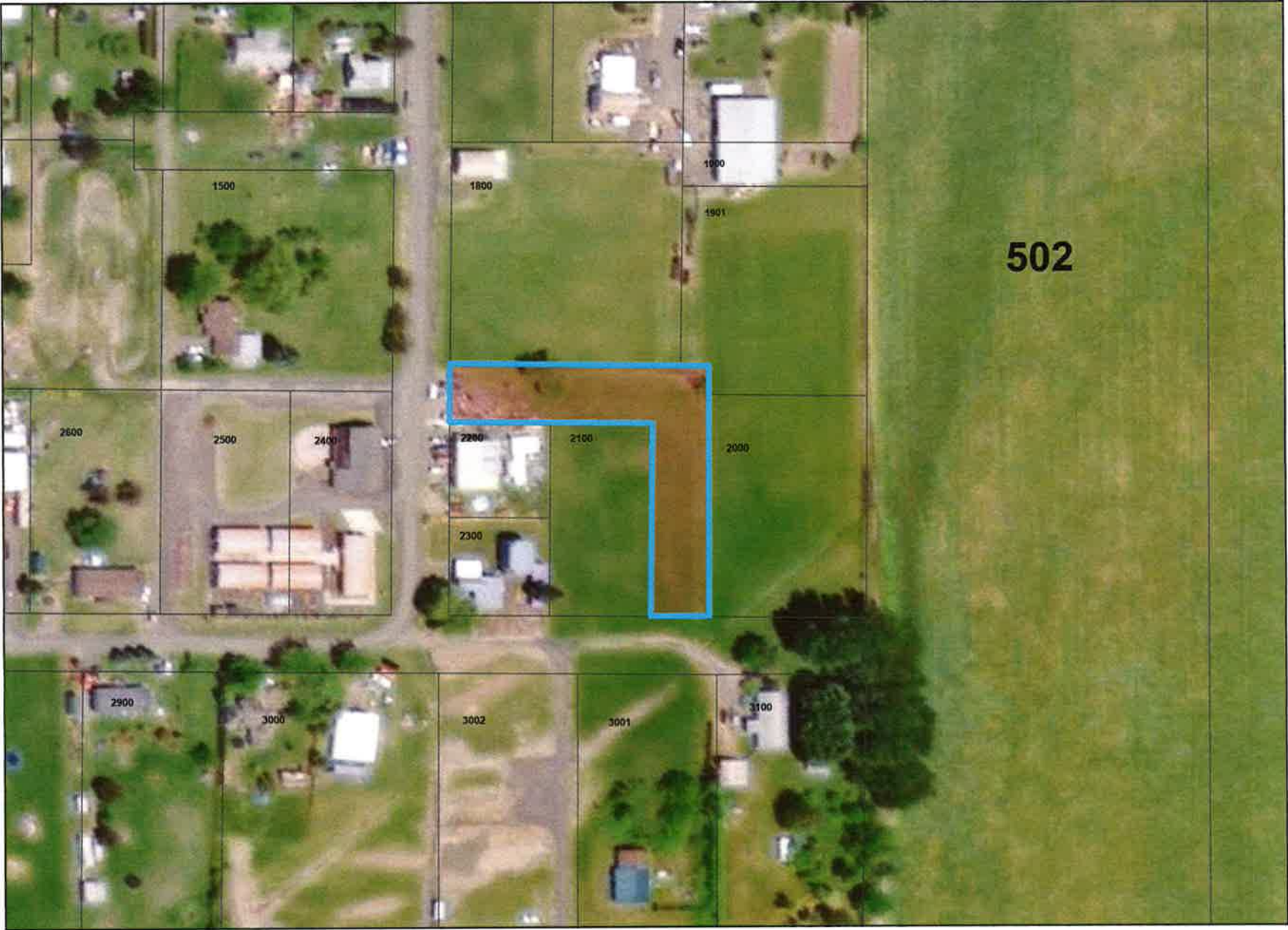
All that portion of a 60 foot wide unnamed public right of way lying between Blocks 9 and 10 of said Salings Addition and also that 60 foot wide right of way lying between Blocks 7 and 10. This vacation is to include the intersection of the said unnamed public rights of way that lie between Blocks 7, 8, 9 and 10.

Save and except any public utilities that may exist in the existing right of way.



Renewed 12/31/23

Exhibit B



Date: 6/30/2022
This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.

The Saling Addition to the Town of Ballston

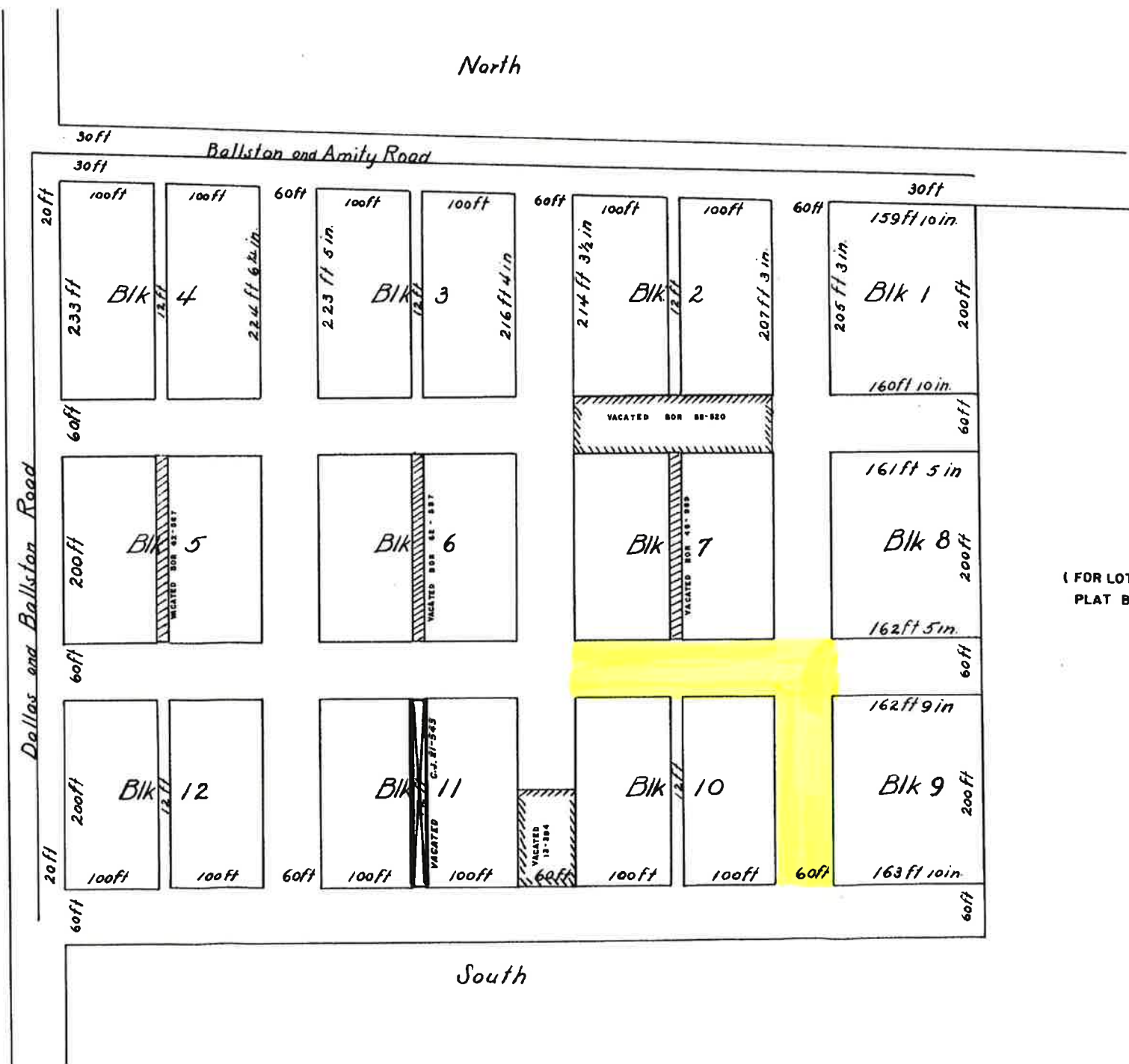
Know all men by these presents that we D.C. Saling and Dollie A. Saling his wife do make publish, and execute the following described premises to be known as the Saling Addition to the Town of Ballston, County of Polk, State of Oregon, and more fully described as commencing 49.28 chains N 1° E from the S.W. corner of the D.L.C. of Andrew Davidson and wife T.6 S. R. 5 W. of the Willamette Meridian in Polk Co. State of Oregon, and running thence S 1° W 843 feet, thence E 999 feet and 10 in. thence N 1° E 810 ft, thence N 88° 30' W 995 feet and 10 in. to the place of beginning. And we D.C. Saling and Dollie A. Saling do dedicate to the public forever, the Streets and Alleys as laid out and designated on the annexed plat. In witness whereof we have hereunto set our hands and seals this 12th day of November A.D. 1892.

Witnesses
G.W. Clark
Mack Syron

Dudley C. Saling seal

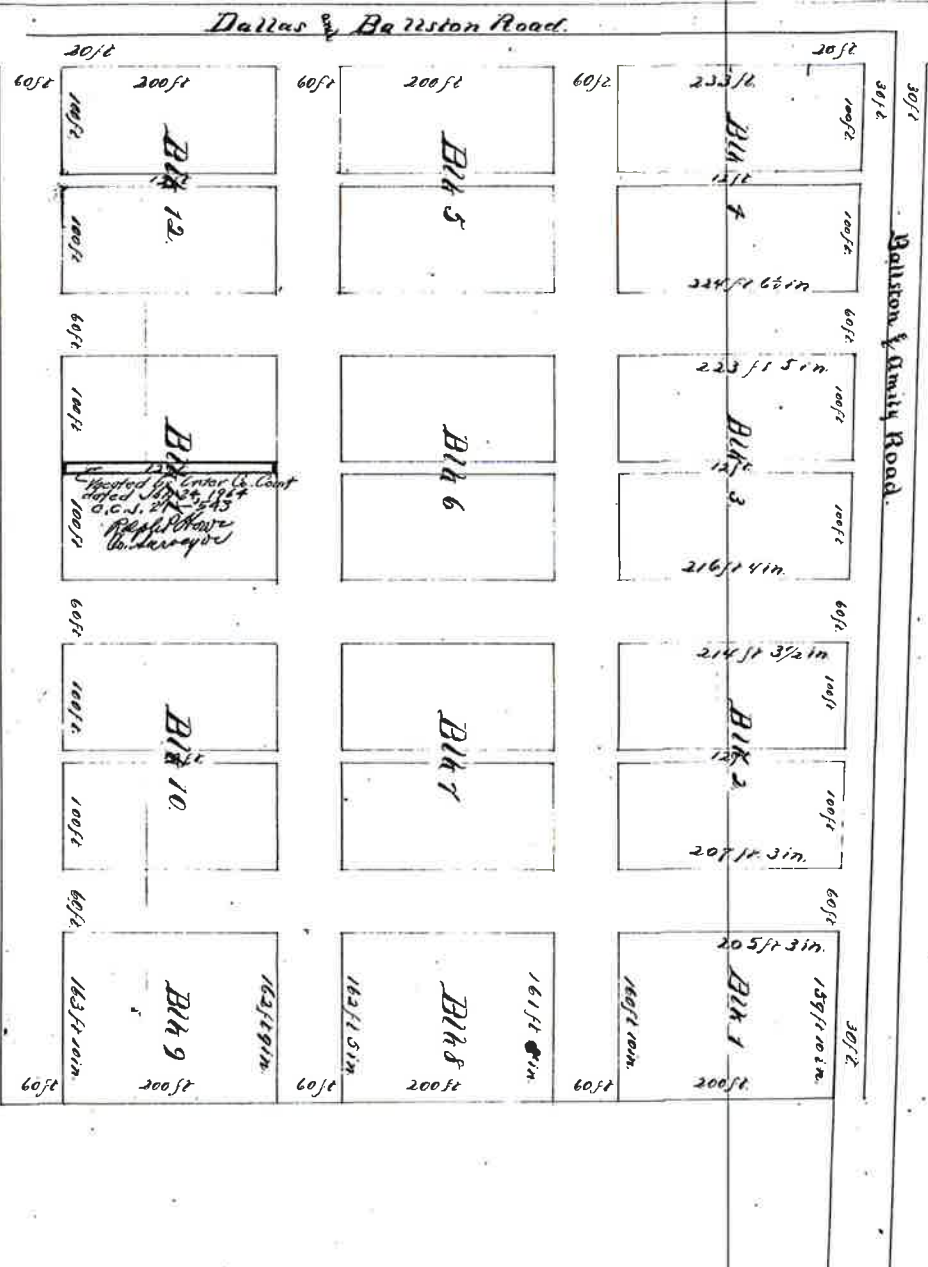
Dollie A. Saling seal

| PLAT ATTACHMENTS | |
|------------------|--------------|
| Vacation | BoR 208-188 |
| " | BoR 13-394 |
| Rededication | BoR 146-1361 |
| " | BoR 146-1364 |



(FOR LOT NUMBERS SEE
PLAT BOOK 1 PG 63)

The Saling Addition to the Town of Ballston.



South

| PLAT ATTACHMENTS | |
|------------------|-----------------------|
| " | VACATION MAP 208-5083 |
| " | " BOR 62-587 |
| " | " BOR 58-520 |
| " | " BOR 46-983 |
| " | DV 13-394 |
| " | INFO SP 1-63 |

Know all Men by these Presents that we D. C. Saling and Ethel A. Saling his wife do make, publish, and execute the following described premises to be known as the Saling Addition to the Town of Ballston County of 18th State of Oregon, and more fully described as containing 49.28 acres 81.18 from the S. 1/4 corner of the S. 1/4 of Section 36, Township 36 North, Range 18 East of the Willamette Meridian in 18th State of Oregon, and containing there 104 843 feet thence S. 79 9 feet and 10 inches thence N. 18 80 feet thence W. 88 01 ft. 930 feet and 10 inches to the place beginning and we D. C. Saling and Ethel A. Saling do dedicate to the public use, the street and alleys as laid out and designated on the annexed plat by reference to which the same bounds set out lands and acres this 12th day of November A.D. 1892.

Witness my hand and seal this 12th day of November A.D. 1892.
D. C. Saling
My Seal
Notary Public
Wood County

Witness my hand and seal this 12th day of November A.D. 1892.
Ethel A. Saling
My Seal
Notary Public
Wood County

State of Oregon) County of 18th) ss. On this 12th day of November A.D. 1892, before me, the undersigned, a Justice of the Peace in and for said County and State, personally came D. C. Saling and Ethel A. Saling his wife to me known to be the identical persons described in and who execute the foregoing instrument and acknowledged to me that they executed the same freely for the uses and purposes therein named.

Witness my hand and seal this 12th day of November A.D. 1892.
Justice of the Peace

Recorded November 16th 1892.
B. F. Mulkey County Clerk

Know all men by these presents, that we D.C. Saling and Dollie A. Saling his wife, do make publish and execute the following described premises to be known as the Saling Addition to the town of Ballston, County of Polk, State of Oregon and more fully described as commencing 49.28 chains N. 1° E. from the S.W. corner of the D.L.C. of Andrew Davidson + wife in T.6 S. R.5 W. of Will. Mer. in Polk Co., State of Oregon, and running thence S 1° W. 843 ft. thence E. 999 ft. 10 in. thence N. 1° E. 810 ft. thence N 88° 30' W. 995 ft. 10 in. to the place of beginning.

And we D.C. Saling and Dollie A. Saling do dedicate to the public forever the streets and alleys as laid out and designated on the annexed plat.

In Witness whereof we have hereunto set our hands and seal this 12th day of November A.D. 1892.

Witnesses

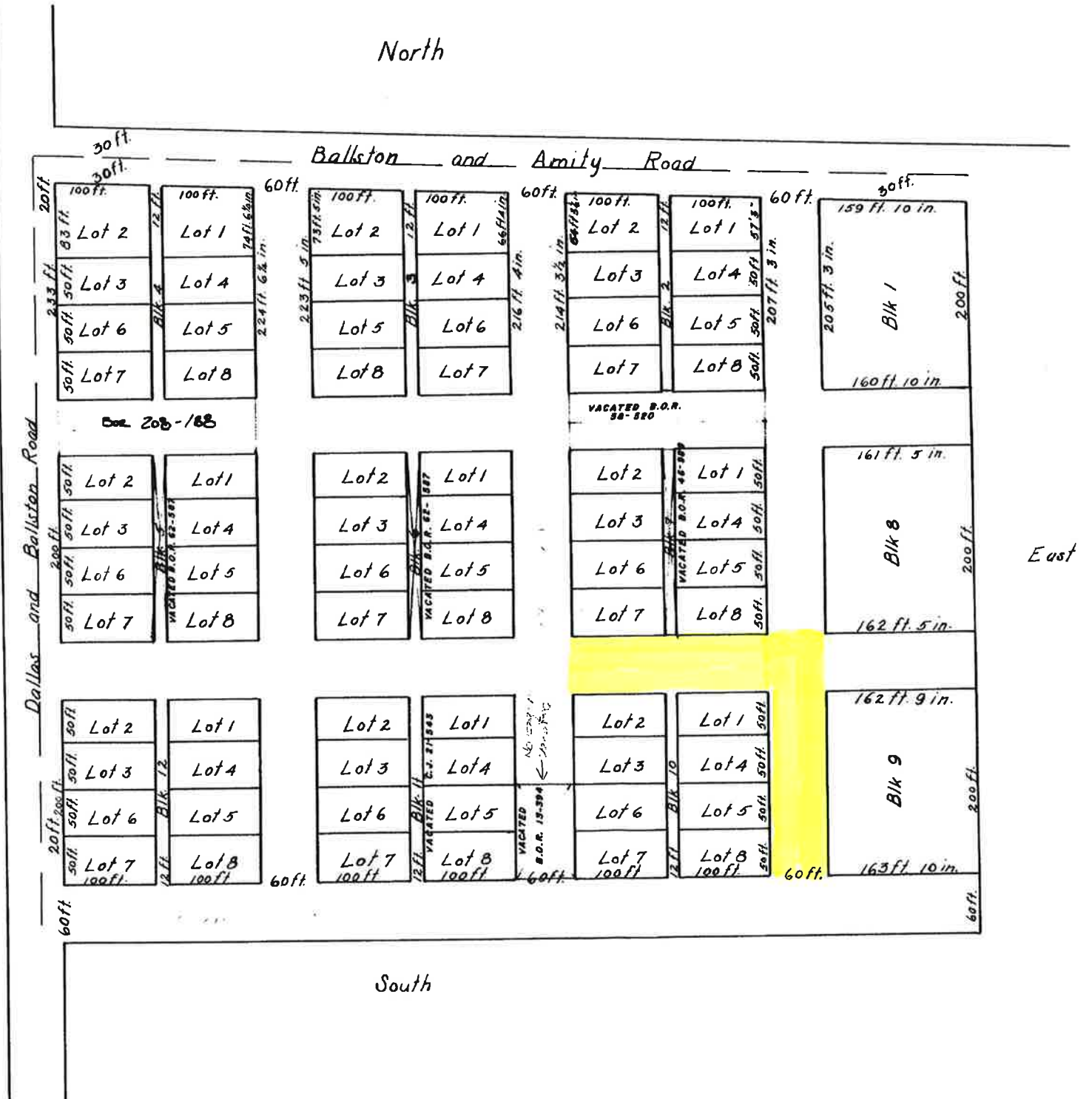
G.W. Clark
Mac Syron

Dudley C. Saling
Dollie A. Saling

seal
seal

West

| PLAT ATTACHMENTS |
|-----------------------------|
| Vacation B.O.R. 13-394 |
| Rededication B.O.R. 14-136 |
| Rededication B.O.R. 14-136A |
| Vacation B.O.R. 208-188 |





Polk County Public Works

County Surveyors Office

820 SW Ash Street ♦ Dallas OR 97338 ♦ 503-623-1887

MEMORANDUM

TO: Board of Commissioners

FROM: Eric Berry *EB*

DATE: December 2, 2022

SUBJECT: Vacation of a portion of Morris Road.

Wednesday, December 21, 2022 – 15 minutes

RECOMMENDATION:

That the Board approves the vacation of a portion of Morris Road.

ISSUE:

Shall the Board of Commissioners vacate a portion of Morris Road?

DISCUSSION:

This right of way was dedicated to the public by Commissioner Journal Volume 6, page 598 dated April 10th 1884 as John Morris Road. Recent aerial photographs indicate that the right of way is undeveloped. A citizen request was received by Public Works to vacate a portion of Morris Road. A failed attempt was made to obtain agreement by abutting land owners to vacate this road without a public hearing. Public Works has provided notice of this public hearing to affected landowners and the public by posting, publication, and service by certified mail per ORS 368.401 to ORS 368.426.

FISCAL IMPACT:

Vacation fees to be collected.

Recording fees.

Tax revenue on the land to be vacated.

Enclosures;
Draft order 22-XX
Road officials report
Exhibit A
Exhibit B
Exhibit C
CS16644
Aerial Photo

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4 **BEFORE THE BOARD OF COMMISSIONERS FOR**
5 **POLK COUNTY, OREGON**
6

7 In the Matter of vacating a portion of Morris Road)
8 See Exhibit "A", "B" and "C".)
9)

10
11 **ORDER NO. 21-XX**
12

13 **WHEREAS**, a member of the public has submitted a petition to Public Works requesting that
14 proceedings be initiated to vacate a portion of Morris Road, more particularly described in Exhibit "A" and
15 depicted in Exhibit "B" and "C"; and
16

17 **WHEREAS**, this matter came before a regularly scheduled public hearing on December 21, 2022;
18 and
19

20 **WHEREAS**, Public Works has recommended that a portion of Morris Road, described in Exhibit
21 "A" and depicted in Exhibit "B" and "C" be vacated; and
22

23 **WHEREAS**, it appearing to the board that it is in the best interest of the public to vacate the said
24 portions of Morris Road, described in Exhibit "A" and depicted in Exhibit "B" and "C"; and
25

26 **WHEREAS**, notice of the public hearing was posted and all owners of abutting property affected
27 by the vacations were notified of the public hearing; and
28

29 **WHEREAS**, ORS 368.326 to 368.366 specifies the procedure for vacation of County property;
30 now, therefore,
31

32 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDERS AS FOLLOWS:**
33

- 34 (1) That a portion of Morris Road, more particularly described in Exhibit "A" and depicted in Exhibit
35 "B" and "C" be vacated.
36
37 (2) This order takes effect upon signing.
38
39

40 Dated: December 21, 2021 at Dallas, Oregon.
41
42

43 **POLK COUNTY BOARD OF COMMISSIONERS**
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47 _____
48 Craig Pope, Chair
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51 Approved as to Form
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54 _____
55 Lyle Mordhorst, Commissioner

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57 _____
58 Morgan Smith
59 County Counsel

60
61 _____
62 Jeremy Gordon, Commissioner



Polk County Public Works

County Surveyors Office

820 SW Ash Street ♦ Dallas OR 97338 ♦ 503-623-1887

ROAD OFFICIALS REPORT

My assessment is that the approval of the vacation of a portion of Morris Road is in the interest of Polk County. Items required by the Polk County Code of Ordinances and the applicable portions of the Public Works SOP A-4 are presented for your consideration.

This right of way is currently undeveloped. There are 3 properties in the affected area, all access the developed portion of Morris Road.

All of the surrounding properties will continue to have access to a County Road; removal of this right of way will not restrict legal access to the existing properties.

This vacation will not affect postal service, emergency services, schools, utilities, or other services. There is an overhead power utility within or near the right of way, an easement would be reserved for this and any other existing utilities.

This right of way is not within, nor does it access National Forest or BLM Lands.

Annual maintenance cost is zero for an undeveloped right of way.

It is in the interest of the County to eliminate right of way where no significant reason exists for the right of way to be retained. Therefore, as stated earlier, my assessment is that the approval of the vacation of a portion Morris Road is in the interest of Polk County.

Eric Berry, LS
County Surveyor

EXHIBIT "A"

Legal Description

A tract of land, 40 feet wide, laying in the SW $\frac{1}{4}$ of Section 35 of Township 6 South, Range 5 West of the Willamette Meridian in Polk County and The State of Oregon.

Said tract being a portion of what is now known as Morris Road (CR 7501). Said road was originally known as John Morris Road (Old Road No. 162 and 197) and being further described as:

Beginning at a point in the centerline of the existing Morris Road, which point is N0°09'55"E 264.47 feet and S89°12' 21"E 15.06 feet from the reentrant corner of the Henry Landers CL 61 per RE10478; Thence N89°12' 21"W 15.06 feet; Thence S89°59'21"W 304.54 feet; Thence N89°14'01"W 685.61 feet; Thence N0°09'08"E 607.00 feet to the terminus of this description. Also to include the Easterly 20 feet of right-of-way of a line projected N0°09'08"E 40 feet from the point of terminus. As shown on Exhibit "C". The bearings and distances herein are per CS16644.

Save and except any public utilities that may exist in the existing right of way.

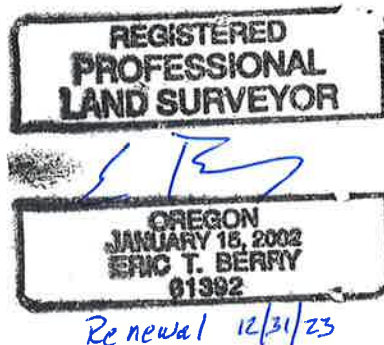
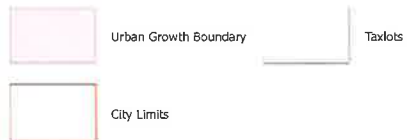


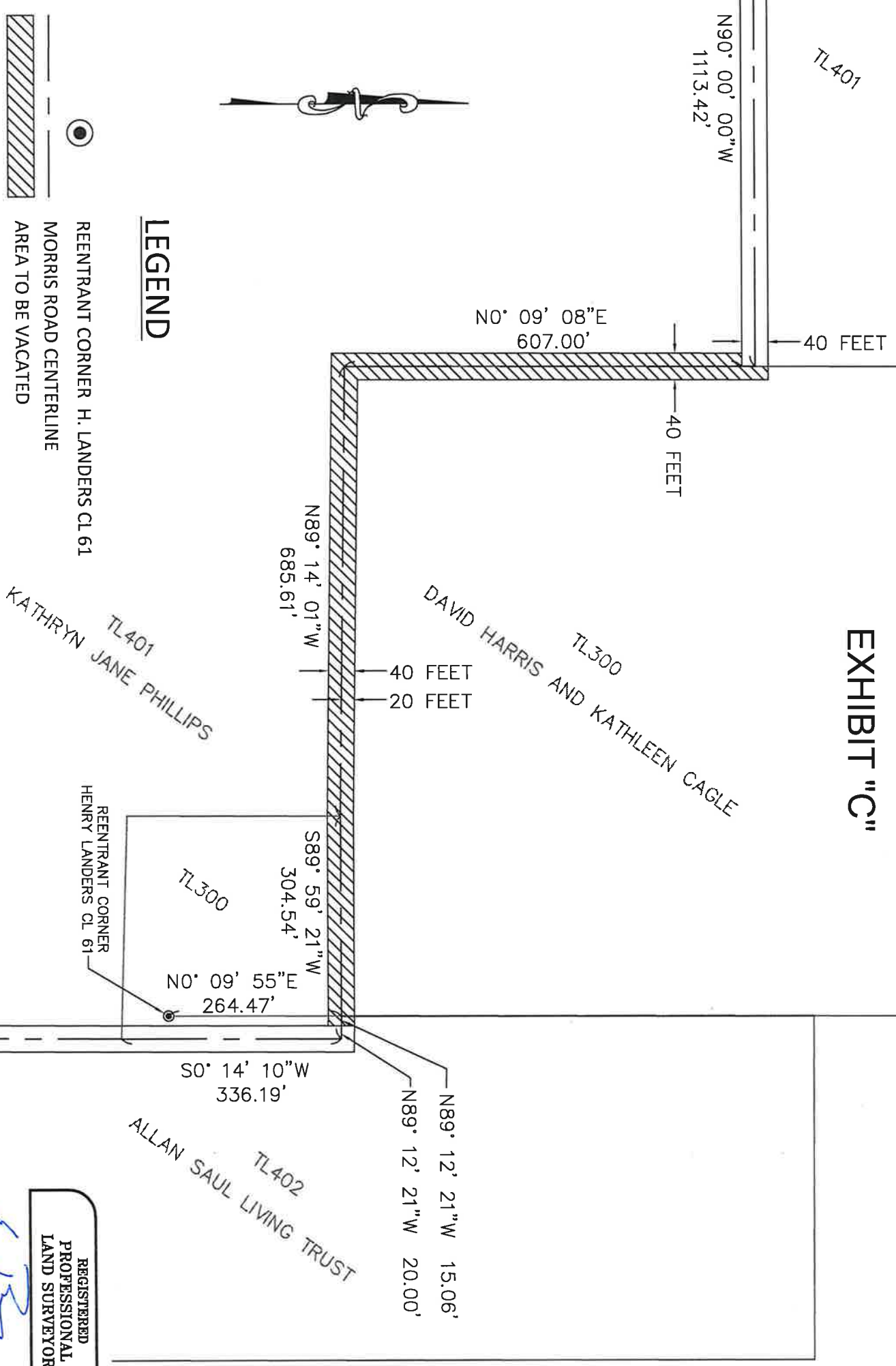
EXHIBIT "B"



Date: 7/8/2022

This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.

EXHIBIT "C"



POLK COUNTY SURVEYOR
820 S.W. ASH ST. DALLAS OREGON 97338
(503) 623-1887

DRAWN BY: DB

DATE DRAWN: 7-15-2022

PROJECT NO.

CHECKED BY: EB

SURVEY DATE: N/A

SCALE: 1" = 200'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15 2002
ERIC T. BERRY
01392

RENEWAL 12/31/2023

RECORD OF SURVEY

SHEET 1 OF 1

LEGEND:

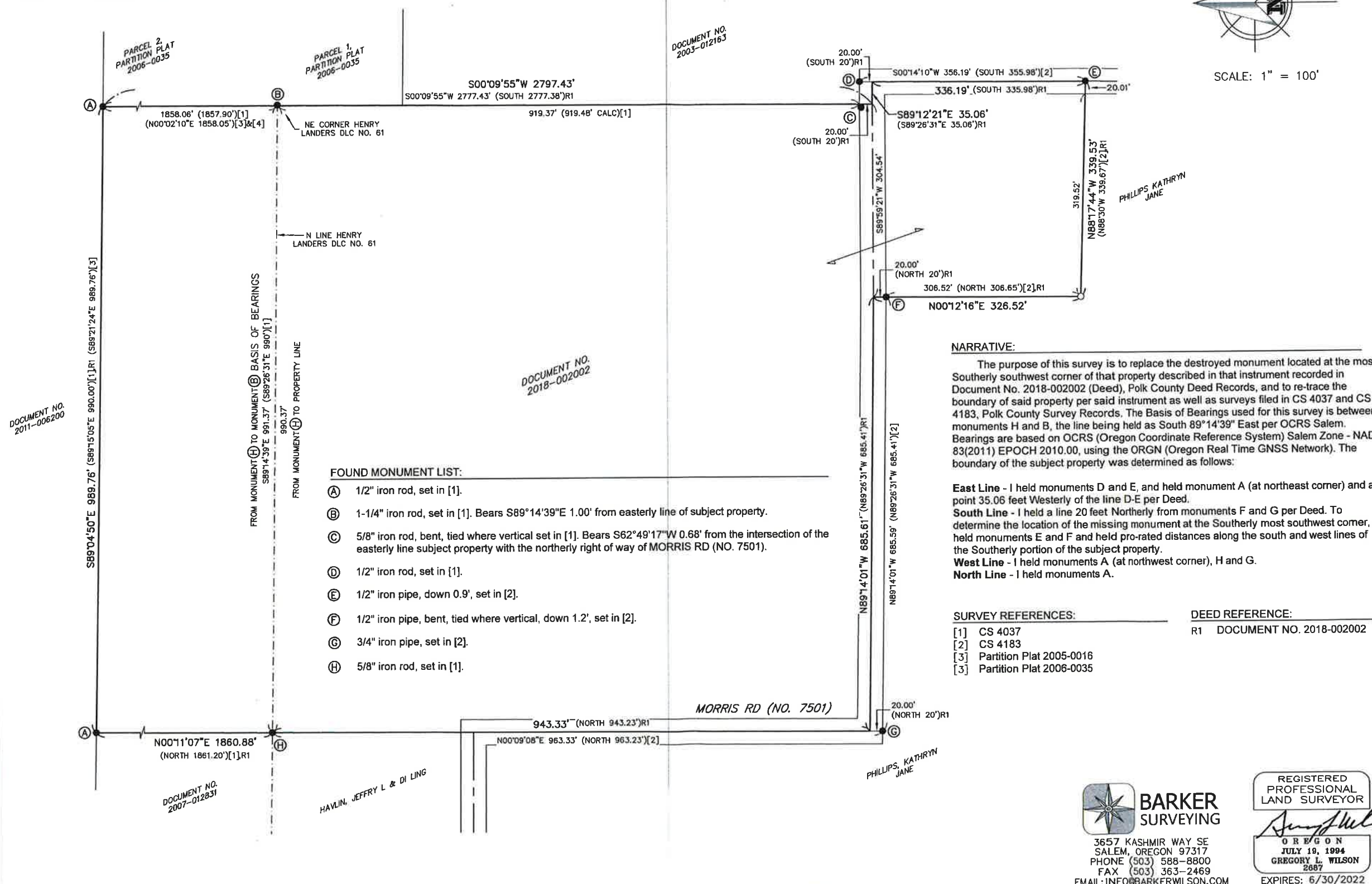
All monuments, found or set, are within 0.20' of ground surface unless noted otherwise.

- = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687"
- = Found monument (see found monument list)
- () = Data of record per survey noted
- { } = Record and measured data per survey noted
- CALC = Calculated Survey Value

FOR: DAVID HARRIS
IN THE S.W. & N.W. 1/4 OF SECTION 35, T. 6 S., R. 5 W., W.M.
POLK COUNTY, OREGON
OCTOBER 18, 2021



SCALE: 1" = 100'





Intergovernmental Agreement Among Linn, Marion, Polk and Yamhill Counties Governing the Mid-Willamette Jobs Council

WHEREAS, the Workforce Investment Act of 1998 and its successor, the Workforce Innovation and Opportunity Act of 2014, allow local governments to form workforce investment areas; and

WHEREAS, Linn, Marion, Polk and Yamhill Counties have applied for and received local workforce area designation; and

WHEREAS, counties in a local workforce investment area are required to adopt an intergovernmental agreement establishing a consortium of elected officials, now therefore,

WHEREAS, the counties wish to continue the consortium established by the intergovernmental agreement executed December 10, 2014 that created the Mid-Willamette Jobs Council.

IT IS AGREED AS FOLLOWS:

- 1. Effective Date:** This agreement shall take effect upon final signature and supercede the prior intergovernmental agreement referenced above.
- 2. Purpose:** The purpose of this agreement is to govern the consortium of county elected officials for the Mid-Valley workforce area covering Linn, Marion, Polk and Yamhill Counties, hereinafter collectively referred to as the "parties." Local workforce areas were established by the Workforce Investment Act of 1998 ("WIA") as amended by the Workforce Innovation and Opportunity Act of 2014 ("WIOA").
- 3. Consortium Composition:** The Mid-Willamette Jobs Council ("MWJC") shall have an eight-member board consisting of two county commissioners chosen by each of the four counties that are parties to this agreement. The third county commissioner in each county shall serve as an alternate to substitute for a commissioner from that county in his or her absence or unavailability for one or more MWJC board meetings. A county commissioner serving as an alternate shall have the full authority of a MWJC board member at that meeting.
- 4. Bylaws:** The MWJC shall have bylaws that provide the rules and regulations for the operation of meetings and proceedings of the consortium.
- 5. The MWJC Chair:** The MWJC shall elect a Chair and a Vice Chair in accordance with its bylaws. The Chair shall perform chief local elected official responsibilities described in

WIOA, in other applicable Federal and State statutes, rules, policies and procedures, in workforce contracts and grant agreements, in this agreement and in MWJC's bylaws. The Vice Chair shall perform the Chair's responsibilities when the Chair is absent.

6. **Consortium Decisions:** Each of the eight members of MWJC's board shall have one vote. A quorum shall consist of five or more MWJC board members. Decisions shall require the approval of five or more MWJC board members. Board members may attend meetings in person or electronically as permitted by Oregon laws.
7. **Workforce Board Appointments:** The MWJC board shall appoint the Mid-Valley Workforce Board (the "Workforce Board"). The Workforce Board shall meet WIOA Section 107 composition requirements and certification requirements established by the Oregon Workforce Investment Board ("OWIB") and the Governor of Oregon. Workforce Board members shall serve staggered three year terms and shall continue serving until (a) resignation, (b) removal by the MWJC board, (c) ceasing to work in and effectively represent the sector they were chosen to represent, or (d) until a successor is chosen by the MWJC, whichever occurs first.
8. **The Strategic Workforce Plan and Budget:** MWJC shall review and approve the Mid-Valley workforce area's strategic plan and annual budget, including major modifications thereto.
9. **The Grant Subrecipient and Administrative Agency:** The MWJC shall designate the Mid-Valley workforce area's grant recipient and administrative agency. The designation shall be included in the partnership agreement with the Workforce Board.
10. **Oversight:** The MWJC shall receive and review Mid-Valley workforce area monitoring and audit reports and shall carry out all local elected official oversight functions described in grant agreements, in applicable Federal and State statutes, rules and policies and in the partnership agreement with the Workforce Board.
11. **Code of Conduct:** MWJC and the Workforce Board shall mutually adopt a Code of Conduct covering all Mid-Valley workforce area activities and expenditures.
12. **Liability:** The local grant recipient and administrative entity designated pursuant to paragraph eight, above, shall hold the MWJC and its officers and the parties to this agreement harmless from any and all claims, court costs, fees and penalties, settlements, judgments, legal costs and any other liabilities of any kind arising from the management of the Mid-Valley workforce area. An indemnification clause shall be included in the partnership agreement between the MWJC, the Workforce Board and the local grant recipient and administrative entity. If there is any residual liability for MWJC or the Counties which are parties to this agreement, liability shall be apportioned as follows: (a) the County or Counties in which the action or inaction occurred giving rise to the residual liability shall hold the other parties harmless; (b) if a specific County or group of Counties are not directly associated with the residual liability, the parties shall each be liable in proportion to their respective populations as determined by the last available census data at the time the actions or inaction causing the residual liability occurred.
13. **Agreement Adoption and Termination:** This agreement may be executed in one or more counterparts which, when combined, shall constitute the entire MWJC agreement. This agreement shall remain in effect until terminated by two or more of the parties by giving

notice of intent to terminate on or before December 31st of any year. Termination shall be effective at midnight on the subsequent June 30th, the end of the Mid-Valley workforce area's program year. This agreement may also be terminated by the MWJC or by operation of law.

14. Agreement Amendment: This agreement may be amended at any time if all four parties so agree in writing.

The Parties agree to all the terms of this Intergovernmental Agreement by signing below:

MWJC Intergovernmental Agreement Signature Page One

For Linn County:

Chair:

Print Name

Signature

Date

Commissioner:

Print Name

Signature

Date

Commissioner:

Print Name

Signature

Date

MWJC Intergovernmental Agreement Signature Page Two

For Marion County:

Chair:

Print Name

Signature

Date

Commissioner:

Print Name

Signature

Date

Commissioner:

Print Name

Signature

Date

For Polk County:

Chair:

| | | |
|------------|-----------|-------|
| _____ | _____ | _____ |
| Print Name | Signature | Date |

Commissioner:

| | | |
|------------|-----------|-------|
| _____ | _____ | _____ |
| Print Name | Signature | Date |

Commissioner:

| | | |
|------------|-----------|-------|
| _____ | _____ | _____ |
| Print Name | Signature | Date |

MWJC Intergovernmental Agreement Signature Page Four

For Yamhill County:

Chair:

Print Name

Signature

Date

Commissioner:

Print Name

Signature

Date

Commissioner:

Print Name

Signature

Date



Mid-Willamette Jobs Council

Bylaws

Mid-Willamette Jobs Council

BYLAWS

ARTICLE I: Definitions

The following terms are used in these bylaws:

"Bylaws" means this set of Mid-Willamette Jobs Council ("MWJC") bylaws.

"Board" means the eight-member board of directors of the MWJC.

"Chair" means the MWJC's chairperson.

"Grant recipient" means the corporate entity designated by the Mid-Willamette Jobs Council to receive state and federal funds allocated to the region by the state of Oregon through the Mid-Willamette Jobs Council.

"Intergovernmental Agreement" means the intergovernmental agreement between Linn, Marion, Polk and Yamhill Counties establishing the MWJC.

"Member" means a county elected official appointed to the MWJC board by their county.

"Partnership Agreement" means the agreement between the MWJC and the Mid-Valley workforce area's grant recipient.

"WIOA" means the Workforce Innovation and Opportunity Act of 2014, as amended from time to time.

"Workforce Board" means the board of directors of the Mid-Valley workforce area's grant recipient.

ARTICLE II: Purpose

The MWJC's purpose is to perform the consortium of local elected official duties listed in WIOA, in State of Oregon laws policies and procedures, in the Intergovernmental Agreement and in the Partnership Agreement.

ARTICLE III: Members and Meetings

A. MWJC Members

The MWJC Board shall consist of eight county elected officials, each with one vote, as specified in the Intergovernmental Agreement. Each of the four Mid-Valley workforce area counties shall appoint their two MWJC Board members. The third county commissioner in each county may serve as an alternate to substitute for a commissioner from that county in his or her absence or unavailability for one or more MWJC board meetings. A county commissioner serving as an alternate shall have the full authority of a MWJC board member at that meeting.

Mid-Willamette Jobs Council

BYLAWS

B. Meetings

1. Regular Meetings and Notices

The MWJC Board shall determine the time and place of its regular meetings in advance and authorizes the Chair to call special meetings. Meeting notices shall be given at least three (3) days prior to the date of the meeting unless special conditions make advance notice impracticable, in which case notice and a description of the purpose of the meeting shall be given not less than 24 hours prior to the meeting. Notices may be given electronically.

2. Annual Meeting

Unless a different date is set by resolution of the MWJC Board, the annual meeting shall be the first regular meeting on or after July 1 of each year.

3. Special Meetings

Special meetings may be held as called by the Chair, by the Vice Chair or by vote of the MWJC Board.

4. Minutes

Minutes of each meeting shall be reviewed and approved at subsequent meetings and copies of all approved minutes shall be maintained at the Mid- Valley workforce area's grant recipient's principal office.

5. Sunshine Provision

All MWJC Board meetings shall be conducted in accordance with public meeting laws and these bylaws.

6. Participation

Participation at MWJC meetings shall be limited to its members, with the following exceptions:

- a. Regularly scheduled agenda items that call for reports or participation by non-members;
- b. Comments or reports delivered by the Mid-Valley workforce area grant recipient's Executive; Director and staff.
- c. At the discretion of the Chair, comment or other participation by non-members which is material to the matter under consideration; and,
- d. Comments by the general public delivered in accordance with the meeting agenda or permitted by the meeting Chair.

7. Rules

All meetings shall be held in compliance with Oregon law, grant terms, these bylaws and Roberts' Rules of Order, provided that the use of Roberts' Rules of Order shall be solely for the convenience of the MWJC Board and its committees. Failure to comply with Roberts' Rules of Order shall not affect the validity of any action taken which is otherwise in compliance with these bylaws.

Mid-Willamette Jobs Council

BYLAWS

In the event of a conflict, the order of precedence shall be Oregon law, grant terms, these bylaws, and Roberts' Rules of Order.

8. Agendas

Meeting notices shall contain an agenda of the topics scheduled for consideration. The MWJC may consider and act upon matters at a regular meeting (including the annual meeting) which are not included in the notice agenda, but may not act upon any matter during a special meeting unless that matter was described in the special meeting notice or all of the members are present in person or electronically and do not object to the matter being considered.

9. Quorum

Five or more MWJC members shall constitute a quorum. A member is deemed to be present at a meeting for the purpose of determining a quorum even if the member abstains from voting on one or more items on the agenda. To the extent permitted by Oregon law, members may attend meetings by telephone or through other electronic means.

10. Manner of Acting and Meeting Attendance

Each MWJC member shall have one (1) vote. Passage of a motion requires a favorable vote by five or more MWJC members.

Article IV: Workforce Board Appointments

A. County Representation

The MWJC shall nominate and appoint Workforce Board membership in accordance with WIOA Section 107 and the Intergovernmental Agreement. Appointments shall be made from a pool of candidates brought forward by members of the MWJC Board. MWJC members will determine and agree upon Workforce Board member representation from each county.

B. Workforce Board Terms of Office

The terms of local workforce development board members are three years from the date of appointment, except that initial appointments shall be staggered.

C. Resignation and Removal

Workforce Board members shall continue serving until:

1. Written resignation is delivered to the Workforce Board Chair or the Mid-Valley workforce area grant recipient's Executive Director. Unless the notice of resignation specifies a later effective date, the resignation will be effective when received,
2. Removal by the MWJC board. Members may be removed or suspended with or without cause as authorized by the MWJC Board,
3. Ceasing to work in and effectively representing the sector they were chosen to represent, or
4. Until a successor is chosen by the MWJC, whichever occurs first.

Mid-Willamette Jobs Council

BYLAWS

ARTICLE V: MWJC Officers

A. Required Officers

The officers of the MWJC shall include a Chair and a Vice Chair. The Chair and Vice Chair shall be elected from among the eight member board and cannot represent the same county. The MWJC may appoint other officers as deemed necessary. A single member may perform the duties of more than one office, with the exception of the duties of Chair and the Vice Chair, which must be performed by separate members.

B. Duties of the Chair and Vice Chair

The Chair shall preside at meetings, shall serve as the MWJC's chief spokesperson and signatory and shall perform "chief elected official" duties as specified in WIOA, in the Intergovernmental Agreement and in grant agreements. The Vice Chair shall perform the duties of the Chair in the Chair's absence and shall perform other duties designated by the MWJC.

C. Election and Term

The MWJC shall elect officers to serve terms of two (2) consecutive years. Election shall be by majority vote of the members at the annual meeting in odd numbered years.

ARTICLE VI: Committees

The MWJC and its Chair shall have the power to create both standing and ad-hoc committees and work groups. The Chair shall appoint committee members and committee chairs subject to MWJC direction.

ARTICLE VII: Code of Conduct

The Workforce Board shall adopt a Code of Conduct, which shall meet all Federal and Oregon requirements.

ARTICLE VIII: MWJC Staff

The Mid-Valley workforce area grant recipient's staff shall serve as staff to the MWJC.

ARTICLE IX: Bylaw Changes

These bylaws may be amended or repealed by an affirmative vote of five or more MWJC members at a regular or special meeting. Notice, which shall specify the changes to be made, shall be delivered to all members no less than seven (7) days prior to the meeting at which bylaw amendment or repeal is to be acted upon.

ARTICLE X: Bylaws Enactment

These MWJC bylaws take effect on the date set forth below.

Mid-Willamette Jobs Council
BYLAWS

APPROVED BY THE MID-WILLAMETTE JOBS COUNCIL BOARD

Chair: _____ Date: _____

Vice Chair: _____ Date: _____