

AGENDA

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, April 27, 2021

GoToMeeting: <https://global.gotomeeting.com/join/442612413>

or Dial 1 (571) 317-3122; Access Code 442-612-413#

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

(Chair May Alter the Agenda)

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

9:00 A.M.

I. Opening:

A. Introductions

B. Announcements

II. Comments from the Public

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

III. Review and Approve Agenda

IV. Work Session

- 4.1 9:00 a.m., 30 minutes - Quarterly Update from Cascades West Council of Governments(COG) and Veterans Services – *Ryan Vogt, Randi Moore; COG*
- 4.2 9:30 a.m., 30 minutes - Update from Oregon Department of Forestry (ODF) – *Ted Erdman, Michael Curran, Evelyn Hukari; ODF*

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

V. Consent Calendar

- 5.1 In the Matter of Appointment to the Budget Committee: Javier Cervantes
- 5.2 In the Matter of Appointment to the Vineyard Mountain Road District:
John Hockensmith
- 5.3 In the Matter of Appointments to the Linn-Benton Housing Authority:
Steve Michaels

VI. New Business

- 6.1 Discussion and Consideration to Endorse the Justice System Improvement Program Plan – Nick Kurth, *Criminal Justice Assessment Implementation Plan Project Manager*

VII. Old Business

- 7.1 In the Matter of a Second Reading Approving the Amendment to Chapter 5 – Ballot Measure Rules of the Benton County Code – *Vance Croney, County Counsel; James Morales, Records & Elections Manager*
- 7.2 In the Matter of a Second Reading Approving the Amendment to Chapter 9 – Animal Control of the Benton County Code – *Vance Croney, County Counsel; Lynne McKee, Natural Areas, Parks & Events Director*

VIII. Information Sharing: (If time permits the following section will be heard. *The chief purpose of "Information Sharing" items is to allow the Board of Commissioners time and a venue to update one another of their individual activities.*)

- 8.1 Xanthippe Augerot, Chair
- 8.2 Nancy Wyse, Commissioner
- 8.3 Pat Malone, Commissioner
- 8.4 Joe Kerby, County Administrator

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

Tuesday, April 27, 2021

9:00 a.m.

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or Dial 1 (571) 317-3122; *Access Code* 442-612-413#

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

- Present:** **Xanthippe Augerot**, Chair; **Pat Malone**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Joe Kerby**, County Administrator
- Staff:** **Teresa Farley**, **Sherrida Gates**, **Joe Hahn**, **Lili'a Neville**, BOC Staff; **Suzanne Hoffman**, **April Holland**, **Kelly Locey**, Health; **Nick Kurth**, Justice Systems Improvement Program Manager; **Erika Milo**, BOC Recorder; **James Morales**, Records and Elections; **Jesse Ott**, Natural Areas, Parks, & Events; **Alyssa Rash**, Public Information Officer; **Gary Stockhoff**, Public Works
- Guests:** **Michael Curran**, **Ted Erdman**, Oregon Department of Forestry; **Alicia Lucke**, **Randi Moore**, **Curtis Nelson**, Cascades West Council of Governments

Chair Augerot called the meeting to order at 9:02 a.m.

I. Opening:

A. Introductions

B. Announcements

Augerot acknowledged that Benton County is located within the traditional homelands of the Marys River or Chepenapha band and the Muddy Creek or Chemapho band of the Kalapuya, and that these peoples are still present, but were forcibly removed under the Willamette Valley treaty of 1855 to reservations in western Oregon. Living descendants are now in the Confederated Tribes of the Grand Ronde and the Siletz Indians.

II. Comments from the Public

No comment was offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 Quarterly Update from Cascades West Council of Governments (COG) and Veterans Services – Alicia Lucke, Randi Moore, Curtis Nelson, COG

Alicia Lucke is the new COG Community Programs Manager and previously supervised the AmeriCorps Seniors program. AmeriCorps Seniors have been on temporary paid stipend during the pandemic, but will resume work soon, depending on how school districts operate. This quarter, Senior Health Insurance Benefits Assistance counselors remotely served 93 County residents. COG provided 48 Meals on Wheels deliveries, including service to more residents of the City of Monroe. Foster grandparent volunteers have been trained and are recording book readings for Kidco Head Start.

Augerot asked if COG's new plan for the adult program has been fully adopted and enacted.

Lucke replied that the Senior Corps plan is underway, including service goals for rural areas.

Moore explained that the Area Plan is a four-year strategic plan that COG is required to develop as the area agency on aging. In the area of nutrition, COG's previous focus was on Meals on Wheels; this year, the goal is to increase SNAP utilization by older adults and people with disabilities, as these benefits are often underutilized in Benton County. COG recently had its first all-staff meeting to review the Area Plan, which officially starts in July 2021 and is available at <https://www.ocwcog.org/seniors-disability/>.

Lucke provided an update on the Stand by Me (SBM) financial literacy program. COG has six SBM coaches, including two native and two non-native Spanish speakers. COG will present on SBM to the Hispanic Advisory Council, and has applied for grants from the Meyer Memorial Trust and Oregon Community Foundation to train more Spanish-speaking coaches. COG has regular conversations with Casa Latinos Unidos and DevNW to help coaches learn about relevant issues. COG has started an SBM dashboard and is talking to employers to garner more interest. Kidco Head Start pitched SBM training to their staff. Moore offered SBM training to COG employees, and offered to coach County staff as well.

Kerby asked COG to contact him about SBM coach training for County staff.

Augerot was glad to hear about SBM progress and work with the Latinx community, and asked if COG is also in touch with the veterans' community.

Moore replied that COG continues to partner with community agencies such as DevNW, including training on student loan repayment. Kidco of Lincoln County might have coaches soon.

Responding to a question from Augerot, Moore replied that there had not been further conversations with the State Treasurer. The COG board has a prioritized a list of organizations, and can meet with the Board about the next outreach efforts.

Nelson shared that the offices of the Veterans Administration and Oregon Department of Veterans Affairs (ODVA) are still closed and projected to reopen in late summer 2021. Staff are still working, allowing typed signatures to submit claims. Without ODVA, COG does not receive updates on decision letters, decision ratings, or recoveries, so the numbers in the report are good, but not increasing. Recoveries averaged around \$3.8 million per quarter; the actual number is probably much higher. ODVA promises to update by the end of summer 2021. Recoveries from claims COG submitted for veterans are about \$170,000 per quarter; statewide, claim numbers have decreased by an average of 30%. COG performed 170 interviews this quarter, slightly above average.

Malone asked if some people are falling through the cracks due to the closed offices.

Nelson replied that is a statewide concern. Staff are checking records and contacting veterans to provide referrals to programs such as Meals on Wheels.

In response to a question from Augerot, Nelson stated there has been good cross-pollination with veterans programs from Community Services Consortium.

Augerot requested more information about COG economic development and regional planning.

4.2 Update from Oregon Department of Forestry (ODF) – Ted Erdman, Michael Curran, ODF

Curran provided statewide ODF updates. In 2021, ODF is working with the Legislature and the Governor's Office on large fire funding solutions. Since 2012, Oregon has experienced severe, costly fire seasons, so a more long-term sustainable plan is needed to make ODF more financially stable. ODF lacks staff capacity to handle increasing fire seasons, as was apparent during the 2020 Labor Day fires. ODF is working with the Legislature on a short-term fix for the current biennium, but those staff positions end on June 30, 2021. The Governor and Legislature had third-party consultant MGO review ODF finances, processes, and procedures. Once recommendations are available, ODF will begin implementation.

For post-fire recovery and restoration, the Legislature has Wildfire Recovery Task Forces. About 540,000 acres in the Coast and Cascades Ranges burned in 2020, the worst year on record. ODF seeks funding to help residents rebuild homes and restore landscapes.

ODF provides fire protection for Bureau of Land Management (BLM) lands west of the Cascades. BLM budgets have been reduced in the last five to seven years. ODF is working with BLM on a funding fix. ODF will continue to protect BLM lands through 2024.

In the short Legislative Session of 2020, Governor Kate Brown brought together environmental groups and the timber industry to work on recommendations to ODF about changes to the Forest Practices Act. That mediation session is an 18 month process under Senate Bill 1602, involving new spray buffer requirements and an electronic notification system for residents when spraying will occur. The work will start once funding is acquired for the notifications.

In October 2020, the Board of Commissioners voted to continue with the draft Habitat Conservation Plan (HCP) for land that ODF covers west of the Cascades. Now ODF is undergoing a full National Environmental Policy Act (NEPA) review to get the permit from United States Fish and Wildlife Agencies to adopt the HCP. Review will continue through February 2023. In March 2023, the Board of Forestry will fully adopt the HCP, or ODF will continue with the current Forest Management Plan (FMP). ODF is also working on a new FMP to accompany the HCP.

Since October 2020, ODF has been working on a restoration plan for the Santiam State Forest near the City of Lyons, where 24,000 acres were impacted by the 2020 Beachie Creek fire. The plan will involve reforestation, salvage logging, and re-establishing recreation infrastructure.

Curran took over as Western Oregon District Forester in July 2020; otherwise there have been no notable changes to ODF organizational structure. Two Community Wildfire Forester positions are vacant. Funded by Federal grants, these positions work on fuels reduction with local homeowners. ODF hopes to hire one person in mid-summer and the second in fall 2021. There are no other vacant positions going into fire season.

Responding to a question from Augerot, Curran replied that Erdmann and Rick Harris are working on the Benton Community Wildfire Protection Plan (CWPP).

Malone asked if ODF will start some seasonal fire crews earlier than usual due to the dry spring.

Curran replied that two firefighters have been brought on at each of three offices, but most crews will not start until mid-June 2021, depending on rain levels in May 2021. Due to the pandemic, ODF offices remain closed through at least summer 2021. Curran thanked Benton County Woods Patrol Deputy Jeffrey Pratt, and thanked the Board for ongoing support for that position. The district had a mild fire season until Labor Day 2020; resulting fires burned 2,500 acres and destroyed 300 homes. For the first time since 1987, ODF had to order an Incident Management Team.

Erdman reported that in 2020 ODF responded to seven statistical fires (requiring action) within Benton County, which burned about 2.5 acres total. The ten-year average number of fires is eight, burning an average of eight to nine acres.

The CWPP sets priorities for the Fuel Reduction Grant Program and helps ODF obtain Federal funds for local work to create space around structures. ODF has three ongoing grants in Benton County, which end in 2022-2024.

The Benton County Forestland Classification Committee helps identify County lands that ODF protects. The Committee will meet again in 2022 and recertify the classification in 2025.

Curran predicted that if May and June 2021 are dry, there will be a busy fire season. In larger regional forecasts, ODF expects the worst fire areas to be the east slopes of the Cascades down to southeast Oregon. A mild season is expected in northeast Oregon due to snowpack.

ODF manages about 36,000 acres of State forests in Benton County. Of those, 8,327 acres belong to the Board of Forestry, wherein two-thirds of any revenue from timber sales goes to the County and local taxing districts. On sales from the 553 Common School acres, ODF takes operating costs off the top, and the remainder goes to the School Fund. In fiscal year 2021 to date, County revenue is \$67,636, which should increase slightly. In fiscal year 2020, County revenue was \$1.3 million. One sale in Benton County is expected in fiscal year 2022, with about \$380,000 in gross costs. Revenue does not always come in the same fiscal year as a sale.

Erdman shared that in the Private Forest Program, Bill Mahr is the Benton County Stewardship Forester, whose duties include administration of the Forest Practices Act for private owners, providing grants for land management goals. In 2020, ODF received 445 notifications for operations in 2020, down from a five-year average of 550-600 notifications. Mahr is the Lead Fire Investigator for the district, so there was a large workload from the 2020 summer fires.

Curran explained that during concerns about shutdowns during the pandemic, the log market remained steady, in part due to a do-it-yourself project boom. Some local work slowed as industrial owner/operators with property in the Coast and Cascades Ranges shifted staff to help with Cascades salvage. Now staff are being shifted back to the Coast Range.

Taxes on timber harvest are a hot topic; various bills with recommended changes are in process. Water quality and pesticides will continue to be hot topics in mediation sessions for SB 1602.

Malone recommended filling the vacant Community Wildfire Forester positions as soon as possible to inform landowners of the early fire season. Augerot concurred.

Curran replied that ODF hopes to get legislative funding to fill both positions soon.

Augerot asked if ODF is engaged with the new Oregon State University Forestry Extension regarding wildfire.

Curran replied that discussions of partnership are going well. Curran offered to give the Board a tour of local ODF efforts.

Augerot introduced Ott, Deputy Director of Natural Areas, Parks, and Events.

V. Consent Calendar

5.1 In the Matter of Appointment to the Budget Committee: Javier Cervantes

5.2 In the Matter of Appointment to the Vineyard Mountain Road District: John Hockensmith

5.3 In the Matter of Appointments to the Linn-Benton Housing Authority: Steve Michaels

MOTION: Malone moved to approve the Consent Calendar of April 27, 2021. Wyse seconded the motion, which **passed 3-0.**

VI. New Business

6.1 Discussion and Consideration to Endorse the Justice System Improvement Program (JSIP) Plan – Nick Kurth, JSIP Manager

Kurth explained that the Board and the JSIP team have commented on the JSIP plan, which will continue to evolve, but establishes current intentions, methods, time frames, and cost. A draft version in fall 2019 was paused due to BOC turnover.

Augerot praised Kurth for keeping all the stakeholders involved. The plan provides a flexible road map.

Malone praised the holistic approach, addressing the whole person and whole system, and approved of re-establishing public meetings.

Kurth shared that public engagement will soon shift to high gear. Architecture firm DLR Group brought on communications consultant Cogito Partners, who will add a communications plan as soon as agreements are made.

Augerot praised the integration of mental health issues in the program and recommended that Kurth include Dannielle Brown, Behavioral Health Director, when examining those elements of the plan. Augerot also appreciated the monthly check-ins and the inclusion of issues for the unhoused community.

MOTION: Wyse moved to endorse the Justice System Improvement Program Plan for Predesign Phase as submitted. Malone seconded the motion, which **passed 3-0.**

VII. Old Business

7.1 In the Matter of a Second Reading Approving the Amendment to Chapter 5 – Ballot Measure Rules of the Benton County Code – Vance Croney, County Counsel

Counsel explained that the Ordinance was approved three weeks ago. This item should have appeared on last week's agenda, but a longer interval is permitted.

Wyse noted that the packet motion language erroneously calls this a first reading; this is the second reading.

Malone noted that the motion number should read "2021", not "2019" as in the packet.

MOTION: Malone moved to enact Ordinance No. 2021-0301 amending Benton County Code Chapter 5 and to conduct a second reading. Wyse seconded the motion, which **passed 3-0.**

Counsel read Ordinance 2021-0301 aloud (short title). The Ordinance will take effect May 27, 2021. County Code is now consistent with the State manual in this matter.

7.2 In the Matter of a Second Reading Approving the Amendment to Chapter 9 – Animal Control of the Benton County Code – Vance Croney, County Counsel; Lynne McKee, Natural Areas, Parks & Events Director

Counsel explained that the amendment exempts equines (horses, donkeys, mules) from the exotic animal ban for exhibits and exhibitions on County property. The first reading was three weeks ago. Counsel noted two corrections to the packet motion language: the motion number is "2021" not "2019", and this is the second reading, not the first.

MOTION: Malone moved to enact Ordinance No. 2021-0302 amending Benton County Code Chapter 9 and to conduct a second reading. Wyse seconded the motion, which **passed 3-0.**

Counsel read Ordinance 2021-0301 aloud (short title). The Ordinance will take effect May 27, 2021, well in advance of the Benton County Fair.

VIII. Information Sharing

8.1 Xanthippe Augerot, Chair

Augerot raised the potential for declaring racism a public health crisis in Benton County. A model Resolution from Lane County was shared with the Board. Neville, Hahn, and Hoffman have been exploring the issue and seek general Board consensus before proceeding. There is also pending State legislation on the topic, whose proponents are seeking support from other electeds by the April 30, 2021 hearing.

Hahn explained that in 2020-2021, many groups have declared or identified racism as a long-term public health issue, particularly for people of color. The American Public Health Association and the Centers for Disease Control have released information on the topic. There is a push for government entities to make the declaration and direct resources to the issues. Such work would involve Rocio Muñoz and the rest of the Health Department, and should address the specific needs of different populations.

Augerot and Wyse were in favor of proceeding.

Malone was not previously aware of the effort, but was supportive. Malone asked if the Board should go on record on this topic before the legislative discussion.

Augerot replied that the Board could testify individually or collectively at the legislative hearing, or take more time to explore the legislation. Part of the bill calls on Oregon Health Authority to implement Race, Ethnicity, Language, and Disability data collection to provide better data on the effects of race in the healthcare system.

Neville proposed separating the legislative discussion from the Resolution proposal.

Hoffman was supportive of the Resolution effort.

Kerby noted there had also been staff discussion of houselessness as a public health crisis.

Augerot observed that homelessness affects people disproportionately by race.

After discussion, the Board directed staff to research and write a draft Resolution declaring racism as a public health crisis by the next Board Meeting.

Augerot indicated that the Resolution should tie into the Health Department strategic plan.

Augerot will testify on April 29, 2021 on Senate Bill 863, which authorizes rural fire protection districts to acquire land or easements, then implement, maintain, and partner on emergency access roads. Augerot hoped the Corvallis Rural Fire District will participate.

Augerot brought up the Governor's latest decision about COVID-19 risk levels. Because the statewide hospitalization threshold has been met, many Counties will go into Extreme Risk, although Benton will remain in High Risk. The Association of Oregon Counties (AOC) and the Oregon Restaurant and Lodging Association requested signatures on a letter asking the Governor to lessen constraints on restaurants under Extreme Risk guidance.

Malone was sympathetic to the cause, but skeptical of the letter, which proposes shifting risk level determination from the Governor to individual counties. Malone would want to see Health Department input if the Governor is not determining risk categories.

Wyse agreed about not wanting more businesses to close, but was concerned about the cost to public health. Benton County previously asked the Governor to take hospitalizations into consideration, and now that metric is signaling that change needs to happen. Wyse would not endorse this letter.

Augerot agreed and would rather not sign on.

Malone felt the priority should be on community health, while mitigating damage to businesses. This is another example of AOC not representing Benton County's interests and values on specific legislation.

8.2 Nancy Wyse, Commissioner

Wyse attended the Oregon Joint Ways and Means Committee Meeting, but was told the focus was on community members speaking, rather than electeds. Wyse expressed frustration with electeds not having access to the full Committee. At the meeting, Rachael Maddock-Hughes, Sequoia Consulting, testified about the Broadband Initiative.

Wyse was contacted by Chris Workman, Philomath City Manager, seeking guidance on whether to hold the Philomath Frolic and Rodeo in 2021. Kerby to lead discussions between Workman, Hoffman, and Holland.

Augerot related that the Governor's Office may issue summer event guidance soon.

Kerby shared that Natural Areas, Parks, and Events (NAPE) staff will discuss Benton County Fair recommendations with the Board on May 11, 2021.

Hoffman noted that Lynne McKee, NAPE Director, needs to make decisions about the Fair in May 2021 to have enough lead time. Health staff held a preliminary meeting with McKee.

8.3 Pat Malone, Commissioner

Malone brought up the position of Benton County Business Representative to the Northwest Oregon Works (NOW) Board. Malone felt Josh Kvidt was a great addition to the Board and was disappointed that Kvidt is quitting. The NOW Board meets five times per year. It would be good to fill the vacancy before the next meeting.

Augerot suggested asking Peggy McGuire of Community Services Consortium (CSC) for recommendations, as CSC contracts for NOW in Benton, Linn, and Lincoln Counties.

Malone shared that Representative Dan Rayfield expressed interest in the Corvallis-Albany Path Project, and has some connection with safety improvements on Highway 20.

Augerot noted that staff will meet Rayfield on April 30, 2021 to discuss American Rescue Plan projects.

Malone acknowledged the death of Walter Mondale, a role model who showed that government can be an instrument of social progress.

8.4 Joe Kerby, County Administrator

Augerot and Sheriff Van Arsdall will speak to the Gazette-Times/ Democrat-Herald editorial board about the local option levy. Gazette-Times staff asked that JSIP be included in discussion, so the Operations team will discuss that. Tonight, Augerot and Van Arsdall will present on the local option levy at a panel discussion of Corvallis School Board candidates.

Kerby announced that per the current policy for out-of-state travel, he is in quarantine and working from home until May 3, 2021.

Kerby requested a discussion on when to resume Board Meetings in person at County facilities. Kerby and Augerot suggested the end of June, which is the target date to have vaccinated everyone in the County who wants the COVID-19 vaccine. Meetings would probably take place in the BOC Office, so a video livestream would still be needed to enable public participation.

After discussion, the Board agreed to resume in-person meetings near the end of June-beginning of July 2021.

IX. Other

No other business was discussed.

X. Adjournment

Chair Augerot adjourned the meeting at 11:25 a.m.



Xanthippe Augerot, Chair



Erika Milo, Recorder

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



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(541) 967-8720 • FAX (541) 967-6123

MEMORANDUM

DATE: April 27, 2021
TO: Benton County Commissioners
FROM: Ryan Vogt, Executive Director
RE: OCWCOG Updates

COMMUNITY AND ECONOMIC DEVELOPMENT

The Community and Economic Development (CED) Department welcomed our newest member, with CED Director Jenny Glass' recent arrival of her baby boy Rocco! Everyone is doing well and Jenny will return to work in May. Our team remains stable and busy with project work, with expectations to return to some level of in-person activity this summer.

Here are a few updates from our team regarding activities in Benton County:

Transportation

- At the joint Albany Area MPO/Corvallis Area MPO Policy Board meeting in March, members voiced support for a Transportation and Growth Management (TGM) project to study the long term regional need for improvements along Highway 20 and 34 between Philomath and Albany. Staff submitted a pre-application letter and will submit a full application in July
- Work continues on the following projects:
 - Corvallis Area MPO Regional Transportation Plan Update
 - Adair Village Trails Plan
 - Corvallis Area MPO Regional Count Program
- Staff are tracking the numerous funding opportunities coming out of the federal government, and coordinating with members to best prepare for potential applications.
- Transportation Manager Meltzer attended a meeting with Benton County, City of Corvallis, ODOT and local residents on some challenges related to residential and traffic growth on West Hills Road.
- OCWCOG successfully applied for a grant to update the Lincoln, Benton and Linn County Human Services-Public Transit Coordinated Plans. The project will begin this summer.
- OCWCOG submitted a Statewide Transportation Improvement Fund (STIF) grant to design mobility hubs (also known as enhanced transit hubs) at Oregon State University and Linn Benton Community College. The project is being recommended for funding by ODOT staff, and grew out of conversations with the Linn Benton Loop.

Community Development

- Staff continue to provide GIS support for Philomath on a regular basis, and for Adair village as needed

Economic Development

- Staff are actively conversing with CWEDD and OCWCOG Board members on the implementation of the recently adopted 2020-2025 Comprehensive Economic Development Strategy (CEDS). Implementation planning is expected to pick up in earnest when CED Director Glass returns in May.
- The Cascades West Economic Development District (CWEDD) is expanding services related to economic recovery from COVID-19 with the hiring of a new staffperson, Anne Whittington. If you have ideas for how we can help the region better plan for economic distress, please reach out to her at awhittington@ocwcog.org

COMMUNITY SERVICES PROGRAM

- Meals on Wheels (MOW)

	<i>Last three Months: January, February, and March 2021</i>			
	<i>January</i>	<i>February</i>	<i>March</i>	<i>Subtotal</i>
Benton County Meals	3,224	3,122	3,626	9,972
Benton County Clients	181	174	173	-
Regional Meals	19,578	19,177	23,307	62,062
Regional Clients	1,175	1,190	1,162	-

At this time *Meals on Wheels* is still not offering a dining room atmosphere, currently providing take-out meals for those able to drive.

January 1 – March 31, 2021 AmeriCorps Seniors Update

Retired and Senior Volunteer Program volunteers have shifted from in-person to a telecounsel model for its signature Medicare *SHIBA* counseling. A total of 93 clients were served in Benton County during the past quarter:

97321 (N Albany, Benton Co) - 5
97324 (Alsea) - 3
97326 (Blodgett) – 2
97330 (Corvallis) – 60
97333 (Corvallis) – 14
97370 (Philomath)– 7
97456 (Monroe)– 2

Senior Companion Program volunteers provided 48 individual trips to local homebound seniors residing in Corvallis, Philomath and Monroe. These residents, deemed food critical, received food boxes, groceries and Rx deliveries at their front porch. Weekly calls to clients are also made to help mitigate loneliness and isolation.

Foster Grandparent Program volunteers continue to serve remotely during the COVID-19 pandemic. Volunteers serving Philomath Elementary School, College Hill High School and KidCo Head Start assist teachers and staff virtually through recorded book read-a-louds, remote mentoring, and grading assistance.

SENIOR AND DISABILITY SERVICES

APS: total counts for branch 2211, Benton County

Month	Complaints	Community Investigations	Facility Investigations	Community Non-Abuse	Facility Non-Abuse	Courtesy
January	50	14	11	20	5	0
February	42	10	11	14	7	0
March	73	15	9	29	20	0
2021 TOTALS	165	39	31	63	32	0

Stand By Me (\$BM) Coaching Available to Staff of COG's Member Governments

As a reminder, \$BM is a financial empowerment program that started in Delaware more than ten years ago and has served more than 100,000 Delawareans. In 2019, with generous support provided by Benton County, OCWCOG worked to replicate the program in Oregon and improve the financial wellbeing of the residents of our three county region.

\$BM uses a coaching model to support clients in meeting four basic objectives – creating a budget, reducing debt, increasing savings, and improving credit scores. Coaches are embedded in community agencies and develop a trusted and ongoing relationship with their clients to help support them in meeting their individual and unique financial goals.

Stand By Me Coaches are already embedded and working with community agencies providing free one-on-one financial coaching for the people those agencies serve. They work to connect these clients who are struggling to meet their everyday needs to community resources, provide accountability for working on their goals, and over the long term improve their financial literacy.

\$BM coaching is free and confidential, and at this time all coaching sessions are being done telephonically or virtually.

Knowing the positive outcomes the \$BM program provides to the individuals who participate, their families, and the communities they live in, OCWCOG would like to expand the program's impact and grow our referral numbers. We believe that the city, county, port, and tribal employees that support you, our member governments, would be a group that would benefit greatly from working with the Stand By Me program.

Members of the \$BM Team would be happy to attend staff meetings and present information about the program to your staff or provide program information you can distribute to your workforce. Please feel free to reach out to me if this is something you are interested in.

I feel strongly that Stand By Me is an excellent program and hope you will encourage your workforce to embrace the opportunity to work toward the goal of being financially empowered!

Another Story about Older Americans Act Funds Doing Good Work in the Community

North End Senior Solutions (The NESS Club) is an Adult Day Service (ADS) Program in Lincoln County. Adult Day Services are a valuable resource in a community, providing caregivers of aging adults and persons living with disabilities with a much needed option for respite care services. We are lucky to have two ADS providers in our region, The NESS Club and Grace Center (Benton County).

Adult Day Service providers which were mandated to close operations, were hit hard financially by the COVID pandemic, but even more importantly suffered acute stress over not being able to support their participants and their families during the period they weren't operating.

In November, OCWCOG asked for proposals for grant funding that would support projects that improve the safety, wellbeing, and independence of older adult and people with disabilities and their caregivers. We were pleased to provide OAA funds to NESS to support their telehealth project, allowing participants that normally attend the NESS Club three times a week to meet virtually and stay connected. With the funds, NESS purchased digital devices and internet or cell services, and provided personalized training for their members on going "remote".

"I've enjoyed so much helping others learn how to do online meetings, and I love seeing the joy in their faces as they see their friends," said Sheree Cronan, Executive Assistant. "Even those who thought they couldn't do computers are learning more than they thought they could."

The NESS Team shared the picture below and passes on their appreciation of funding their project.

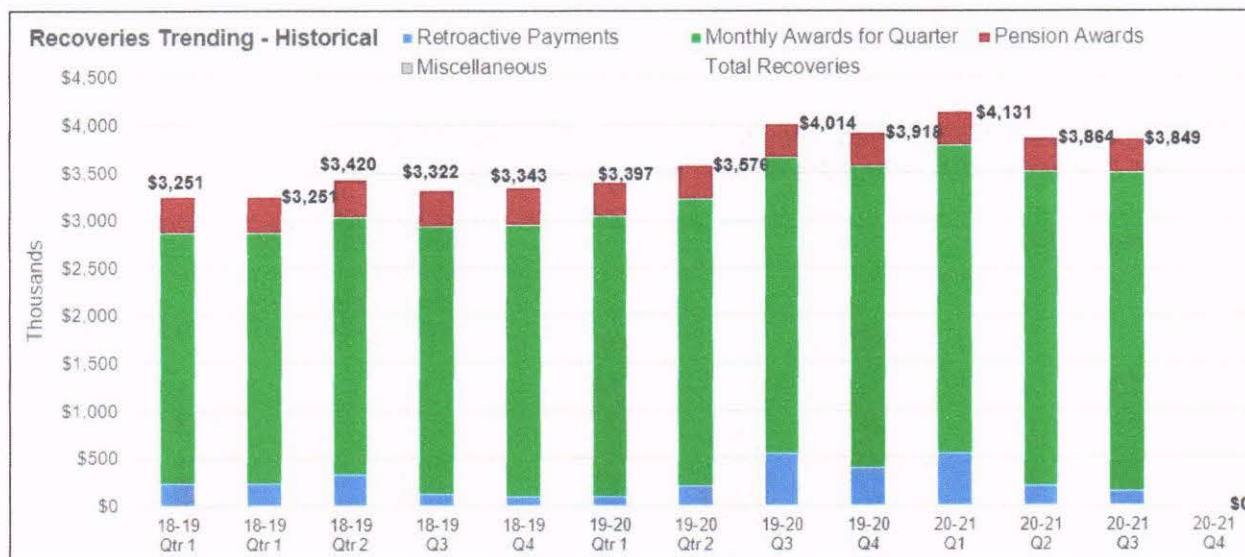


VETERANS SERVICES OFFICE QUARTERLY REPORT

This report covers Quarter 3 of Fiscal Year (FY) 2020-2021, from January 1st through March 31st. In response to the *COVID-19* pandemic and subsequent safety measures implemented, the Corvallis office was closed to the public on March 23, 2020. All County Veteran Services Office (CVSO) staff were either deployed to work remotely or redeployed to an alternate office location. All scheduled interviews with Veteran clients were moved to tele-interviews. As of this report, the office continues to conduct business remotely. It should also be noted that in response to *COVID-19* and social distancing guidelines, the VA halted C&P exams. This in turn delayed claims from being decided. We expect these exams to begin again as guidelines begin to be lifted.

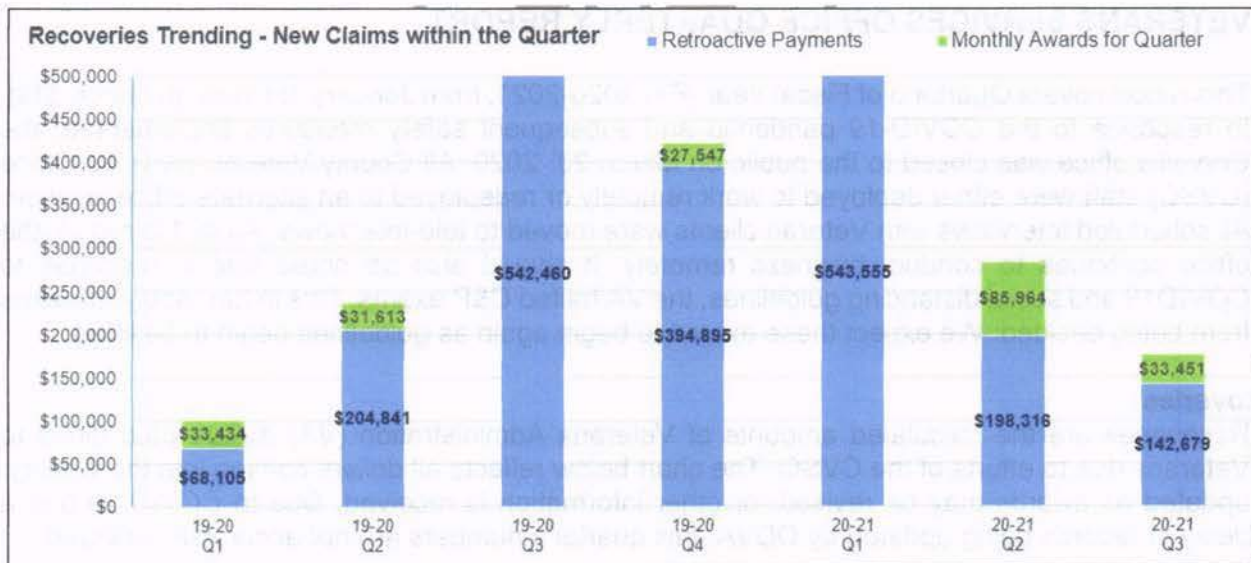
Recoveries:

Recoveries are the calculated amounts of Veterans Administration (VA) dollars paid direct to Veterans due to efforts of the CVSO. The chart below reflects all dollars coming into the County, updated as awards may be revised, or other information is received. Due to *COVID-19* and a delay of records being updated by ODVA, this quarter's numbers are not accurately reflected.



Legend: Pensions are income based and are awarded to Veterans or their surviving spouses. Compensation awards for service connected disabilities or as Dependency and Indemnity Compensation (DIC), are paid to the survivors of Veterans who die from service connected conditions. Retroactive payments can be issued for compensation or pension payments, and are awarded when significant time passes between the effective date and the award date of the claim to bring the monies current. Miscellaneous includes burial, plot, Combat-Related Special Compensation (CRSC), etc.

Oregon Department of Veterans' Affairs (ODVA) requires reporting new dollars being brought into the County through monthly awards and retroactive awards made during the current reporting period only. The chart below reflects new quarter claims. Due to *COVID-19* and a delay of records being updated by ODVA, this quarter's numbers are not accurately reflected.

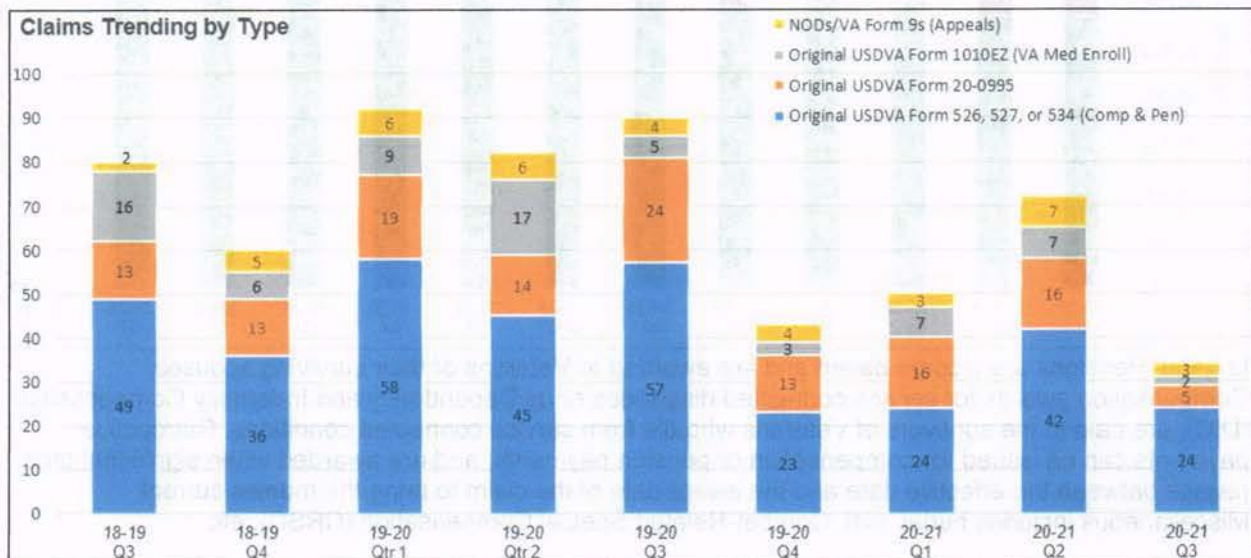


Monthly Awards for 19-20 Quarter 3: \$46,733

Monthly Awards for 20-21 Quarter 1: \$7,736

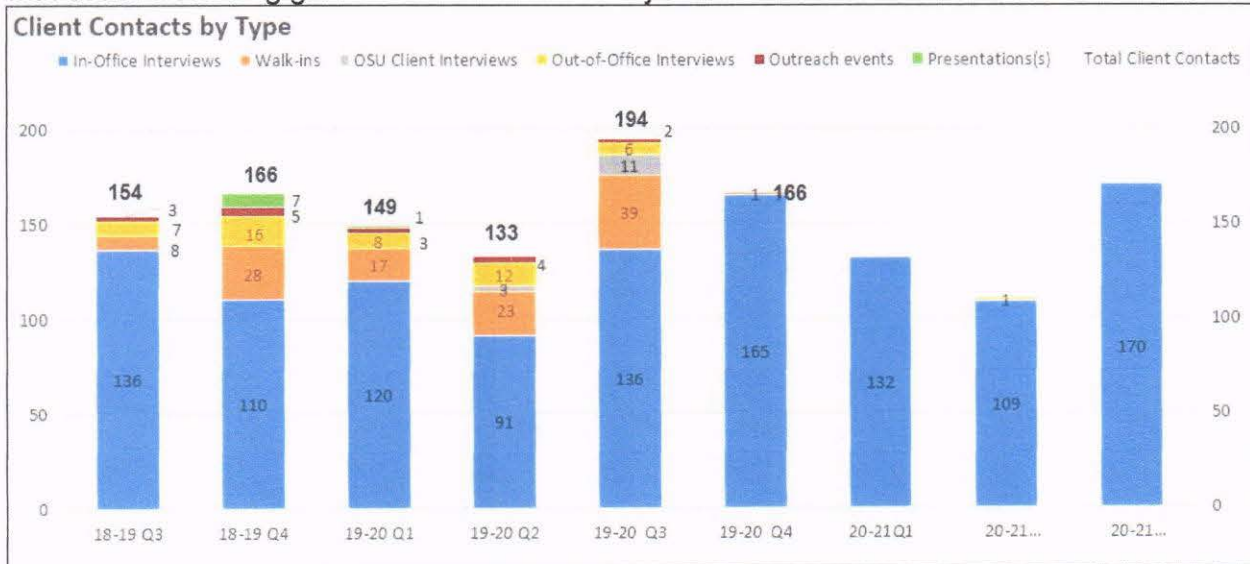
Claims

A total of 34 claims were filed over the Quarter. This decrease from previous quarters was expected due to *COVID-19* and the office moving to working remotely.



Interviews

A total of 170 client interviews were conducted over the quarter. VSO's conducted these 170 interviews over the phone working remotely. The decrease in total interviews this quarter is due to *COVID-19* and in person outreach, out of office, and OSU interviews being halted to comply with social distancing guidelines and for the safety of staff and clients.



While the physical office was closed mid-March in response to the *COVID-19* pandemic, staff are still serving clients remotely. The number of calls for assistance remains steady, and support normally given to a walk-in client is now being delivered electronically (whether by phone or email), and will continue to be considered a "walk-in" contact point.

Outreach (Presentations and Events).

Presentations and events have been put on hiatus until Executive Order 20-21 is lifted.

In light of *COVID-19*, the office and VSO Nelson have worked on other ways of reaching veterans in Benton County. The CVSO placed an ad in the local paper and will continue exploring ways to utilize Facebook.

Out-of-office outreach appointments at the locations listed below have been put on hiatus until Executive Order 20-12 is lifted. The CVSO continues to take appointments by phone.

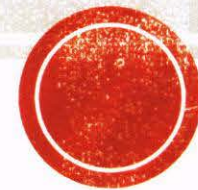
- 1st Wednesday: Boy Scout Lodge, Philomath
- 2nd Wednesday: Snell Hall, OSU main campus, Corvallis
- 3rd Wednesday: American Legion Hall, Monroe
- 4th Wednesday: Hewlett Packard (HP), Corvallis

Service to Veterans

- Staff continue participation in Vet-Net and local Operation Welcome Home meetings as they are scheduled.
- VSO Nelson and Molly Murphy are coordinating with the *Older Adult Behavioral Health Initiative (OABHI)* team regarding collaborating on available resources for Veteran clients.
- In addition to claims support, the CVSO assisted Veteran clients with the following needs, providing referrals to other programs:
 - Housing Assistance – 40;
 - Medical and Dental Assistance – 63;
 - Crisis Navigation – 4;
 - Financial Assistance – 15; and
 - Assistance with other Benefits – 116

OREGON DEPARTMENT OF FORESTRY UPDATE FOR BENTON COUNTY COMMISSIONERS

April 27th, 2021



AGENCY UPDATES

- 2021 Legislative Session Priorities
 - Large Fire Funding Fix (need a long-term sustainable plan)
 - Agency Capacity Needs
 - Implementation of MGO Recommendations
 - Post Fire Recovery and Restoration

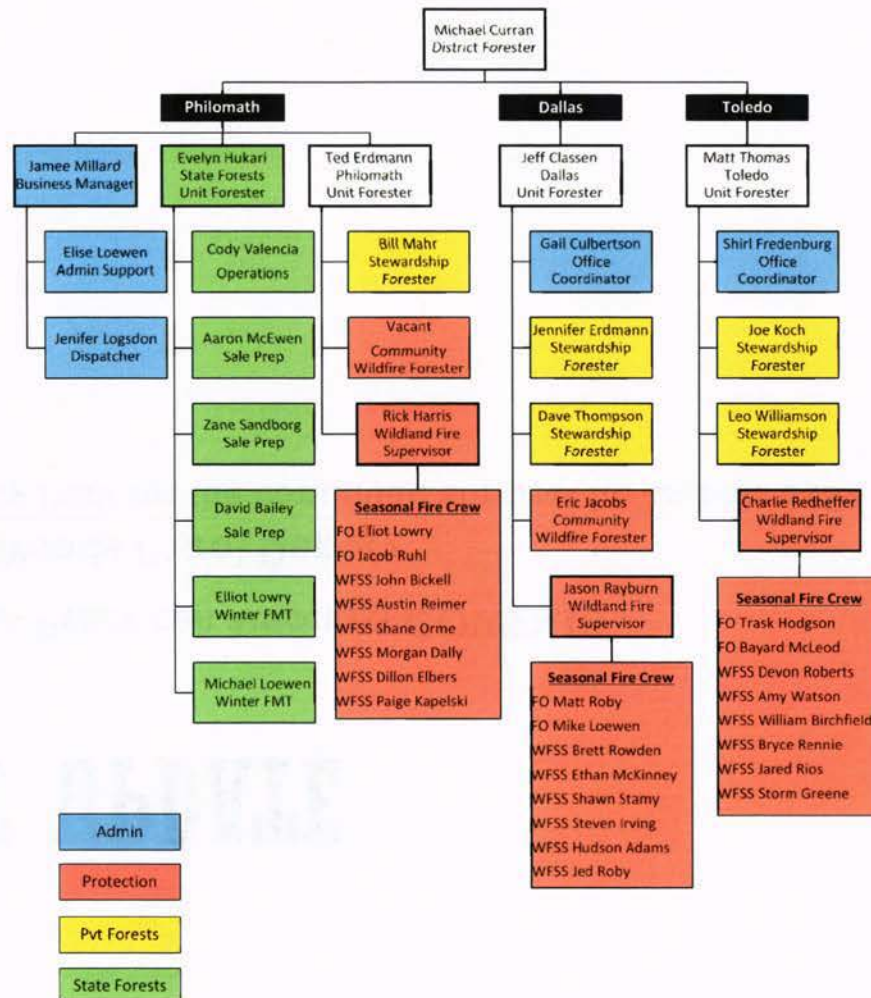


DISTRICT UPDATE

- Current Business Practices amongst COVID-19
- Benton County Woods Patrol Deputy
 - Kudos to Deputy Pratt for the continued support he and his colleagues provide to us



West Oregon District Organizational Chart
July 1, 2020



FIRE PROTECTION

- 2020 Fire Season Update
 - Labor Day Event – Echo Mountain Complex
 - Light Initial Attack within Benton County – Yew Creek Fire
- Community Wildfire Program Update (Fuels Reduction Grants)
- Benton County Forestland Classification Update
- 2021 Fire Season Prediction



STATE FORESTS

- Benton County (BOF Acres: 8,327 – CSL Acres: 553)
- Revenue Update:
 - FY21 Revenue to date: \$67,636
 - FY20 Revenue: \$1,307,951
 - Forecasted Revenue within FY22 AOP: 1 timber sale with an estimated gross of \$380,000 for Benton County and other local taxing districts)



PRIVATE FORESTS

- Implementation of the Oregon Forest Practices Act
- 445 NOAPS for Benton County (down from 453 in 2019)
- Log market has stayed steady throughout COVID-19
- Local work has slowed down for industrial landowners and operators as work has shifted to the Cascades for salvage and restoration efforts
- Hot Topics
 - Taxes on timber harvest
 - Water Quality
 - Pesticides



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

**In the Matter of Appointment to the)
BUDGET COMMITTEE)**

ORDER #D2021-040

THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION
OF THE BOARD AND,

IT APPEARING TO THE BOARD

THAT the following qualified and knowledgeable individual has indicated a willingness
to serve on this board:

Name

Javier Cervantes

Appointed & Position

Appointed: 04/27/21

Expires: 12/31/23

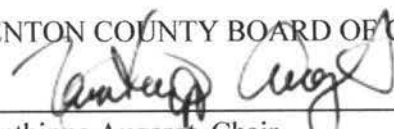
Position: 2

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Budget Committee.

Adopted this 27th day of April, 2021.

Signed this 27th day of April, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner

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

**In the Matter of Appointment to the
Vineyard Mountain Road District**

)
)

ORDER #D2021-041

THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION OF
THE BOARD AND,

IT APPEARING TO THE BOARD

THAT the following is a qualified and knowledgeable individual who has indicated a
willingness to serve on this Road District:

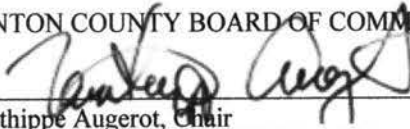
<u>Name</u>	<u>Address</u>	<u>Term & Position</u>
John Hockensmith	6220 NW Concord Drive Corvallis OR 97330	1/1/2021 - 12/31/2023 Treasurer

NOW, THEREFORE, IT IS HEREBY ORDERED that the above person is hereby
appointed for a term on the Vineyard Mountain Road District.

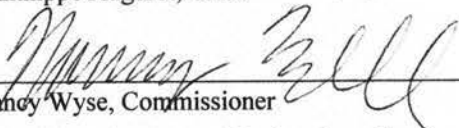
Adopted this 27th day of April, 2021.

Signed this 27th day of April, 2021.

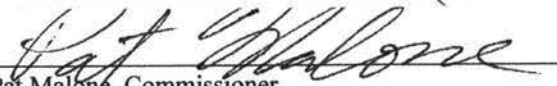
BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner

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

In the Matter of Reappointment to the) ORDER No. D2021-042
LINN-BENTON HOUSING AUTHORITY)

THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION
OF THE BOARD AND,

IT APPEARING TO THE BOARD

WHEREAS, Position 1, for the term beginning January 1, 2020 and expiring December
31, 2024 is hereby retroactive January 1, 2021.

THAT the following qualified and knowledgeable individual has indicated a willingness
to serve on this committee:

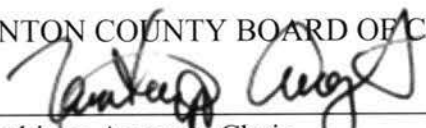
<u>Name</u>	<u>Appointed & Position</u>
Steve Michaels	Appointed: 01/05/21
	Expires: 12/31/24
	Position: 1

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
reappointed to the Linn-Benton Housing Authority.

Adopted this 27th day of April, 2021.

Signed this 27th day of April, 2021.

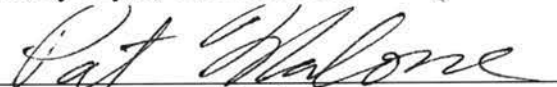
BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/27/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Nick Kurth

Phone Extension * 6076

Meeting Attendee Name * Nick Kurth

Agenda Item Details

Item Title * Endorse Justice System Improvement Program 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 * 5-15 minutes

Board/Committee Involvement * ☐ Yes
☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *	The Justice System Improvement Program (JSIP) Predesign Plan describes the traditional elements of a project or program plan, including goals, objectives, strategies, and tactics, owners and stakeholders, and timing and budget. The Plan focusses on the second phase of JSIP- Predesign. Generally, it includes planning activities for proposed facilities and programs leading up to a proposed capital bond measure in May 2022. Additionally, it addresses some elements of implementation relative to JSIP programs. It is intended as a living document, and may be updated as necessary to assure the success of JSIP.
Options *	1. Endorse the JSIP Predesign Plan 2. Reject the JSIP Predesign Plan 3. Return the JSIP Plan for further editing and review
Fiscal Impact *	☒ Yes ☐ No
Fiscal Impact Description *	Spending in the 2019-21 biennium to conduct Predesign is estimated at \$1.25 million, with an additional approximately \$500,000 in the 2021-23 biennium, not including land acquisition expenses. The May 2022 capital bond measure is estimated at \$100 million; a portion of the Public Health and Safety Local Option Levy, if renewed, may be used to fund JSIP programs. Additionally, the County may issue bonds directly to cover the County's 50-percent match for a new courthouse in conjunction with State matching funds through is OCC&I Fund.

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
- ☐ NA

Explain Core Values Selections *

JSIP Vision: The residents of Benton County require an effective, efficient and equitable criminal justice system that maintains public safety and holds people accountable, while providing treatment opportunities that address underlying causes of criminal behavior. The Vision directly supports the core value of vibrant and livable communities.

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

Please see JSIP Vision above.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Endorsement of Justice System Improvement Program Plan for Predesign Phase.

Meeting Motions * I move to ...
I move to endorse the Justice System Improvement Program Plan for Predesign Phase as submitted.

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) Teresa, the attached will be updated with a new/final version pending the Commissioners' review and prior to the meeting on 4/27.

If you have any questions, please call ext.6800

**Department
Approver**

TERESA FARLEY

Department Approval

Comments

Signature

Teresa Farley

BOC Initial Approval

Approvals Required ☒ Counsel
☒ Finance
☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cheney

Finance Approval

Comments

Signature

Mary K Otley

County Administrator Approval

Comments

Signature

Joseph Kerby

BOC Final Approval

Comments

Signature

Teresa Farley



Justice System Improvement Program

Predesign Phase Plan

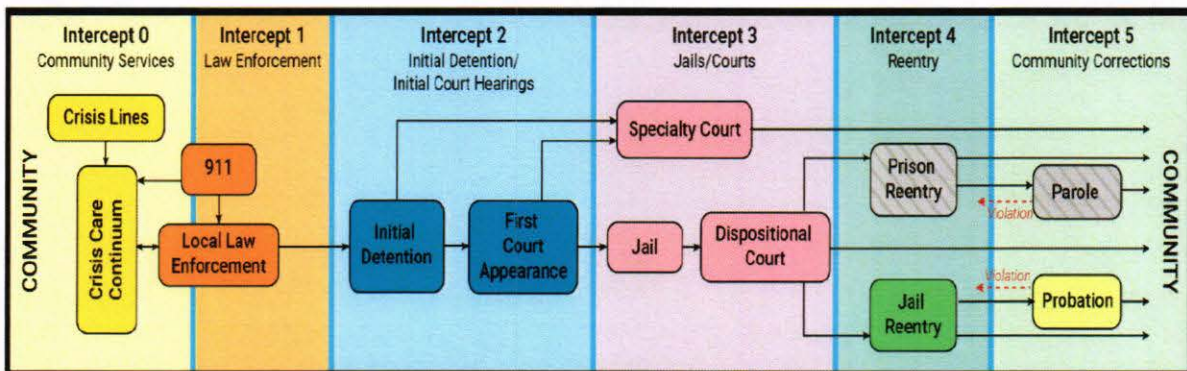
April 2021

Introduction

Benton County's Justice System Improvement Program (JSIP) encompasses its entire justice system, including relevant programs and facilities. The justice system is shown from an intercept perspective – how justice involved individuals pass through the system – in Figure 1. JSIP proposes to study, design, and implement improvements and additions to the system in a phased approach. Previous major projects associated with the County's justice system were limited in scope and focused primarily on a new jail. In contrast, this program takes a holistic approach to improving the County's justice system. The program comprises three phases: 1) assessment and recommendations; 2) design and planning; and 3) implementation. The current phase of the program is the second phase – design and planning – and is commonly referred to as the Predesign Phase, or simply Predesign. This Program Plan is focused on Predesign, and is intended for County and municipal internal stakeholders. An abridged edition will be created for external audiences once the internal version is approved by the Benton County Board of Commissioners (BOC) and County Administrator.

By definition, a “program” as it applies to the science of project management, is a collection of projects. The definition applies to JSIP, as it comprises multiple projects, of various size, relative to justice system facilities and programs.

Figure 1: Justice System Intercepts



Background

The first phase of JSIP began in 2017, when the Benton County BOC commissioned a comprehensive review of the County's justice system, called the Assessment. The Assessment, published in January 2019, provided “a comprehensive review of the system, with the primary purpose of providing a vision for a trusted and accessible system that provides a high degree of safety and confidence.” A key assumption of the Assessment was the new justice system would eliminate the use of contract out-of-county jail beds. As part of the review, a 15-member Justice Assessment Steering Committee was formed, comprising local officials and community representatives. The Steering Committee, in concert with the JSIP Operations Core Team (OCT), developed three possible approaches to address future system needs, as follows:

- Prevention emphasis – based on the expansion of current services in the community, as well as development of new programs to prevent at-risk persons from entering the justice system. Proposed new facilities would include a courthouse, correctional facility, transitional housing, and crisis respite center.
- Accountability and Rehabilitation emphasis – based on developing programs for offenders after they have entered the justice system. Proposed new facilities include a courthouse and correctional facility.
- Prevention, Rehabilitation, and Accountability emphasis – also referred to as the “Best Practices” model, which includes a combination of community-based social services for persons at risk of justice system involvement, as well as evidence-based programs within the correctional facility to ensure accountability and facilitate rehabilitation. Proposed new facilities include a courthouse, correctional facility, transitional housing, and crisis respite center, as well as a new law enforcement center to better support justice system operation.

Benton County Commissioners endorsed the Best Practices model from the Assessment, which led to the second phase of the project, Predesign.

Ari Basil-Wagner, under contract from Greater Oregon Behavior Health, Inc. (GOHBI), managed early Predesign efforts (as well as the entire Phase 1 Assessment). Ms. Wagner initiated design and planning of select programmatic elements supporting the “Best Practices” model in conjunction with stakeholders and organizational representatives in 2019 and early 2020. Following a formal RFP process, the BOC awarded the Predesign services contract for JSIP facilities in February 2020 to DLR Group, a Portland, Oregon-based architecture and design firm. DLR’s predesign work includes a six-step process spanning a 24-month horizon. In June 2020, Nick Kurth, a County employee, succeeded Ms. Wagner as program manager (PM). Nick Kurth works closely with DLR; both are jointly responsible for translating the broad recommendations from the Assessment into operational and facilities improvements for implementation. Consistent with the Best Practices model, an integrated justice system in Benton County requires operationally functional and appropriately sized facilities, which may include any of the following:

- County Circuit Court
- Corvallis Municipal Court
- District Attorney’s Office
- County Correctional facility
- Law Enforcement Center, including:
 - County Sheriff’s Office and Training Center
 - Corvallis Police and Dispatch Center (911)
- Emergency Operations Center
- Parole and Probation
- Crisis Respite Center
- Transitional Housing

Predesign work includes both conceptual and schematic design and culminates with the County advancing a final option for justice system facilities in a bond measure for consideration by Benton County voters in May 2022 (or November 2022 if needed). Preceding the bond measure, the County

will present voters with a measure to renew its existing Public Health and Safety Local Option Levy (LOL), to maintain current operations and support new JSIP programs in the future.

Implementation is the third and final phase of the program. Implementation includes selecting architects and contractors, building facilities, rolling out new programs, and monitoring and optimizing existing programs. Depending on the combination of facilities and programs advanced from Predesign, the Implementation Phase is estimated to span 40-50 months following bond passage, with facilities estimated to open for operations in 2025 through 2027.

Current Situation

In February 2021, Benton County conducted public opinion polling on its justice system and LOL. Polling showed two out of three voters strongly agree Benton County is a safe place to live, with another 31 percent somewhat agreeing. Even so, the 2019 Assessment identified several major shortcomings that are undermining Benton County's justice system. Community prevention programs lack the capacity and key programs to meet local needs and divert at-risk persons from justice system involvement. Law enforcement agencies lack access to adequate jail capacity, forcing heavy reliance on citation and release of arrestees well beyond advisable levels. Jail staff must continually release justice involved individuals early to make space available for those arrestees that require incarceration. Defendants fail to appear at a substantial number of court-ordered hearings because there is often no consequence for their absence. Incarcerated offenders have little access to rehabilitative programs or needed mental health and substance abuse treatment. Finally, key justice system facilities—the jail, courthouse, and law enforcement center, are all in poor physical condition, undersized, and have serious operational deficiencies.

Benton County's jail capacity issues date back decades. The current jail, built in 1976, had an original capacity of 27 beds (later expanded to 50 in phases through reconfiguration and double bunking). Its modest original size reflected an understanding that Oregon Department of Corrections would build a larger regional correctional facility to house felony offenders, but the regional facility was never built. Benton County attempted and failed on three prior occasions, spanning nearly 20 years, to construct a new, larger jail, through a publicly-funded bond measure. The most recent bond measure vote occurred in November 2015. It failed for a variety of reasons, including a well-funded opposition, the jail's proposed location, and timing relative to passage of a bond measure in Albany (which influenced North Albany voters).

The arrival of COVID-19 in Benton County in early 2020 must be considered relative to JSIP. Long term social and economic impacts from the novel coronavirus are difficult to predict. Community sentiment relative to enhancing the County's justice system will surely change as a result of the pandemic. The Assessment never anticipated the impact of a global pandemic, but the impacts of COVID-19 must be accounted for, and adjustments made to JSIP throughout Predesign. For example, COVID-19 affect how the County conducts public outreach and engagement, pivoting from in-person events to some combination of virtual and in-person events, depending on health metrics and guidelines.

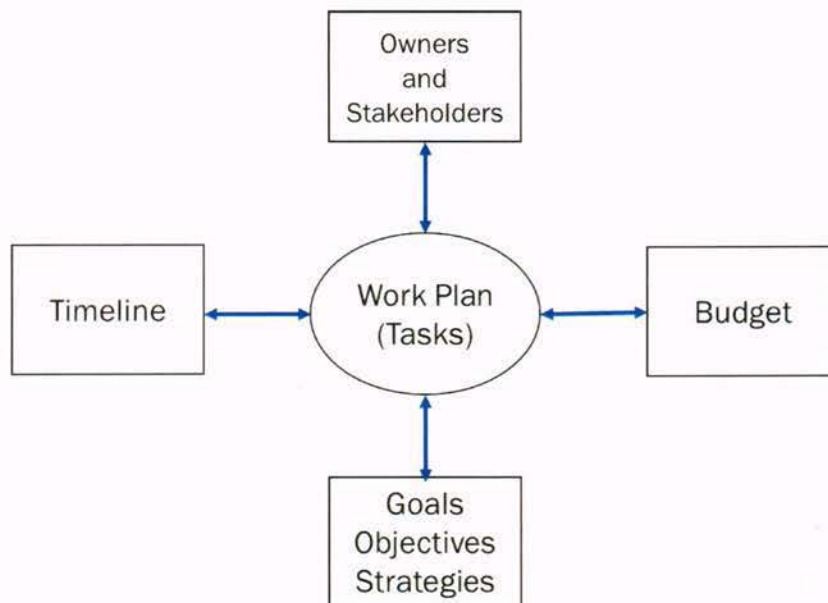
Vision

The residents of Benton County require an effective, efficient and equitable criminal justice system that maintains public safety and holds people accountable, while providing treatment opportunities that address underlying causes of criminal behavior.

Elements of a Project Plan

A project plan can be broken into the following five elements (Figure 2):

Figure 2.

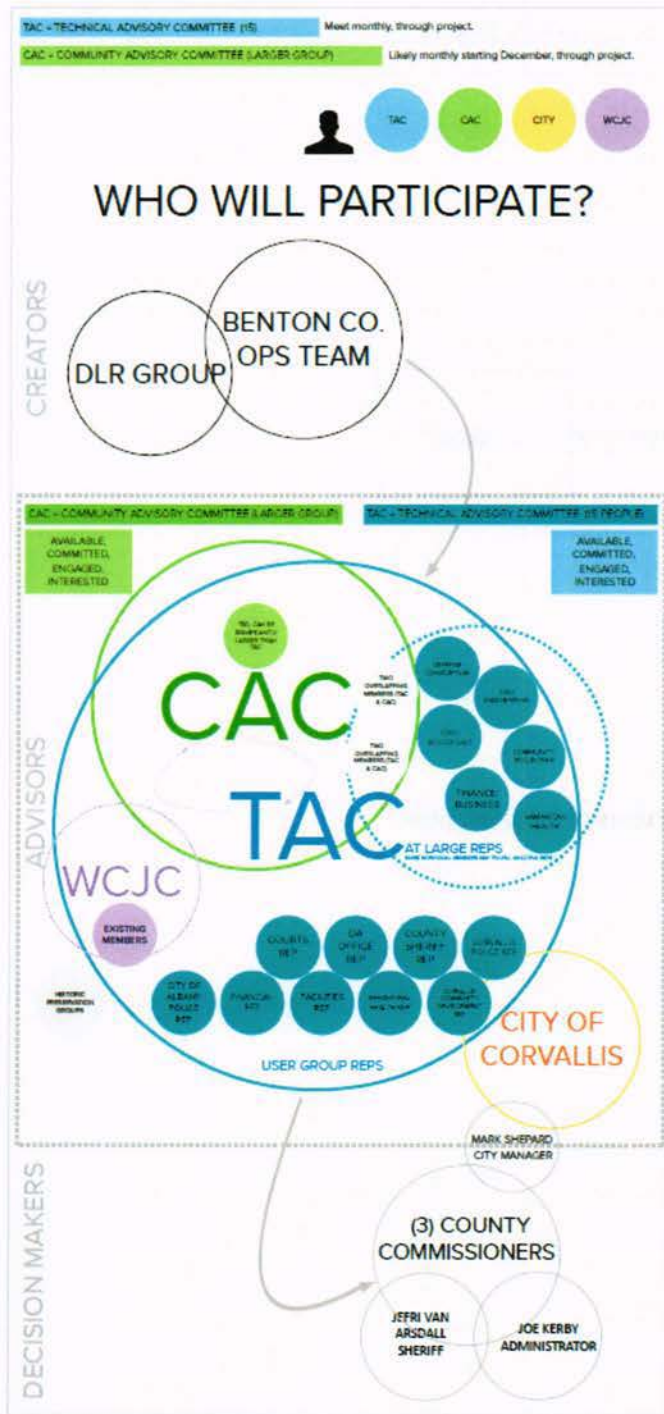


This document is organized around the five elements of a project plan.

Owners and Stakeholders

This section describes County and municipal internal and external stakeholders, project teams and structure, and decision authority and processes. The various stakeholder groups and organizational entities are shown in Figure 3 and as Attachment 1.

Figure 3. Owners and Stakeholders



County Board of Commissioners

Benton County has three Commissioners elected at-large to four-year terms. They have legislative, executive, and quasi-judicial responsibilities, set policy, and provide oversight for the County. The BOC includes the following individuals:

- Xan Augerot, Chair
- Nancy Wyse
- Pat Malone

Commissioner Augerot is the JSIP sponsor from the BOC, and one of several public representatives for the program. The Commissioners are a primary decision-maker for JSIP.

Program Executive Co-Sponsors

The Program Executive Co-Sponsors are County Administrator Joe Kerby and Sheriff Jefri Van Arsdall. Both are administrative champions of the program, and assist with establishing goals and objectives, resolving organization conflict, and informing the program manager (PM) on organizational and political consideration, and informing the public. The Executive Co-Sponsors are primary decision-makers for JSIP.

Program Manager

The PM is Nick Kurth. The PM is responsible for planning and managing the activities of the program to achieve program goals. The PM leads the Operations Team. Responsibilities include: establishing program strategy and tactics; serving as the primary liaison between the County, operations teams, stakeholders, partners and technical study consultants on all aspects of project; planning project stages and assessing implications for each stage; monitoring progress to assure deadlines, standards, and budgets are met; managing community engagement and acting as lead spokesperson and advocate for the program to the community.

Program Operations Core Team

The Operations Core Team (OCT) generally provides County administrative and executive oversight. The OCT establishes project goals, objectives, and strategies, determines budgets and timelines, and oversees internal and external communication. With the cooperation of the BOC, and internal and external stakeholders and partners, the OCT may operate as creators, advisors, or decision makers (Figure 2). The OCT includes the following individuals:

- Xan Augerot, Commissioner
- Joe Kerby, County Administrator
- Sheriff Jefri Van Arsdall
- Undersheriff Greg Ridler and/or Captain Don Rogers, Sheriff's Office
- Matt Wetherell, Juvenile Department Director
- Lili'a Neville, Senior Strategic Programs Manager
- Jaimi Glass, Public Information Officer
- Nick Kurth, PM

City of Corvallis

The City of Corvallis is both a key stakeholder and decision maker. The City and County have a history of partnership on justice system activities, including development of a 911 Service District and co-location of their law enforcement administration facilities. Mark Shepard, City Manager, will influence and determine project decisions and strategy. Also, the City will advise on matters of land use and development through its Community Development Department.

DLR Group

DLR Group is a Portland, Oregon-based architecture and design firm hired to manage Predesign (Phase II) of JSIP. DLR's predesign work includes a six-step process spanning a 24-month horizon and culminates with the community bond measure in May 2022. DLR will help translate the justice system vision and recommendations developed in Phase 1 into operational and facilities improvement recommendations that can be implemented by the County in future project phases. DLR's project core team includes the following individuals

- Lori Coppenrath, Programming/Operational Planning
- Tim Ganey, Principal Designer
- Jane Gooding, Project Manager
- Erica Ceder, Historic Preservation Architect
- Mitch Hein, Architect
- Justin Stranzl, Bond Planner and Communications

Community Advisory Committee

The Community Advisory Committee (CAC) comprises a diverse collection of community members from across the County who advise on matters related to JSIP and communicate progress. CAC members may serve in both an intermediate and potentially long-term capacity. The composition of the committee may change over time, but currently includes about 15 participants, representing a broad cross-section of justice system stakeholder interests, whether individually or organizationally, as follows:

- Karen Nibler
- Mary Anne Nusrata
- Jim Swinyard
- Helen Cunha
- Ralph Wyatt
- Andrew Freborg
- Carole Millie
- Sunny Blue
- Andrea Myhre
- John Sarna
- Malcom Miner
- Angel Harris
- Elona Meyer
- Whitney Rasmussen
- Dr. John Gotchall
- Diane Scottaline

In the intermediate-term, the Committee will serve in both an internal and external advisory capacity. The Committee is the primary advisory group to the Technical Advisory Committee (TAC), described in the next section, and by extension to the PM and DLR. A subset of the CAC will likely form the basis for a Political Action Committee in the latter stages of Predesign leading to the bond measure, so it is important the CAC, through its personal and professional networks, not only advise and update the general public on JSIP processes and progress, but enfranchises stakeholders. The CAC began meeting monthly in December 2020; meetings are open to the public.

In the long-term, the CAC will potentially play an advisory role following Phase III Implementation, continually improving the criminal justice system as new program phases are considered and planned; or, this responsibility may transition to the county Local Public Safety Coordinating Committee, known as the Willamette Criminal Justice Council (WCJC).

Technical Advisory Committee

The TAC is the primary advisory group to the Executive Sponsor, BOC, PM, Operations Core Team, and DLR. The committee includes subject-matter experts, both internal to the County and City organizations, as well as “at large” members from the community, who can advise on issues spanning the justice system and relative to Predesign Phase objectives. The 15-member committee began meeting monthly in November 2020 (the meetings are not open to the public) and includes the following individuals:

- Captain John Devaney – Benton County Sheriff’s Office
- Chief Nick Hurley – Corvallis Police Department
- Chief Marcia Harnden – Albany Police Department
- Amie Matusko, Senior Deputy DA – District Attorney’s Office
- Chris Westfall, Trial Court Administrator
- Dannielle Brown, Director Behavioral Health – Benton County
- Paul Wallsinger, Director Facilities – Benton County
- Representative – Benton County Finance
- Representative – City of Corvallis Community Development
- At-Large Member – Mike Flinn, Defense Consortium
- At-Large Member – Professor David Trejo, OSU Engineering
- At-Large Member – Professor Brett Burkhardt, OSU Sociology
- At-Large Member – Stacy Mellem, Community Volunteer and TAC liaison
- At-Large Member – Rick Hein, Governor’s Citizen Representative, Willamette Criminal Justice Council
- At-Large Member – Bill Bouska, Director of Community Solutions and Government Affairs, Samaritan Health Services

One or more of the at-large members serve on the CAC in a liaison capacity. Ad-hoc representatives from the City and County will be invited as needed.

Willamette Criminal Justice Council

The WCJC includes an Executive Committee, Full Committee, and Lay Committee. The Full Committee includes a long list of both justice system practitioners as well as lay members who are not closely involved in the day-to-day operations of the justice system. Per state statute (ORS 432.560), as a Local Public Safety Coordinating Council, the WCJC is responsible for developing and recommending to the BOC a plan for use of resources to serve the local offender population (provided by Parole and Probation), and a plan for the needs of the local offender population between the age of 15 and 17 years (provided by Juvenile Department). Additionally, the WCJC coordinates local policy among affected criminal justice entities. The Executive Committee includes the following individuals:

- John Haroldson, District Attorney and Council Chair
- Jefri Van Arsdall, Sheriff – Benton County
- Marcia Harnden, Chief of Police – Albany
- Nick Hurley, Chief of Police – Corvallis
- Ken Reuben, Chief of Police – Philomath
- Xan Augerot, Commissioner – Benton County
- Alex Johnson II, Mayor – Albany
- Rich Hein, Governor’s Citizen Representative and Council Treasurer

The WCJC recently formed two sub-committees, whose work may influence JSIP and beyond. The two committees are as follows:

- Mental Health Crisis Response Subcommittee
- Implicit Bias Assessment Subcommittee

County and City Internal Stakeholders and Partners

There are myriad City, County, and State stakeholders and partners, and many are represented on the various committees and teams described previously in this section. They include, but are not limited to the following:

- Law Enforcement
- Behavioral Health
- District Attorney
- State and Municipal Courts
- Defense Consortium
- Parole and Probation
- Juvenile Department

Of the many stakeholders, the City of Corvallis is a critical partner, which is why it is represented as both an “advisor” and “decider” in Figure 2. The operations of the City of Corvallis and County are linked in many ways, but none more so than through the justice system. The City is currently home to all County-related justice system facilities, and any new facilities proposed from Predesign will be located in or immediately adjacent to Corvallis City limits. Additionally, Corvallis Police Department and Benton County Sheriff’s Office (BCSO) currently share a law enforcement center and regularly cooperate and partner on law enforcement activities.

Community Stakeholders and Partners

A long list of community stakeholder groups and partners (Table 1) will influence JSIP through public outreach and engagement and the CAC.

Table 1. Community Stakeholders and Partners

• ABC House	• Linn-Benton Health Equity Alliance	• Corvallis Chamber of Commerce
• The Arc	• Mental Health and Development Diversity Advisory Council	• National Alliance for Mental Illness, Mid-Valley
• League of Women Voters Corvallis	• Organizacion de Latinas Unidas	• Philomath Chamber of Commerce
• Casa Latino Unidos	• OSU, various	• Faith community, various
• CASA Benton County	• Samaritan Health Services	• Trillium Family Services
• CARDV	• Academy for Lifelong Learning	• Sarah's Place
• Downtown Corvallis Association	• IHN-CCO	• Various Community Volunteers and Activists
• King Legacy Advisory Board	• Pathfinder Clubhouse	
• NAACP	• Milestones Family Recovery	
• C.H.A.N.C.E.	• Jackson Street Youth Services	
• Corvallis Historic Resource Commission	• Historic Courthouse Preservation Committee	

Goals

This section describes the goals, objectives, strategies, and high-level tactics of JSIP relative to the Predesign Phase. Detailed tactics supporting the strategies are described in the Tasks (Work Plan) section of the Plan. The JSIP Plan uses the SMART Goals format. SMART Goals are an acronym based on the following components:

- **S**pecific
- **M**easurable (metrics of success)
- **A**chievable
- **R**elevant
- **T**ime-bound (achieve when)

Phase II Predesign Goals

1. Design and plan for an improved justice system in Benton County, based on the Best Practices model defined in the Phase I Assessment, that provides the following in a fiscally responsible manner and is widely supported by voters (though a bond measure proposed for May 2022):
 - Rapid, appropriate, and effective response to crimes as they occur

- Mental health crisis response and diversion from the legal system, as appropriate
 - Efficient processing and adjudication of cases through the justice system
 - Incarceration based on potential risk to the community, and designed to maximize pretrial release and court appearance, while ensuring public safety
 - Treatment, programs, and case management to reduce criminal behavior and recidivism
 - Equity and inclusion across the spectrum of justice system intercepts
 - Excellent public, staff, and user experience, with easy access to justice facilities and programs
 - Is adaptable to change and growth, and incorporates sustainable and resilient operations and facility designs
2. Maintain current facilities and operations, and implement select programmatic improvements to the justice system, prior to implementing improvements outlined in the first goal.
 3. Design and plan for the adaptive reuse of the Historic Benton County Courthouse.

Objectives

The following six objectives supports JSIP's three goals:

Objective 1 – Identify an integrated system of programs and facilities that spans the County's justice system and provides the following:

- **Prevention:** Prevent incarceration by investing in community-based programs
- **Enforcement and Justice/Accountability:** Effectively respond to crimes and efficiently adjudicate cases by investing in justice-based programs and facilities
- **Rehabilitation:** Rehabilitate justice-involved individuals by investing in in-custody and diversion programs
- **Support:** Optimize and maintain the system over a 50-year horizon

Objective 2 – Through extensive public engagement and outreach, determine a balance of programs and facilities to meet financial, policy, political, and physical (primarily land) constraints that resonates with the voting public.

Objective 3 - Design an integrated system of best practice-based programs and facilities that is adaptable to change and growth, and incorporates sustainable and resilient operations and facility designs.

Objective 4 – Create and pursue revenue sources to fund capital investments in buildings, programs, and ongoing operations necessary to achieve and support the “Best Practices” model in a fiscally responsible manner, in addition to funding current operations through implementation of the new justice system.

Objective 5 – Provide for the safe use and enduring stewardship of the Historic Courthouse, preserving its integrity historically, culturally, physically, and financially.

Objective 6 – Explore and develop regional solutions to collectively advance and leverage programmatic elements and facilities across regional justice systems.

Strategies and Tactics

This section describes strategies and high-level tactics that support the goals and objectives of the program. Strategies and tactics are generally tied to specific objectives, but may in some cases span several. Timing for tactics is broken into pre- and post-bond measure, currently scheduled for May 2022.

Strategies and tactics supporting Objective 1

Objective 1: Balanced, integrated system of programs and facilities		
Strategy	Tactics	Timing (Pre- or Post-Bond)
Invest in community-based programs	New Crisis Respite Center - Develop Business Plan - Determine services, size, and ownership - Create project plan - Implement	Pre: TBD
	New Sobering center	Post
	Expanded mental health programs, including mobile crisis outreach	Pre: Pilot Q3 2021
	Expand substance abuse treatment	Post
	Developmental Diversity CommCard training for BCSO	Pre: Q3 2021
	Developmental Diversity Pathways to Justice training for local law enforcement	Pre: Q3 2021
	New restorative justice program	Post
	Additional transitional housing programs and facility	Post
Invest in justice-based programs, resources, and facilities	Pre-trial services - Install Automon case management software system, including court reminders - Implement updated offender classification system - Develop initial jail mental health screening tool	Pre: Q1-Q2 2021 scaled pilot
	Secure 5-10 near-County pretrial jail beds	Post: Q3-Q4 2023

	Recruit Corrections Sergeant for Program Manager (budget dependent)	
	Electronic monitoring (budget dependent)	Post: Q3 2022
	Work release center	Post
	Additional Deputy DAs (7 forecast from Assessment with 7-year phase in)	Pre and Post: Ongoing; 2 or 7 provided in 2019-21 biennium
	New correctional facility, courthouse, and law enforcement center	Post
Invest in in-custody programs	Mental health treatment, parenting education, anger management	Post
	Substance abuse treatment	Post
	Education/GED preparation	Post
	Cognitive behavioral health treatment	Post
Support the system in perpetuity	Data Analytics and Metrics - Pilot - Expanded	Pre Q2 2021
	Training	Post
	System Management	Post
	Community Advisory Committee	Pre Q4 2020

Strategies and tactics supporting Objectives 2 & 3

Objective 2: Optimizing balance of programs and facilities through public engagement Objective 3: Designing adaptable, sustainable, and resilient facilities		
Strategy	Tactics	Timing (Pre- or Post-Bond)
Listening, learning, teambuilding, and communication (Step 1)	• Project initiation kick-off • Integrated project development schedule • Sub-consultant scope agreements • Develop public engagement strategy • Historic Courthouse assessment strategy • Site selection and assessment strategy • Add BCSO representation to Operations Core Team; assess other representation • Empanel TAC and CAC • Design, build, and maintain effective website • Monthly communication on milestones from PM	Pre DLR Predesign Step 1 Complete 5/15/2020
		Pre 8/1/2020 – 10/31/2020
Develop preliminary project baseline targets (Step 2)	• Develop target baseline program • Target construction and project budget • Target sites for baseline analysis • Baseline facility massing / site assessment • Baseline engineering / sustainability assumptions • Baseline adaptive re-use of historic Courthouse • Second round stakeholder engagement • Alternative site options for concept study • Identify variables, options, risks for concept study	Pre DLR Predesign Step 2 Complete 10/15/2020
Determine basis of design direction for Concept Design (Step 3)	• Develop facility co-location strategies • Determine massing and adjacencies • Site phasing issues • Program and operational options integration • Urban design and land use	Pre DLR Predesign Step 3 Complete 02/26/2021

	• Civil design excellence • Facility exterior materials basis of design • Sustainability charrette • Engineering options and implications • Future flexibility and facility lifespans • Final Basis of Design for Concept Design	
Develop Concept Design options (Step 4)	• Develop three site options • Develop three facilities concept options • Maintain one option as baseline • Update target construction and project budgets • Update basis of design as needed • Update target project schedules and phasing • Update Court design/budget to OJD • Create presentation and renderings for public engagement	Pre DLR Predesign Step 4 Duration: 12 weeks 02/26/2021 – 05/21/2021
Determine concept and basis of design for Schematic Design (Step 5)	• Determine concept assessment process to establish direction • Conduct stakeholder engagement • Conduct public engagement • Refine feedback with BOC and OCT, then conduct final test engagement with TAC and CAC • Determine final site, scope, budget, and basis of design	Pre DLR Predesign Step 5 Duration: 17 weeks 05/22/2021 – 09/17/2021
Develop Schematic Design and bond support documents (Step 6)	• Develop Schematic Design drawings and narrative • Facility and site renderings for bond • Construction, project budgets for bond • Final program scope and operations plans • Project schedule and phasing strategy	Pre DLR Predesign Step 6 Duration: 17 weeks 09/18/2021 – 01/14/22
Develop and implement Communications and Public Engagement Plan	• Develop and implement robust multi-channel, multi-touch inclusive communications and public outreach and engagement plan, for conceptual designs feedback and final bond package.	Pre June 2020 – bond measure

Strategies and tactics supporting Objective 4

Objective 4: Secure revenue streams		
Strategy	Tactics	Timing (Pre- or Post-Bond)
Renew Public Health and Safety Local Option Levy	• Sub-contract Primary Communications to DLR • Secure “safe harbor” approval of County communications from Oregon Secretary of State • Conduct public opinion polling • Obtain BOC approval of and file SEL-805/801 and supporting documentation • Execute Communications Plan	Pre: May 2021
Secure voter approval for community bond measure	• All elements of Predesign Phases 1 through 6 as previously described	Pre: May 2022 (backup November 2022)
Investigate direct bond sale to offset portion of JSIP capital expense, and lower bond measure amount	• Explore direct bond measure for New Courthouse matching funds and land acquisition	Pre: Q2-Q4, 2021
New Courthouse funding from Oregon Courthouse Capital Construction & Improvement Fund	• Placeholder State Bond Request for OJD • Develop court construction proposal for the 2021/22 Legislative Session • Hire lobbyist (Jack Dempsey) • County provides BC delegation and key legislators with overview of CJSI Program	Pre: DLR Predesign Steps 3 & 6 Key dates: May, 2020 December, 2020 March 2021
Pursue other federal funding streams	• Work with Congressional staff	Pre and Post
Program-specific grants and funding	• TBD, as pursued by County Departments, e.g. BCSO and Health Department	Pre and Post

Strategies and tactics supporting Objective 5

Objective 5: Enduring stewardship of Historic Courthouse, whether part of CJSI Program or not.		
Strategy	Tactics	Timing (Pre- or Post-Bond)
Use DLR's six-step Predesign process to define a criminal justice-related use for the HC	• Define historic courthouse assessment strategy • Define baseline assessment and adaptive re-use assumptions. • Identify assessment plan and preliminary concepts for adaptive re-use • Document adaptive re-use strategies and narratives • Engage with public, stakeholder, and County leadership engagement on re-use strategies/concepts, including public opinion polling • Finalize documents, scope, scheduling, phasing, and budget for bond measure	Pre: DLR Predesign Steps 1 – 6
Develop plan for stewardship of Historic Courthouse independent of CJSI Program	• Create Preservation Plan • Determine County departmental ownership of HC as historic resource • Conduct Feasibility Study, beginning with market analysis, then business plan if warranted	Pre: March – September, 2021

Strategies and tactics supporting Objective 6

Objective 6: Regional Solutions		
Strategy	Tactics	Timing (Pre- or Post-Bond)
Work with Linn, Lincoln, and Polk County officials to identify opportunities to leverage shared multi-jurisdiction resources.	• Expanded out-of-county jail beds cooperation and treatment options • Joint Crisis Respite Center or Transitional Housing	Pre DLR Predesign Steps 1 – 6

Communications for Public Outreach and Engagement

DLR's six-step Predesign Phase process includes significant public outreach and engagement for feedback on proposed conceptual designs during summer 2021. The purpose of the engagement is to test conceptual designs and align on a single design for May 2022's bond package. For purposes of creating and executing a communications plan, the County hired Cogito, a Eugene-based communications consulting firm, in April 2021. Working directly with the PM and PIO Jaimi Glass, and in consult with the OCT, Cogito will draft a communications plan in May 2021 to be inserted into this document (Attachment 4.0).

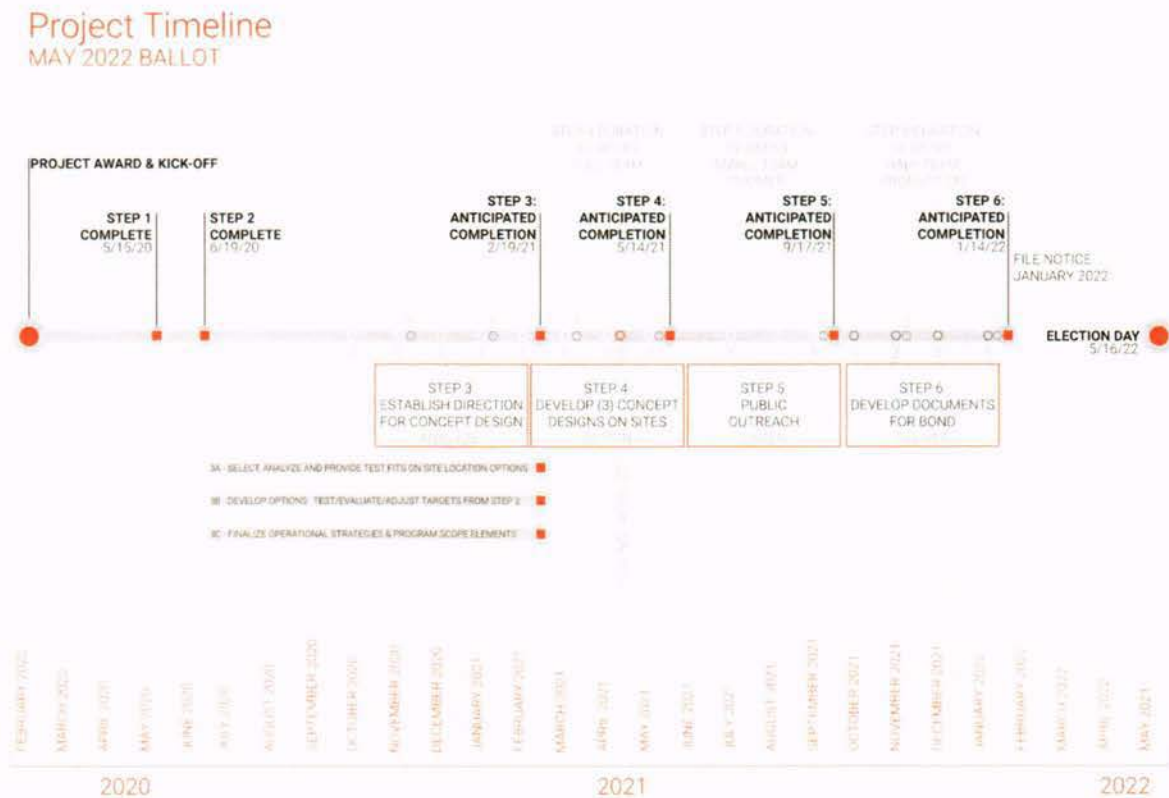
Timeline

The program timeline reflects dates proposed by the OCT for the Public Health and Safety LOL (May 2021) and the JSIP bond measure (May 2022) and supported by the BOC. The OCT selected the dates in consideration of anticipated taxing measures from other jurisdictions in or overlapping the County, including Linn County, the City of Corvallis, and 509J School District (Table 1), as well as organizational resource constraints caused by the COVID-19 global pandemic. The proposed dates could change, depending on conditions related to the pandemic and outcomes of other taxing measures. For instance, were the 509J LOL to fail in November 2021, the school district likely would return the measure to the ballot in May 2022, in which case the County would consider pushing its bond measure to November 2022. The BOC endorsed the proposed dates for the LOL and bond measure at their Goal Setting meeting on September 8, 2020. Predesign Phase project milestones are shown in Figure 4 and Attachment 3.

Table 1: County Jurisdiction Taxing Measures – Key Dates

	ELECTIONS				
	May 18, 2021	November 2, 2021	May 17, 2022	November 2022	May/Nov 2024
BOC Work Session and Meeting for approval of bond submission and/or LOL renewal	February 16	August 3	February 15		
Last day for County ballot title and LOL for publication of notice	February 26	August 13	February 25		
Last day for Local Governing Body to file Form SEL 801	March 18	September 2	March 17		
Local levy and bond measures (proposed and planned)	BC Public Safety LOL	509J LOL Primary Option Albany Public Safety LOL	BC CJSI Bond Measure Primary Option 509J LOL Backup Option	BC CJSI Bond Measure Backup Option	Corvallis City Livability LOL
Other Critical Dates	- December 2020: Final Courthouse construction budget proposal to OJD - Spring 2023: Courthouse construction funds available (if approved in 2021/22 Legislative Session)				

Figure 4. Project Timeline



Budget

The budget proposed for JSIP in the 2021-23 biennium is shown in Table 2. The budget includes funding for Predesign consultant DLR through the May 2022 bond measure (plus contingency), and communications consultant Cogito for summer 2021 public outreach and engagement. Additional budgeted expenses include polling services, research, training, and general and administration. Spending to date in the current biennium totals approximately \$1.01 million, with an additional approximately \$225,000 through the end of the biennium.

Table 2. JSIP Budget Request for 2021-23 Biennium

JSIP 2021-23 Proposed Budget		
Revenue: OCCC&I 50% Match	\$375,000	
Contracted Services including Contingency	\$475,000	
PM Salary and Benefits	\$247,988	
Materials and Supplies	\$150,000	
Central Cost Allocation	\$12,416	
IT Device Maintenance & Replacement	\$1,680	
TOTAL	\$512,084	

Work Plan (detailed tactics)

To be created

Attachments

- 1.0 Stakeholder/Organization Roles and Responsibilities
- 2.0 Predesign Phase Project Budget
- 3.0 Predesign Phase Project Timeline
- 4.0 Communications Scope of Work

Attachment 1.0: Stakeholder/Organization Roles and Responsibilities

(Insert 11x17)

Attachment 2.0: Predesign Phase Proposed Program Budget 2021-23



Biennium Budget Prep Detail

Print Date:
4/12/2021

Biennium: Biennium: July 2019 -- June 2021 with Period: 2-09 Year-2 Period-9 MARCH 87,50%
Projection: 21000 - MASTER COUNTY BUDGET 2021-23 Budget Prep Level: L2-Bud Rvw
Hide Zero Amount Sections: (True)
Funds: (001) Divisions: (01) Programs: (All Programs) Cost Centers: (All Cost Centers) Objects: (All Objects)

	L2-Bud Rvw REQUESTED BUDGET	2019-2021 Budget	% CHANGE IN BUDGET	2019-2021 BIENNIUM TO DATE	% Used/ Rec'd
Fund: 001 - GENERAL					
Division: 01 - BOARD OF COMMISSIONERS					
Program: 10 - GENERAL GOVERNMENT					
Cost Center: 131 - CRIMINAL JUSTICE ASSESSMENT					
REVENUES					
OPERATING GRT/CONTR					
472000 - STATE: MISC GRANTS/SUPPORT	(375,000.00)	0.00	0%	0.00	0%
TOTAL OPERATING GRT/CONTR	(375,000.00)	0.00	0%	0.00	0%
TOTAL REVENUES	(375,000.00)	0.00	0%	0.00	0%
EXPENDITURES					
PERSONAL SERVICES					
552000 - PROGRAM COORDINATOR 2	143,285.00	0.00	0%	0.00	0%
599000 - EMPLOYEE BENEFITS	104,703.00	0.00	0%	0.00	0%
TOTAL PERSONAL SERVICES	247,988.00	0.00	0%	0.00	0%
MATERIALS & SERVICES					
601000 - MATERIALS & SUPPLIES	150,000.00	0.00	0%	0.00	0%
606000 - CONTRACTED SERVICES	475,000.00	0.00	0%	0.00	0%
681010 - CENTRAL COST ALLOCATION	12,416.00	0.00	0%	0.00	0%
681017 - IT DEVICE MAINT/REPLMT CHARGE	1,680.00	0.00	0%	0.00	0%
TOTAL MATERIALS & SERVICES	639,096.00	0.00	0%	0.00	0%
TOTAL EXPENDITURES	887,084.00	0.00	0%	0.00	0%
Total Cost Center: -Surplus/ + Deficit - 131 - CRIMINAL JUSTICE ASSESSMENT	512,084.00	0.00		0.00	

Attachment 3.0: Predesign Phase Project Timeline

(Insert 11x17)

Attachment 4.0: Communications Plan for Public Outreach/Engagement

Insert Communications Plan

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/27/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * County Counsel

Contact Name * Vance

Phone Extension * 6890

Meeting Attendee Name * Vance / James Morales

Agenda Item Details

Item Title * Amending Benton County Code Ch 5 - Ballot Measure, Ordinance No. 2021-0301

Item Involves * Check all that apply

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

Board/Committee Involvement *

- ☐ Yes
- ☐ No

Advertisement *

- ☐ Yes
- ☐ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues***

The Secretary of State's Election Division establishes the process for filing ballot measures. Specifically OAR 165-014-0005(3) designates the County, City and District Initiative and Referendum Manual as establishing the procedure for filing local ballot measures. That manual sets a deadline for filing local ballot measures as no later than the 81st day prior to an election. Benton County Code ch. 5.010(3)(b)(A) sets that timeframe as 85 days and BCC 5.325 describes an 80-day deadline. Both are inconsistent with the State's Election Division procedure.

The attached ordinance would amend BCC 5.010 and 5.325 to bring our local ballot measure filing deadlines into alignment with the state's timeframes.

Options*

- 1) Approve Ordinance No. 2021-0301 amending BCC chapter 5.
- 2) Decline to approve amendments to BCC ch. 5.
- 3) Direct staff to make changes to the proposal and return with an updated version of the county code chapter.

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 * n/a

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection * n/a

Recommendations and Motions

Item Recommendations and Motions

Staff Staff recommends approval of the proposed code changes
Recommendations*

Meeting Motions* I move to ...
I move to enact Ordinance No. 2021-0301 amending Benton County Code Chapter 5 and to conduct a 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.

CC_Amending BC Code Ch 5_Ballot Measures ORDINANCE.docx	14.25KB
CC_Amending BC Code Ch 5_Ballot Measures REDLINED.docx	26.07KB

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

Department VANCE CRONEY
Approver

Department Approval

Comments

Signature

Vance H. Coney

BOC Initial Approval

Approvals Required ☐ Counsel
☐ Finance
☐ HR

County Administrator Approver JOE KERBY

Comments

County Administrator Approval

Comments

Signature

Joseph Kerby

BOC Final Approval

Comments

Signature

Teresa Farley

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

**In the Matter of Amending Chapter 5)
of the Benton County Code) Ordinance No. 2021-0301**

THE BENTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAIN AS
FOLLOWS:

WHEREAS, following review of the Oregon Secretary of State's Election timelines, it was determined that Benton County Code, chapter 5 does not align with the state's published timelines for filing ballot measures; and

WHEREAS, in order to be consistent with state requirements, it is necessary to revise Benton County's local timeline found in chapter 5 of the Benton County Code; and

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

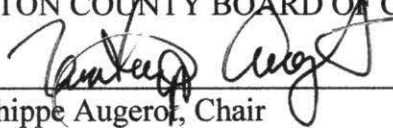
PART I: Short Title. This ordinance shall be known as "Amendment to Benton County Code Chapter 5.

PART II. Text Amendment. Benton County Code Chapter 5 is hereby amended as noted in the attachment marked Exhibit A.

PART III. The effective date of the amendment to the Benton County Code will be:

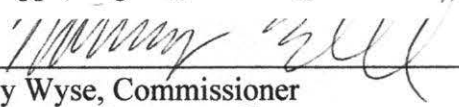
1st Reading: April 6, 2021
2nd Reading: April 27, 2021
Effective Date: May 27, 2021

BENTON COUNTY BOARD OF COMMISSIONERS

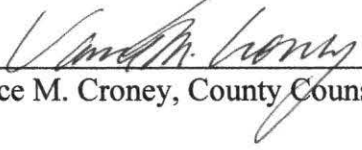


Xanthippe Augerot, Chair

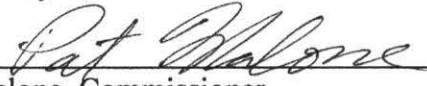
Approved as to form:



Nancy Wyse, Commissioner



Vance M. Croney, County Counsel



Pat Malone, Commissioner

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 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 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 be impartial, 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 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 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 explanatory statement is not impartial, is insufficient, or unclear.
- (c) Upon receipt of a petition, the County Clerk, or 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 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 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 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 election date on which the advisory measure appears on the ballot. [Ord. 2019-0291]

BOC Agenda Checklist Master

1.2

Agenda Placement and Contacts

Suggested Agenda Date 04/27/21

[View Agenda Tracker](#)

Suggested Placement* BOC Tuesday Meeting

Department* County Counsel

Contact Name* Vance

Phone Extension* 6890

Meeting Attendee Name* Vance / Lynne

Agenda Item Details

Item Title* Amending Benton County Code Chapter 9 - Animal Control - Ordinance No. 2021-302

Item Involves* Check all that apply

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

Board/Committee Involvement* ☐ Yes ☒ No

Advertisement* ☐ Yes ☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

In 2019, the Board of Commissioners amended BCC ch. 9 to include a ban on displaying or exhibiting exotic animals in Benton County. The Fair Board and Natural Areas, Parks and Events Director later determined the ban was too broad because it inadvertently included horses, zebras, donkeys and burros.

The Fair Board, NAPE Director and Board of Commissioners desire to remove horses, zebras, burros and donkeys from the exotic animal ban in BCC ch. 9. To effect that change, BCC 9.9.805(4)(i) would be amended to specifically exclude the Equidae family from the Perissodactyla order of banned animals.

Options *

- 1) Approve Ordinance No. 2021-0302 amending BCC chapter 9.
- 2) Decline to approve amendments to BCC ch. 9.
- 3) Direct staff to make changes to the proposal and return with an updated version of the county code chapter.

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 n/a
Selections *

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 n/a
and Vision
Selection *

Recommendations and Motions

Item Recommendations and Motions

Staff Staff recommends approval of the proposed code changes.

Recommendations*

Meeting Motions* I move to ...

I move to enact Ordinance No. 2021-0302 amending Benton County Code Chapter 9 and to conduct a 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.

CC_Amending BC Code Ch 9_Animal Control ORDINANCE.docx	14.31KB
CC_Amending BC Code Ch 9 Animal Control REDLINED.docx	37.3KB

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

Department Approver VANCE CRONEY

Department Approval

Comments

Signature

Vance H. Cheney

BOC Initial Approval

Approvals Required ☐ Counsel
☐ Finance
☐ HR

County Administrator Approver JOE KERBY

Comments

County Administrator Approval

Comments

Signature

Joseph Kerby

BOC Final Approval

Comments

Signature

Teresa Farley

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

**In the Matter of Amending Chapter 9 of)
the Benton County Code) Ordinance No. 2021-0302**

THE BENTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAIN AS
FOLLOWS:

WHEREAS, following amendment of Benton County Code chapter 9 in 2019 to ban exotic animals from displays or exhibits in Benton County, the Fair Board and Natural Areas, Parks and Events Director determined the exotic animal ban inadvertently included horses, zebras, burros and donkeys; and

WHEREAS, the Fair Board, NAPE Director and Board of Commissioners wish to remove horses, zebras, burros and donkeys from the exotic animal ban in BCC ch. 9; and

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

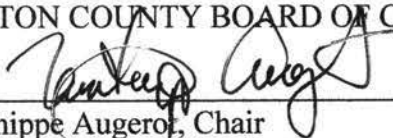
PART I: Short Title. This ordinance shall be known as "Amendment to Benton County Code Chapter 9."

PART II. Text Amendment. Benton County Code Chapter 9 is hereby amended as noted in the attachment marked Exhibit A.

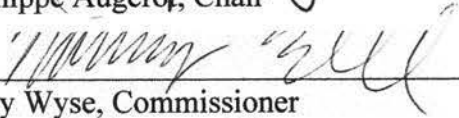
PART III. The effective date of the amendment to the Benton County Code will be:

1st Reading: April 6, 2021
2nd Reading: April 27, 2021
Effective Date: May 27, 2021

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair

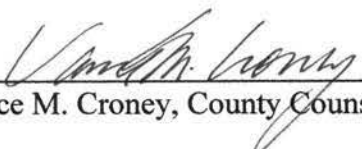


Nancy Wyse, Commissioner



Pat Malone, Commissioner

Approved as to form:



Vance M. Croney, County Counsel

CHAPTER 9

ANIMAL CONTROL

ADMINISTRATION

9.005 Definitions. As used in Benton County Code Chapter 9:

- (1) **"Abandon"** means either permanently or temporarily relinquishing all ownership rights and responsibilities in an animal.
- (2) **"Abuse"** means any mistreatment of a dog which results in the physical injury or death of the dog.
- (3) **"Adult dog"** means a dog which is at least six months old or which has a set of permanent canine teeth.
- (4) **"Animal"** means a dog or other animal of a species susceptible to rabies.
- (5) **"Animal Control Program"** means the Animal Control Program of the Benton County Sheriff's Office.
- (6) **"Animal Control Deputy"** means the person employed by and authorized by Benton County Sheriff's Office to enforce BCC Chapter 9 and ORS Chapters 167, 433, and 609 concerning animal control. The term includes any and all deputies of the Benton County Sheriff's Office, who are hereby authorized to enforce BCC Chapter 9 and ORS Chapters 167, 433, and 609.
- (7) **"At Large"** means a dog off the premises of the owner and not under the immediate control of the owner or of a competent person; except "at large" does not include exhibition in dog shows, obedience training or the use of a dog under the supervision of a person to hunt, chase or tree predatory animals or game birds, or the use of a dog to control or protect livestock or use in other related agricultural activities.
- (8) **"Public Nuisance"** includes several topics:
 - (a) **"Barking Dog,"** a dog which repeatedly and for prolonged periods barks, or makes other noise, without provocation which disturbs the peace and quiet of any nearby County Resident.
 - (b) **"Estrus,"** the regularly recurrent period of ovulation and sexual excitement in female dogs, also known as "in heat."
 - (c) **"Menacing"** means any behavior by a dog which would cause fear of imminent danger in a reasonable person.

(9) **"Health Department"** means the Benton County Health Department.

(10) **"Kennel, commercial"** means a lot or premise on which five or more adult dogs are kept for breeding purposes for profit and/or where five or more adult dogs are boarded for profit.

(11) **"Kennel, hobby"** means a lot or premise on which five or more adult dogs are kept for purposes other than those described for a commercial kennel. These purposes include, but are not limited to, show, hunting, stock raising or other personal use.

(12) **"Livestock"** for the purpose of dog control, means animals kept for husbandry. Livestock includes, but is not limited to, cattle, sheep, horses, mules, asses, burros, goats, swine, llamas and other hoofed domesticated animals and any forbearing animal bred and maintained within pens, cages, or hutches. Livestock, for all other purposes related to this Chapter, shall have the definition provided in Oregon Revised Statutes.

(13) **"Minimum Care"** means provision of care sufficient to preserve the health and well-being of the specific dog. This level of care requires, but is not limited to:

- (a) providing food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
- (b) providing adequate access to potable water in sufficient quantity to satisfy the dog's needs. Snow or ice is not an adequate water source;
- (c) providing access to an enclosed shelter sufficient to protect the dog from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness;
- (d) providing veterinary care to the extent deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;
- (e) providing adequate space for exercise necessary for the health of the dog; and
- (f) providing a confinement area which is reasonably clean and free of contaminants which could affect the health of the dog. The air temperature in the confinement area must be suitable for the dog.

(14) **"Neglect"** means failure to provide minimum care to a dog, whether or not such failure results in physical injury or death of the dog.

(15) **"Neutered"** means the removal of the ovaries and uterus, or ovarian hysterectomy in female dogs or the removal of the male gonads in male dogs. This term also includes any other method of sterilizing a dog which is certified and performed by a licensed veterinarian.

(16) **"Owner"** means any person:

- (a) having a right of property in an animal;

- (b) harboring an animal;
- (c) having an animal in his or her care;
- (d) acting as an animal's custodian; or
- (e) knowingly permitting an animal to remain on or about any premises occupied by the person.

(17) **"Permit"** means human conduct in relation to a dog which is intentional knowing, reckless, careless or with criminal intent.

(18) **"Provocation"** means any action by a human which torments or abuses a dog.

(19) **"Records and Elections Department"** means the department managed by the Benton County Clerk administering dog and animal rescue entity licensing programs.

(20) **"Sheriff's Office"** means the Office in which the Animal Control Deputy is supervised and the Office that is hereby authorized to enforce BCC Chapter 9 and ORS Chapters 167, 433, and 609.

(21) **"Trespasser"** means any person entering on the property of another for an illegitimate purpose or with criminal intent. Any person entering the property of another outside the reasonable access area shall be rebuttably presumed to be a trespasser. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2012-045; Ord. 2016-0274]

9.010 County Ordinance Supersedes State Law. The purpose of Chapter 9 is to provide for animal control within Benton County. Chapter 9 supersedes certain provisions of ORS Chapters 167, 433 and 609 by providing regulations governing the control of animals in Benton County. Whenever this Chapter conflicts with ORS Chapters 167, 433 and 609, this Chapter shall prevail. Where no conflict exists, ORS Chapters 167, 433 and 609 shall be in full force and effect. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122]

ANIMAL CONTROL PROGRAM AND DEPUTY

9.105 Animal Control Program Powers and Duties. The duties of this program shall be:

- (1) To enforce the provisions of BCC Chapter 9 and ORS Chapters 167, 433, and 609 where applicable;
- (2) To maintain or contract for the maintenance of an animal shelter where all animals which are subject to impoundment may be safely and humanely kept; and
- (3) To collect any costs, fees, and charges provided by BCC Chapter 9. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245 Ord. 2016-0274]

9.110 Dog License Revenue Account. All funds derived from dog licensing and other fees and fines required to be paid under authority of Chapter 9 shall be paid to the Records and Elections Department and maintained in an account within the County General Fund known as the Dog License Revenue Account. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.115 Citation Authority. The Animal Control Deputy may issue to an owner a warning or a citation for any violation of BCC Chapter 9. A citation must be filed within three months of the date of the alleged violation.

(1) Unless otherwise provided, a violation of any mandatory provision of BCC Chapter 9 shall result in a citation being issued to the violator.

(2) The amount of fine or penalty for a violation of BCC Chapter 9 shall be established by order of the Board of Commissioners, and shall be recorded in the Sheriff's Office. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.120 Entry On To Private Land. The Animal Control Deputy may enter onto private land in the course of enforcing the provisions of BCC Chapter 9 and ORS Chapters 167, 433, and 609 but shall not enter any building or dwelling without first obtaining an administrative search warrant or the authorization of the owner or occupant of the premises. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.125 Interference with Animal Control Deputy Prohibited. No person shall intentionally interfere with the Animal Control Deputy while the Deputy is performing his/her duties. [Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

MANDATORY PROVISIONS

9.205 Dogs At Large. No owner shall permit his/her dog to be at large. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122]

9.206 Public Nuisance. No dog owner shall permit their dog in estrus (heat) to become an attraction to other dogs; shall own, keep or harbor a barking dog; nor allow their dog to menace by any behavior which would cause fear of imminent danger in a reasonable person [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.207 Barking Dogs. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; deleted by Ord. 2012-0245]

9.208 Maintaining Dangerous Dog. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; deleted by Ord. 2012-0245]

9.209 Livestock at Large.

- (1) No person owning or having the custody, possession or control of an animal of a class of livestock shall permit the animal to run at large or to be herded, pastured or to go upon the land of another.
- (2) This section is not intended to prohibit a person from driving livestock along a public road. [Ord. 2016-0274]

9.210 Unprovoked Attacks Against Non-livestock Animals.

- (1) No owner shall permit his/her dog to attack, without provocation, a dog, cat, domesticated fowl, or other non-livestock animal of another person off the property owned or occupied by the owner of the attacking dog.
- (2) In addition to any fine imposed, an owner found guilty in Circuit Court of permitting an unprovoked attack shall make full restitution to the owner of the injured animal(s) for the actual damages resulting from the unprovoked attack. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; Ord. 2016-0274]

9.215 Chasing, Injuring, Killing of Livestock/Domesticated Fowl.

- (1) No owner shall permit his/her dog to chase, injure or kill livestock or domesticated fowl.
- (2) Any dog at large which chases, injures, or kills any livestock not belonging to its owner may be killed immediately by any person.
- (3) When a complaint has been received alleging that a dog at large chased, injured or killed livestock, and investigation by the Animal Control Deputy supports such conclusion, the dog owner shall be cited for violation of BCC Chapter 9.
- (4) If reasonable testing of a dog alleged to have injured or killed livestock, including, but not limited to, a fecal examination or examination of the teeth of the dog, is likely to provide substantial evidence as to whether the dog has injured or killed livestock, the owner must surrender the dog to the Animal Control Deputy for testing. The Animal Control Program shall provide for the administration of the tests by a licensed veterinarian. Testing will only be done at the request of the livestock owner and if the results are negative, the livestock owner shall be responsible for all costs incurred. If the results are positive, the dog owner shall pay for all costs incurred.
- (5) The dog of an owner found guilty in Circuit Court of permitting his/her dog to chase, injure, or kill livestock shall be disposed of in accordance with BCC 9.325(1).
- (6) Any dog at large which chases, injures or kills any domesticated fowl not belonging to its owner may be killed immediately by any person, except that no person shall kill a dog which has chased, injured, or killed chickens upon a public place or highway, or kill any dog acting under the direction of its owner, or the agents or the employees of its owner. [Ord. 4A, adopted February

7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; Ord. 2012-0245; Ord. 2016-0274]

9.220 Abandoned, Neglected, and Abused Dogs. [Ord. 4A, adopted February 7, 1979; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; deleted by Ord. 2012-0245]

9.225 Biting Dogs to be Reported.

(1) The owner of a dog which bites a human being shall immediately notify the Health Department or the Animal Control Program, and shall give the division the name and address of the person bitten, if known.

(2) Any person who is bitten by a dog shall immediately notify the Health Department or the Animal Control Program, giving a description of the dog and the name and address of the owner, if known.

(3) When a doctor, veterinarian or hospital employee has information that a person has been bitten by a dog, such person shall immediately notify the Health Department or the Animal Control Program. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2016-0274]

POTENTIALLY RABID ANIMALS

9.230 Quarantine.

(1) When either the Health Department or the Animal Control Program has grounds to suspect that an animal is infected with rabies, written notice shall be delivered both personally and by first class mail to the owner of the animal. Delivery of the notice to any apparently responsible person over age fifteen (15) residing upon the premises where the animal is kept shall be considered personal delivery of notice to the owner.

(2) Surveillance, confinement, and testing of the animal shall be in accordance with the Oregon Health Authority Investigative Guidelines – Animal Bites and Rabies and OAR 333-019-0017 through -0027. Any animal required to be quarantined shall be confined at the owner's expense in a veterinary hospital, the Benton Humane Society, or a kennel or other facility approved by the Health Department or by the Animal Control Program. At the discretion of the Animal Control Program, the dog may be quarantined on property designated by the Animal Control Deputy pursuant to an "Agreement of Confinement" as established in BCC Chapter 9.310.

(3) If an animal exhibits symptoms of rabies while it is under quarantine, the Health Administrator may order in writing that it be destroyed and that its head be submitted to the Oregon State Public Health Laboratory or the Oregon State University Veterinary Diagnostic Laboratory in accordance with the Oregon Health Authority Investigative Guidelines. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245; Ord. 2016-0274]

9.235 General Provisions. Any animal that has been exposed to known or suspected rabid animals shall be handled in accordance with Oregon Health Authority Investigative Guidelines. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

IMPOUNDMENT/DESTRUCTION OF ANIMALS

9.305 Impoundment of Animals.

- (1) The Animal Control Deputy is authorized to impound and hold, for as long as necessary, any animal which is the subject of a violation of BCC Chapter 9 or ORS Chapters 167, 433, or 609.
- (2) The Animal Control Deputy is authorized to impound and hold, for as long as necessary, any animal which the Animal Control Deputy reasonably believes constitutes a continuing threat to the health and welfare of a human, livestock, any animal other than livestock, or fowl.
- (3) The Animal Control Deputy is authorized to impound and hold, for as long as necessary for the welfare of the animal, any animal which has been abandoned, neglected, or abused by its owner.
- (4) The Animal Control Deputy is authorized to impound a dog whose owner is guilty of three (3) or more violations of BCC Chapter 9 or ORS Chapters 167, 433, or 609.
- (5) An owner shall be liable for all costs to house and maintain an impounded animal. [Ord. 4A, adopted February 7, 1,979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.310 Agreement of Confinement in Lieu of Impoundment.

- (1) If the owner requests and the Animal Control Deputy concludes that an animal which is subject to impoundment under BCC Chapter 9.305 can be safely maintained at its current residence, the owner must sign an "Agreement of Confinement." The agreement shall be negotiated by the Animal Control Deputy and be executed by the Benton County Sheriff on behalf of the County and shall provide:
 - (a) That the animal must remain confined to the designated property at all times;
 - (b) That the animal shall not be sold, given, or transferred in any manner to another owner, person, or entity;
 - (c) That if the animal impounded is a dog, the dog at all times must wear a color-designated tag indicating that it is currently under confinement;
 - (d) That any subsequent violation of BCC Chapter 9 or ORS Chapters 167, 433, and 609 concerning the control of animals or violation of the terms of the agreement of confinement will result in the issuance of an additional citation and immediate impoundment of the animal;

- (e) That the animal must be surrendered upon demand of the Animal Control Deputy following conviction of the owner in Circuit Court on any charges concerning the animal; and
- (f) That the owner shall be fully responsible for any damage caused by his/her animal while under confinement and shall agree to defend, indemnify, and hold the County harmless against any claim or award for such damages. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.315 Redemption or Sale of Impounded Animals.

- (1) Redemption of an impounded animal by the owner shall be made by exhibiting satisfactory proof of ownership and by paying charges for impoundment, board, any necessary license fees, and any reasonable medical expenses which have been incurred during the impoundment.
- (2) An impounded animal may, pursuant to BCC Chapter 9.320, be destroyed or be sold to any person for any reasonable price established by the Animal Control Program or its designated agent.
- (3) A new owner shall, at his/her own expense, obtain any necessary license and vaccination at the time of purchase. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245; Ord. 2016-0274]

9.320 Disposition of Impounded Dogs. Any dog impounded for alleged violation of BCC Chapter 9 or ORS Chapters 167, 433, or 609 shall be held and disposed of in accordance with the following provisions:

- (1) An unlicensed dog which has not been redeemed within three (3) working days after impoundment may be sold or destroyed.
- (2) An impounded dog with a valid license shall be disposed of in the following manner:
 - (a) The Animal Control Program or its designated agent shall attempt to notify the owner by phone or personal contact.
 - (b) If the dog is not redeemed within twenty-four (24) hours of impoundment, the Animal Control Program shall notify the owner by regular and certified mail at the owner's last known address that the dog must be redeemed within three (3) days of receipt of notice or it will be sold or destroyed.
 - (c) If the notice sent by certified mail returns unsigned and the dog is not redeemed by its owner, the dog may be sold or destroyed immediately.
- (3) The owner of any dog impounded pursuant BCC 9.305(4) shall be notified that the dog may be offered for adoption, for a period to be determined at the discretion of the Animal Control Deputy, before the dog shall be destroyed.

(4) Any dog whose owner forfeits, either voluntarily or involuntarily, ownership rights in the dog, may be sold or destroyed immediately.

(5) A daily record of impounded dogs shall be maintained by the County or its designated agent, and shall be made available to the public. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2016-0274]

9.325 Grounds for Destruction of Dogs.

(1) A dog shall be impounded and destroyed upon conviction of the owner in Circuit Court on the charge that the dog killed or injured livestock.

(2) A dog shall be impounded and destroyed upon conviction of the owner in Circuit Court on the charge that he/she keeps or harbors a vicious dog. [Ord. 97-0122; Ord. 99-0147]

9.330 Process for Destruction of Dogs.

Within two (2) working days after conviction of a violation of BCC 9.325(1) or (2), and impoundment of the dog, the owner shall be notified in writing that the dog will be destroyed in a humane manner three (3) working days following the date of notice. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; Ord. 2007-0218]

DOG LICENSES

9.405 Licenses Required.

(1) An owner shall have a valid Benton County dog license for every adult dog owned by that owner.

(2) An owner who owns five (5) or more dogs shall be eligible to purchase a multiple dog license in lieu of a regular license for each dog.

(3) Except as provided in BCC 9.440, an owner who moves into Benton County, or who acquires a dog or multiple dogs of more than six (6) months of age, has thirty (30) days within which to purchase a license for the dog(s) before being subject to the delinquent license penalty.

(4) Upon receipt of applicable fee a dog license shall be valid for the period of the fee or through the expiration date of the rabies inoculation, whichever comes first, or until death or transfer of ownership of the dog(s). If applicable, proof of renewed rabies inoculation, within 30 days of the previous inoculation expiration shall extend the license through the end of the paid license period.

(5) The amount of the fees shall be established by order of the Board of Commissioners, and shall be recorded. Dog license fees are non-refundable. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.410 License Requirements.

(1) All dogs owned by residents of Benton County shall be inoculated against rabies. No dog license shall be issued absent proof that the dog has been inoculated against rabies pursuant to ORS Chapter 433. Proof shall consist of a certificate of inoculation which must demonstrate that the vaccination is valid for immunity against rabies for the licensing period. The certificate shall include the name and breed of the dog and shall include the name and address of the owner. A license tag issued to an owner shall constitute proof that the dog has been inoculated.

(2) Veterinarians who maintain offices within Benton County shall, within thirty (30) calendar days of administering each rabies inoculation, submit to the Animal Control Program a true and complete copy of each certificate of inoculation administered to a dog. The certificate shall include the name and breed of the dog and shall include the name and address of the owner. Failure to comply with this section may, absent a showing of cause, subject the veterinarian to a civil penalty in a sum not to exceed Fifty Dollars (\$50) per occurrence.

(3) The Records and Elections Department shall maintain a current file of dog license records and all current and valid certificates of inoculation delivered by the Animal Control Program to Records and Elections Department. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2012-0245; Ord. 2016-0274]

9.420 Penalties for Failure to Acquire License.

(1) An owner who fails to possess a current dog license may be given a written warning and shall, within fourteen (14) days of the warning, pay all fees due the County for a dog license and shall be issued a receipt. The owner shall present a certificate of inoculation to the Records and Elections Department and claim the dog license and tag within the same fourteen (14) days. Owners who fail to claim their license and tag within seven calendar days shall be issued a citation for failure to acquire a license or a citation for failure to have a dog vaccinated against rabies or both.

(2) An owner who fails to acquire a license within the time periods provided in this chapter shall pay a delinquent license penalty. The amount of the penalty shall be established by order of the Board of Commissioners, and shall be recorded. The penalty shall be in addition to the applicable license fee and shall be paid at the time of the issuance of the license. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2012-0245; Ord. 2016-0274]

9.425 Guide Dogs and Assistance Animals Exempt From Fees.

(1) No fee shall be charged to license a guide dog owned by a blind or deaf person. A license shall be issued for such a dog upon exhibiting proof of compliance with exemption along with a valid rabies certificate.

(2) No fee shall be charged to license a dog under the 4-H Guide Dog Program for the blind and deaf. A license shall be issued upon exhibiting proof of compliance with the exemption along with a valid rabies certificate.

(3) Notwithstanding subsections (1) and (2) of this section, a dog license tag fee may be assessed for a dog licensed as an assistance animal, under the provisions of subsection (4) of this section.

(4) A signed statement, from the dog owners physician that identifies the need or recommends a guide or assistance animal, must accompany a license application accepted under this section. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.430 Fees for Persons Aged 65 or older.

License fees for dogs owned by persons aged 65 or older, at the time they license their dog(s), shall be less than the regular license fee. The amount of the fee shall be established by order of the Board of Commissioners, and shall be recorded. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218]

9.435 Fee for Neutered Dog.

(1) The license fee for neutered dogs shall be less than the regular license fee. The amount of the fee shall be established by order of the Board of Commissioners, and shall be recorded.

(2) A certificate of neutering, or equivalent proof that a dog has been neutered, signed by a licensed veterinarian, must be filed with the Records and Elections Department before a license will be sold at the lesser rate. All certificates or proof shall be kept on file in the Records and Elections Department. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.440 Dog License Reciprocity.

(1) A dog licensed in another Oregon county or city shall be considered to have a current license in Benton County through the expiration date of the original license or one-year after the owner's residence in Benton County is established, whichever comes first.

(2) A reciprocity license may be issued in accordance with the established fees with proof of licensing and vaccination information provided. [Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218]

9.445 Tags.

(1) A license tag shall be issued to the owner, and shall be attached securely to a collar or harness on the dog whenever the dog is outdoors and not in an enclosed pen or confined by a chain.

(2) If a license tag is lost, or if exempt from the license fee, the owner may obtain a license tag upon payment of a fee established by order of the Board of Commissioners, and recorded.

(3) Dogs licensed under a multiple dog license are exempted from the requirements of BCC Chapter 9.445(1) while on the property of the kennel. [Ord. 90-0061; Ord. 97-0122; Ord. 2016-0274]

ANIMAL RESCUE ENTITY

9.475 Animal Rescue Entity License Required.

(1) Any Animal Rescue Entity operating, in whole or in part, in Benton County shall obtain a certificate of registration from the Records and Elections Department prior to beginning operations.

(2) The Animal Rescue Entity shall procure an Animal Rescue Entity certificate by paying to the Records and Elections Department an annual license fee established by order of the Board of Commissioners.

(3) An Animal Rescue Entity may not transfer a certificate of registration issued under this section to another person without the written consent of the Records and Elections Department.

(4) Whenever the Animal Control Program or the Benton County Sheriff's Office is advised or has reason to believe that an Animal Rescue Entity is operating without a certificate of registration, an Animal Control Officer or other county representative may visit and conduct an on-site investigation of the premises. The purpose of the investigation is to determine whether the operator of the Animal Rescue Entity is subject to the registration requirements of this section.

(5) Animal Rescue Entity license applicants must comply with ORS 609.415 and ORS 609.420 and all other applicable state and local regulations and laws. An Animal Rescue Entity license does not in any way exempt the holder from their responsibility of complying with any other provision of Benton County Code, zoning or permitting requirements, or other applicable law, unless specifically provided for by law.

(6) At any reasonable time, an authorized representative of Benton County, a law enforcement agency, or the United States Department of Agriculture may conduct an on-site investigation to determine whether the entity is in compliance with this section and Oregon law.

(7) Any person who fails to comply with any of subsections (1) through (6) shall be subject to the civil penalties imposed in BCC Chapter 31. [Ord. 2016-0274]

LOST DOGS

9.505 Finders of Lost Dogs.

- (1) Any person who finds and harbors a dog shall notify the Animal Control Program and furnish a description of the dog within forty-eight (48) hours of finding the dog.
- (2) The finder may surrender the dog to the Animal Control Program or retain possession of it, subject to surrender upon demand of the Animal Control Deputy.
- (3) Ownership of a lost dog which has been found can be acquired through compliance with provisions of ORS 98.005. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245; Ord. 2016-0274]

DOG KENNELS

9.605 Kennels. Use, operation and conditions of hobby and commercial kennels shall be in accordance with all applicable provisions of the Benton County Development Code. [Ord. 90-0061; Ord. 97-0122]

APPEALS

9.705 Animal Control Hearings. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; repealed by Ord. 2007-0218]

9.720 Hearing Procedures. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; repealed by Ord. 2007-0218]

BAN ON THE USE OF WILD OR EXOTIC ANIMALS IN TRAVELING ANIMAL DISPLAYS AND/OR ACTS

9.805 DEFINITIONS. As used in BCC Chapter 9, Section 8:

- (1) **Animal Display** means any exhibition, fair, act, circus, ride, trade show, carnival, race, parade, or similar undertaking in which a wild or exotic animal is required to perform tricks, give rides, fight or participate as accompaniments for the purpose of entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.
- (2) **Mobile or Traveling Housing Facility** means any transporting vehicle such as a truck, trailer or railway car, used to transport or house wild or exotic animals while traveling for an animal display.
- (3) **Traveling Animal Display** means any animal display in which wild or exotic animals are transported to, from or in between locations in a mobile or traveling housing facility, for the purpose of such animal display. This shall not include the transportation of a wild or exotic

animal between United States Department of Agriculture licensed sanctuaries and zoos for the purpose of providing lifetime care.

(4) **Wild or Exotic Animal** means any live animal from any of the following scientific classifications, including any hybrid of such animal. The animals listed in parentheses are intended as examples and not to be construed as an exhaustive list, or limit the generality of each group of animals, unless otherwise specified:

- (a) Artiodactyla (including hippopotamuses, giraffes, camels, but excepting alpaca, cattle, llama, swine, sheep, and goats);
- (b) Crocodilia (including alligators and crocodiles);
- (c) Elasmobranchii (including nurse sharks and lemon sharks);
- (d) Elephantidae (elephants);
- (e) Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, but excluding domestic cats);
- (f) Hyaenidae (hyenas);
- (g) Marsupialia (including kangaroos);
- (h) Non-human primates (including apes, monkeys, and lemurs);
- (i) Perissodactyla (including rhinoceroses and tapirs, but excluding Equidae);
- (j) Pinnipedia (including seals, sea lions, and walruses);
- (k) Struthio (ostriches); and
- (l) Ursidae (bears).
- (m) Canidae (including wolves, coyotes, foxes, except domestic dogs)
- (n) Cetacea (including whales, dolphins, porpoises)
- (o) Edentata (including anteaters, sloths, armadillo)
- (p) Mustelidae (including skunks, weasels, mink, badgers, river otters, sea otters)
- (q) Procyonidae (including raccoons, coatis, kinkajous, ringtails)
- (r) Testudinidae (tortoise)

- (s) Viverridae (including civets, mongooses, bearcat)
- (t) Varanidae (monitor lizards, Komodo dragons) [Ord. 2018-0290]

PROHIBITIONS

9.810 Prohibitions.

- (1) It shall be unlawful for any person to allow for the participation of a wild or exotic animal in a traveling animal display.
- (2) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with BCC 9.810(1):
 - (a) Any facility accredited by the Association of Zoos and Aquariums (AZA), World Association of Zoos and Aquariums (WAZA), Oregon Wildlife Rehabilitation Association (OWRA), the National Wildlife Rehabilitation Association (NWRA), International Association of Avian Trainers and Educators (IAATE) or the International Wildlife Rehabilitation Council (IWRC);
 - (b) Any licensed or accredited academic, research or medical institution, including any such institution dedicated to the training of service animals, but excluding wild animal training programs for the purpose of traveling animal displays;
 - (c) Veterinary clinics or wildlife rescue and rehabilitation facilities, which are licensed or permitted by the state of Oregon;
 - (d) Persons temporarily transporting wild or exotic animals through the county provided that the transit time shall not be more than three days and that such animals shall not be presented for animal displays while in the county;
 - (e) Persons owning or keeping a trained exotic primate as a service animal pursuant to ORS 609.345.
 - (f) The employee or contractor of a filmmaker (as defined in ORS 284.368) for the purposes of producing a film (as defined in ORS 284.368). [Ord. 2018-0290]

ENFORCEMENT

9.815 Enforcement.

- (1) The Animal Control Officer shall monitor and enforce compliance with chapter 9, Section 8. [Ord. 2018-0290]
- (2) Enforcement may be initiated by citation.

9.820 Penalties. Violation of BCC chapter 9 shall be deemed a violation of County laws and is punishable upon conviction of a fine of \$500.00 for each separate violation and a fine of \$1,000 for a continuing violation; each day of continued violation is a separate offense and is separately punishable, but may be joined in a single prosecution. Alternatively or in addition to fines, the court may impose any other terms or conditions it deems appropriate to ensure compliance with this chapter. In addition, Benton County shall have the right to pursue any other remedy provided to it in law or in equity. [Ord. 2018-0290]