



**Benton
County**
OREGON

Board of Commissioners

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Corvallis, OR 97330

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AGENDA

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, February 23, 2021

GoToMeeting: <https://global.gotomeeting.com/join/870290989>

or Dial 1 (872) 240-3212; **Access Code** 870-290-989#

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 - Discuss Fair Board's Recommendation Regarding Benton County Code Chapter 9 – Animal Control – *Lynne McKee, Natural Areas, Parks and Events Director*

4.2 9:30 a.m., 30 minutes - Discuss Local Option Levy Survey Results – *Nick Kurth, CJSI Project Manager; John Horvick and Tony Iaccarino, DHM Research*

BUSINESS MEETING

V. Consent Calendar

5.1 In the Matter of Appointment to the Board of Property Tax Appeals:
Andrew Freborg

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.

INFORMATION SHARING

VI. 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.*)

- 6.1 Xanthippe Augerot, Chair
- 6.2 Nancy Wyse, Commissioner
- 6.3 Pat Malone, Commissioner
- 6.4 Joe Kerby, County Administrator

VII. Other

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

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MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, February 23, 2021
9:00 a.m., Board Room

GoToMeeting: <https://global.gotomeeting.com/join/870290989>
or Dial: 1 (872) 240-3212 **Access Code:** 870-290-989
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**, BOC staff; **Joe Hahn**, Equity, Diversity, and Inclusion; **Suzanne Hoffman**, Health; **Alyssa Rash**, Public Information Officer; **Lynne McKee**, Natural Areas and Parks; **Erika Milo**, BOC Recorder; **Trudy Overlin**, Benton County Fair Board

Guests: **John Horvick**, **Tony Iaccarino**, DHM Research

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

I. Opening:

A. Introductions

B. Announcements

Augerot acknowledged that Benton County is situated on historic Kalapuya land of the Marys River or Chepenapha and the Muddy Creek or Chemapho bands. Those tribes were forcibly removed from these lands to reserves on the Coast Range under the Willamette Treaty, but still exist as the Confederated Tribes of the Grand Ronde and the Siletz.

II. Comments from the Public

No comment was offered.

III. Review and Approve Agenda

No changes were made to the agenda.

MOTION: Wyse moved to approve the agenda. Malone seconded the motion, which **passed 3-0.**

IV. Work Session

4.1 Discuss Fair Board's Recommendation Regarding Benton County Code Chapter 9 – Animal Control – Lynne McKee, Natural Areas, Parks and Events Director

McKee explained that the issue arose at the March 2, 2020 Board Meeting, then fell by the wayside. In 2018, animal rights groups raised concerns about treatment of animals in traveling shows at the Fairgrounds, particularly the circus. The Exotic Animal Ordinance (EAO) was enacted in early 2019 to protect animals in traveling shows. The EAO bans certain classifications of animals from being shown in the County. In August 2019, the County Fair

had booked a show with stingrays, but learned shortly before the event that those animals are banned, which took some research to determine. The County had to pay for and cancel the show. The Fair Board was concerned about the EAO's impact on programming. The list, including over 1,100 species, was re-examined and found to inadvertently ban horses, yet did not ban other domestic animals such as cats and llamas. The Fair Board, led by Overlin, drafted a recommendation letter. Options are to repeal the EAO and defer to State and Federal laws; to amend the list in the EAO, allowing horses; or to develop an application permitting process, allowing subject matter experts to approve or reject each show. These options could have less negative impact on Fairgrounds operations than the current EAO.

Overlin added that the Fair Board's biggest concern was that the 2019 Fair was technically in violation of the EAO due to the presence of horses, whose inclusion in the EAO was probably unintentional. For clarity, the EAO probably should have listed specific animals instead of classes of species. Many animals such as camels and llamas exist in North America and are humanely treated. A permitting process might be more cumbersome, but many State and Federal laws would apply, and would allow the County to ban events based on treatment of animals. The Fair Board requests abolishing the ordinance or reviewing the list of banned animals to create exceptions or remove certain classes of animals.

Augerot noted that the Board of Commissioners originally debated whether to be broad or narrow in scope. The sentiment then was that a list would always omit additional animals that entertainment providers could bring up. Augerot agreed that the EAO as written has caused challenges and a solution is needed. This topic stirs passions and will draw a lot of community interest.

Malone asked why the County needs the EAO if clear State and Federal guidelines exist, or if those guideline provide a starting point for a revised ordinance.

McKee replied that State and Federal certification and licensing requirements exist for groups that own and transport exotic animals; however, in the past, the County felt the regulations and enforcement were not stringent enough and were a minimum requirement.

Augerot noted that the intent was a clear system and criteria, so that decisions need not be made vendor by vendor. The County should adjust the EAO, not discard it altogether.

Wyse recalled that the original focus was based on elephants, tigers, bears, and other more intelligent creatures. Wyse was comfortable asking staff to evaluate the EAO and provide recommendations.

Counsel explained that the EAO was provided by a group seeking to provide a much broader and more stringent set of protections to animals in traveling shows. The County did not and still does not have the expertise to evaluate the breadth of the list, which puts staff in a difficult position. The current EAO is extremely complicated in interpretation. If the Board wishes to maintain a preventative ordinance relating to animals and shows, Counsel urged simplification to make the language understandable to the general public.

Augerot agreed with Counsel and suggested convening a working group, which could include a Fair Board member, an Oregon State University (OSU) zoologist, an animal rights group representative, and a member of the local animal education community.

Kerby supported Augerot's suggestion. Kerby would appreciate public engagement so all spectrums of the issue are represented.

Overlin added that the animal rights group was considering shows across the country, not necessarily what the County might encounter. The County does a good job with animals in rodeos, parades, and educational programs such as 4-H. Some activists would cancel all such events, which was not the County's intent.

Wyse suggested looking at other counties for model ordinances.

McKee to seek updates on other county ordinances and assemble a working group.

Malone expressed support for a working group with broader representation than in the past. Malone asked if McKee had concerns about the 2021 County Fair, since clearer instructions could take time to develop.

McKee answered that the 2021 Fair will probably not include a full rodeo. In the short-term, domestic horses should be excluded from the EAO.

Augerot proposed excepting the family Equidae (horses, donkeys, and zebras) in the near future, but having staff explore the broader situation.

Counsel shared that amending the ordinance to remove horses is straightforward and could be in place by early to mid-April. It would take longer to convene a work group to rewrite prohibitions and make those readily understandable.

Malone suggested exempting the 2021 Fair from the entire ordinance while the work group addresses the replacement ordinance.

Augerot would not favor that approach, as it sends the wrong message about the County's intent on animal care.

Counsel noted that a blanket exemption is likely to harden animal rights groups from cooperating with the work group. This project would not change the entirety of Chapter 9; this only concerns animals at the Fairgrounds.

McKee noted that the issue is countywide; it also affects horses at the Philomath Frolic.

Kerby felt that removing horses is a wise short-term solution which helps McKee continue to offer events. Kerby asked who should select the working group members.

Augerot asked staff to put forth a slate of candidates for the Board to approve.

Wyse agreed with excluding horses and having staff convene the group. Wyse supported having a ban on exotic animals such as elephants.

McKee will work with Counsel on the horse update, and with Overlin to assemble a group.

Augerot invited public comment. No comment was offered.

4.2 Discuss Local Option Levy Survey Results – Nick Kurth, Criminal Justice Systems Improvement Project (CJSIP) Manager; John Horvick and Tony Iaccarino, DHM Research

Kurth explained that funding from the Public Health and Safety Local Option Levy will support many programmatic and operational costs of the CJSIP. The team wanted to perform a public polling prior to the May 2021 election. DHM Research performed the polling in mid-January 2021, funded by the Benton County Sheriff's Office (BCSO).

Horvick explained that the purpose of the polling was to gauge voter sentiment regarding the proposed levy renewal, to assess voter priorities about Public Health and Safety services that may be funded by the levy, and to measure public confidence in Public Safety and the Sheriff's Office deputies. The survey was conducted from January 14-18, 2021 and received 201 complete responses. The data was weighted by age, gender, party, education level, and geographic area to include a representative sample. The demographic profile was similar to the expected profile in a 2021 primary, which is older and more partisan than the general population.

Sixty percent of Benton County voters surveyed felt the County is headed in the right direction, especially Democrats and frequent voters; 20% felt the County is headed in the wrong direction, and 19% did not know. When DHM polled Oregonians around the same time, 38% believed the state is headed in the right direction, so the County's result is higher than many places.

Identifying the most important issue to voters: COVID-19 was named by 37% of voters (higher among older voters), homelessness and poverty 29% (higher among younger voters), jobs/economy/taxes and crime each received 9%, and roads, transportation, and infrastructure received 6%. It is unusual that schools were not mentioned as a priority concern.

Public Safety opinions: 64% of voters strongly agreed that Benton County is a safe place to live, 31% somewhat agreed. This is a good position, as people may be willing to continue the investment in Public Safety because they see benefit. If you witness a crime, would you be willing to report to BCSO deputies: 84% agree, 11% disagree. Do sheriff's deputies treat all people equally: 62% answered yes, 20% do not know, 18% no. Republican, older, White, and non-college graduate voters were more likely to believe that deputies treat all people equally. Voters who feel the County is safe are somewhat more supportive of the proposed levy (99%) than those who disagreed.

The survey tested support for the ballot measure in three ways. When voters were asked their opinion of just the title, 57% would support the measure, 25% would not support, and 18% were undecided. A rule of thumb is that 60% overall support is desirable. Among those who opposed the measure, 55% were concerned about taxes, 21% felt it was not their responsibility (should be funded with the existing budget or by the City of Corvallis); 14% were concerned about government mismanagement, 11% needed more information, and 2% would prefer other services. These are very positive numbers.

Next the survey tested voters on the levy title and a summary: 66% would support, 27% would not. These key phrases were used to inform voters: 1. The levy would fund Public Health and Safety services. 2. The levy was first passed in 2007, and has been renewed twice. 3. Property tax would stay at the current rate. 4. The levy is not effective until 2023 to ensure no double taxation. 5. If the levy fails, property taxes will decrease, but cuts will be made to Public Health and Safety services. The strongest supporters were Democrats, Corvallis residents, voters in the

\$50-100,000 income bracket, and 80% of women versus 53% of men. Women tend to be more supportive of tax increases, so more outreach may be needed to convince men.

Among possible levy service options, voters valued the wellbeing of families and youth. All these services were deemed 'very important:' 85% of voters selected home wellness visits by nurses for high risk kids and mothers; 85% selected counselors for juvenile offenders and families; 83% selected mental health counselors for students at public schools. These services were deemed 'somewhat important:' adequate services to hold criminal offenders accountable, 24-hour Sheriff patrols throughout the County, and expansion of community crisis resources and services. These services were deemed 'lower priority:' District Attorney criminal prosecution staff, corrections and medical staff at the County Jail, supporting inmates returning to the community, and jail security. This may be because voters have less knowledge of these processes. Returning inmates were not in the top three issues for White voters, but were the top issue listed by People of Color.

Next the survey tested reactions to the levy title, summary, and information about services. The same number of voters answered yes or no, but only 6% were undecided. The one group whose support for the levy grew was People of Color (73% yes).

Malone noted that rural residents are probably more interested in additional Sheriff patrols, as towns have local law enforcement.

Augerot noted that homelessness is an increasing concern in many communities. There is general housing insecurity, in part due to high taxes.

Horvick concurred that DHM is seeing this issue in many other communities, predating the pandemic. Housing availability and rent overlap with homelessness, but people see the issues differently. Many concerns about homelessness relate to public safety, drug addiction, mental health, and camping. If the general public had been surveyed (as opposed to voters), the priority of homelessness would probably have risen. In general, voters are concerned about vulnerable populations and children. The party pattern is also typical: Republicans are more worried about law enforcement, Democrats are more worried about family counselors.

Kerby asked if it was advisable for the County to proceed with a May 2021 election.

Horvick answered that nothing in data should cause anxiety. This is a tax renewal rather than an increase, and people support the services. Sentiments should continue to improve as vaccinations increase and people return to work. The survey did not prioritize understanding opposition messages.

Kurth thanked DHM. The study provides useful information for outreach.

Wyse asked if DHM ever assesses the possible effects of a political action committee.

Horvick replied that campaigns matter in both directions. Horvick advised emphasizing the message that the levy continues to provide services without a tax increase. Focus on reinforcing those messages to keep the voters who approve of the levy. Public Safety officers, providers, and individuals who have benefitted from services will be effective spokespeople. Public Safety officers can discuss negative outcomes if the levy is not funded, but it is better to focus on positive stories. Explain why this is the right time and how the money will be well spent.

Chair Augerot recessed the meeting at 10:27 a.m.

Chair Augerot reconvened the meeting at 10:32 a.m.

V. Consent Calendar

5.1 In the Matter of Appointment to the Board of Property Tax Appeals: Andrew Freborg

MOTION: Malone moved to approve the Consent Calendar of February 23, 2021. Wyse seconded the motion, which passed 3-0.

VI. Information Sharing

6.1 Xanthippe Augerot, Chair

Augerot has been mainly responding to community concerns about the County's "extreme" Risk and Protection Framework level, balanced with public health issues. Augerot worked with Porsche and the owner of Cascade BBQ restaurant, who has created a letter shared with Sarah Means of the Governor's Office and with County Public Health staff. Augerot also heard from Monroe Mayor Dan Sheets with similar concerns about business closures; there will probably more business letters from Monroe to support a shift in risk category. While this continues to be an issue, Augerot is impressed by the balanced approach most people in the County are taking to health and the economy.

Augerot spoke to Dan Whelan of Senator Peter DeFazio's staff regarding infrastructure, following up a list of priorities Augerot had discussed with Senator Ron Wyden's staff. Whelan and Augerot discussed the County's interest in collaboration on water supply issues and building water infrastructure resilience, including the City of Monroe's uncertain water source. Augerot put Sheets in contact with Whelan. Rayfield and DeFazio have a standard form for expression of interest in Federal infrastructure funding, which the County should use within the next six weeks to mention specific projects that could benefit from Federal assistance.

Augerot noted the storm devastation on Highway 205 and Interstate-5 which left many people without power.

Augerot has an appointment with Eric Thompson of Thompson Timber, who wants to host another forest tour, possibly in late summer 2021. Of particular concern to the timber industry is a suite of proposals to reinstitute a severance tax that goes to counties. The industry is upset about a bill which would eliminate the Oregon Forest Resources Institute (OFRI).

Malone has also talked to Thompson about these concerns. OFRI is paid by timber producers to fund educational efforts; the bill seems like an overreach.

Augerot thought the bill would set a bad precedent and is unlikely to progress.

6.2 Nancy Wyse, Commissioner

Wyse attended the Legislative Breakfast and made Senator Sarah Gelser and Representative Dan Rayfield aware of the Bridge District Bill (House Bill 2887). Wyse is continuing to hold one-on-one County department meetings.

6.3 Pat Malone, Commissioner

Malone recently contacted Representative Paul Evans' office but received no response. Malone brought up coordinating Board efforts to support or oppose legislation, rather than individually contacting local representatives.

Augerot noted that there has been high number of bills introduced in this session, slowed by the pandemic and other events. Augerot felt the Board should discuss as a body which bills are important and which values to emphasize, and continue taking formal stands on those bills. The Board can discuss this at a future meeting. This relates to gaining clarity on the County's lobbying representation in the Association of Oregon Counties.

Malone recommended having the legislative discussion as a regular part of the Board agenda.

Augerot mentioned receiving the most community letters about House Bill 2417, relating to crisis intervention resources. Gelser is very supportive of this bill.

Kerby noted that this item is on the March 2021 Goal Setting Meeting agenda.

6.4 Joe Kerby, County Administrator

Kerby reported that the County has received no response to the two Letters of Intent advanced to property owners two weeks ago relating to the CJSIP: the McFadden property and the Lumen property adjacent to the Board's Office. County real estate agent Gary Pond has followed up but has nothing to report. Lumen reported receiving the LOI. The negotiation team will request an Executive Session at the next Board Meeting if there is news.

Kerby had discussed the possibility of declaring a local state of emergency for storm damage with EOC staff and Counsel. This is unnecessary since the County is included in the State emergency declaration. The only benefit would be to suspend County procurement policies to expedite additional cleanup crews. Public Works (PW) Director Stockhoff and staff felt the County could handle the damage without more contractors.

Kerby provided an update on water infrastructure. Adair Village City Administrator Pat Hare talked to Kerby in January 2021 about Adair Village providing water to a proposed subdivision outside city limits. The developer has not yet applied to Community Development (CD). Adair would be willing to enlarge the water main to allow further extensions towards the City of Corvallis. Kerby has also spoken to Stockhoff and Corvallis City Manager Mark Shepard. If the County extended the line from Adair to Corvallis, this could address water scarcity in some rural areas, and provide emergency backup for both cities. The line could even extend east to North Albany. CD is the regulatory agency for the subdivision application, so cannot be active in promoting projects, but can be involved. Kerby plans to convene a work group with CD, Public Works, Hare, Hare's consultant, and a Corvallis representative. Kerby is seeking a project manager, as CD Director Greg Verret does not have capacity; there may be co-management between CD and PW staff.

Kerby briefed the Board about a meeting with the Dumbeck Water District (DWD) in the City of Albany and Benton County. Albany may be interested in taking on DWD as part of the North Albany Community Service District.

Kerby is still working to hire a new Chief Financial Officer (CFO). Otley will work at least through May 2021, no later than June 30, 2021. If no one is hired by then, Otley will continue part-time through 2021. Kerby has contacted five people to serve as interim CFO, but none were available. Otley, Martineau, and Kerby to meet to discuss next steps. Kerby has not ruled out hiring an interim/trial CFO from existing staff.

VII. Other

8.1 Vaccination clinic update – Joe Kerby, County Administrator

Hoffman provided an update on vaccination clinics. This week, the County will hold Reser Stadium vaccination events on February 25-26, offering 2,742 first and second dose appointments of Pfizer and Moderna vaccines. Samaritan Health Services created new workflows to separate clients by vaccine brand received. The survey link was used to fill 721 appointments, and Samaritan's COVID-19 call center and the EOC called to schedule eligible people who lack email access. Appointments were protected for those who have less access or comfort with technology; then the scheduling link opened to other eligible people. People in Phase 1a Groups 1-4, Phase 1b Group 1, and people aged 70 and older are now eligible.

At Reser, the accessible parking and drop-off area on SW 26th Street and golf cart pick-up and drop-off service were very successful. The County has secured the OSU Alumni Center in case of inclement weather. On the coldest day, staff were able to move people through quickly, with portable heaters in observation area. Workflows are so efficient that normal entry and vaccination is one client every six minutes, plus 15-30 minutes of observation. One challenge is keeping the vaccinators warm. The EOC will move to the LaSells Stewart Center by March 15, 2021, due to renovation at the Fiserv building.

Staff continue to work on improving process and reducing barriers to vaccination appointments. The County has administered 16,484 doses so far. Staff look forward to increased predictability and volume of vaccine shipments in order to implement plans for rural and mobile clinics and vaccination by health care providers.

Malone asked when the number of allocated doses might become more predictable.

Hoffman answered that OHA expects more predictability as soon as this week, with the Federal government providing three weeks' worth of dose quantities. Staff are being asked how many people remain in earlier eligibility categories and about the County's capacity to administer more doses. Hoffman is optimistic that County capacity will increase to handle whatever volume is provided.

Augerot noted that Reser was initially envisioned as a central hub site for Linn, Benton, and Lincoln Counties, and asked about the tri-county relationship and planning with Samaritan.

Hoffman answered that Lincoln's events have been much smaller, involving some partnership with Samaritan. Lincoln attested completion of Phase 1a earlier than many other counties, so vaccines were diverted elsewhere. Linn County has continued to hold mass events at the Fairgrounds using largely the medical reserve corps, and wants to work with Samaritan in future. Linn had to cancel last week's events due to weather delay of shipments. Benton was able to proceed even though the Moderna shipment was delayed, because Samaritan supplied enough doses to honor all appointments. Many people come from Linn County to Reser events and vice versa. One reason Reser works so well is that OSU donates the space and set-up/tear-down staff. There is a weekly networking meeting between the three counties and Samaritan. Samaritan has

been very flexible while still getting maximum return on investment of vaccinators and Information Technology staff.

Augerot thanked Health staff, Samaritan, and OSU for work on the clinics.

Kerby received a call from Ryan Noss of Corvallis School District praising the Health Department's activities. Kerby and the Board receive community member emails; Kerby asked if Hoffman is comfortable with the way complaints are handled. Policy is that if the Board receives a contact, the Chair responds and usually copies involved staff.

Hoffman replied that the current process is working. Contacts are sent to Hoffman, Lee, Holland, and/or Neville. The team shares the email and follows up, usually sending copies to Augerot and Kerby.

The Board thanked Hoffman and team for putting on the amazingly successful events.

8.2 Meeting regarding State Metrics and Testing

Hoffman reported on a meeting held between Lane County, the University of Oregon, Benton County, and OSU, which included Holland, Public Health Officer Dr. Bruce Thomson, and the Lane County equivalents, as well as university representatives, scientists, and other medical doctors. Both Counties contain universities and are seeing cases in the student age group that suggest students are contributing to high case counts. OSU has continued rigorous testing protocols, mandatory for all on-campus students and highly recommended Greek Life students, with ongoing engagement of student leaders. The OSU Community TRACE program identifies many asymptomatic individuals. Finding more cases is good, as it allows people to isolate/quarantine, reducing transmission. Case numbers are not rising in older populations, which suggests that students are following appropriate isolation protocols.

The group discussed how being in the "extreme" risk category challenges businesses. Other counties may be in lower risk levels due to not identifying cases. No one wants to see conflict between portions of a community. Each County agreed to begin dialogue with OHA on how to proceed differently, and to open dialogue with the Governor's Office, while scientists and medical staff assemble data and proposals grounded in public health and safety. Some states factor testing volume into the risk level equation, to incentivize more testing. The goal is to pursue the issue collaboratively with other counties and with OHA, ensuring a fair application statewide.

Kerby added that Lane County wanted to go directly to the Governor, while Kerby feels OHA should be a partner. At the end of the meeting, most people agreed with pursuing a dual approach. The team will divide into two sub-groups, with Hoffman as the point of contact with Lane. OHA may be revamping metrics in April 2021, so this may be a good time to urge these considerations.

Augerot has received a lot of community feedback on this issue and supported working with OHA on an equitable solution.

Malone stated that counties should not be punished for doing a good job of testing. Testing is a critical part of Benton's approach. Malone supported adjusting the case count relative to testing numbers.

Kerby noted that everyone in the group shared that sentiment. However, Holland has noted that increased testing may also contribute to a decreased positivity rate. Reducing case counts could increase the positivity rate above the 5% threshold. Lane may soon drop from “extreme” to “high” risk, so most counties around Benton will be lower. Another team is focusing on how to approach the Governor's Office. Kerby has asked Hoffman to expedite this matter.

Augerot suggested that Hoffman contact Porsche, who is advancing concerns of local business owners to the Governor's Regional Solutions team.

Kerby recently met with Porsche and Shepard, who is willing to support Benton on actions to reduce the risk level.

8.3 Proposed Resolution from Yamhill County

Kerby asked if the Board wished to pursue a proposed resolution from a City of Philomath resident.

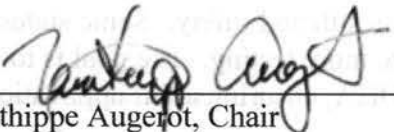
Augerot explained that the writer and co-signers feel that anti-COVID-19 measures are a civil rights infringement. Augerot has examined the resolution proposed to the Yamhill County Board of Commissioners. Augerot is not interested in pursuing this direction, but requested input.

Wyse was not comfortable with the proposed direction. Wyse did not feel that COVID-19 measures violate civil rights. The resolution also included religious wording, whereas Wyse believes in separation of church and state.

Malone was definitely not interested in pursuing the matter and felt that Augerot's response was sufficient.

VIII. Adjournment

Chair Augerot adjourned the meeting at 11:53 a.m.


Xanthippe Augerot, Chair


Erika Milo, Recorder

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

4.1WS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/23/21

[View Agenda Tracker](#)

Suggested Placement * Work Session

Department * Fairgrounds

Contact Name * Lynne McKee

Phone Extension * 6090

Meeting Attendee Name * Lynne McKee

Agenda Item Details

Item Title * Benton County Ban on the Use of Wild or Exotic Animals in Traveling Animal Displays and/or Acts

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 * 20 minutes

Board/Committee Involvement *
☒ Yes
☐ No

Name of
Board/Committee

Fair Board

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

In 2018, Benton County Code (BCC) Chapter 9 was amended to include a ban on the use of wild or exotic animals in traveling animal displays and/or acts. The ordinance outlines a comprehensive list of exotic animals included in the ban. During the 2019 Benton County Fair & Rodeo it was brought to staff's attention by animals rights groups that the stingray exhibit that was scheduled for the fair was not allowed due to the county's Exotic Animal Ordinance. Although stingrays are not included on the list of banned animals specifically, they are a sub-species of Elasmobranchii, which is included in the ordinance. Fairgrounds staff then researched the list of banned animals and identified more than 1,100 species of animals that are covered under the larger classifications of the existing ban, including horses (Perissodactyla). Therefore, the existing ordinance technically bans rodeos in Benton County as traveling shows with horses. The Fair Board raised concerns regarding the Exotic Animal Ordinance and its negative impact on fairgrounds operations. Fair Board members prepared a letter to present to the Benton County Board of Commissioners outlining their request to have the existing Exotic Animal Ordinance reviewed and offered potential options for amendment (letter attached).

Proposed Fair Board options include:

- 1) Repeal the ordinance, deferring to state and federal laws already in place.
- 2) Amend the list of animals included in the ordinance
- 3) Develop an application and permitting process that would allow for a committee or subject matter expert to approve/reject proposed traveling shows or acts

Options *

- 1) Repeal the ordinance
- 2) Retain the existing ordinance with no changes
- 3) Direct staff to evaluate the Exotic Animal Ordinance and bring back recommendations for amendments

Fiscal Impact *

- ☐ Yes
- ☒ No

2040 Thriving Communities Initiative

Mandated ☒ Yes
Service? * ☒ 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 Agricultural and animal shows and events are a staple of Benton County
Selections * Fairgrounds programming.

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 Rodeos and other animal shows are an important component of the annual Benton
and Vision County Fair & Rodeo, and other rental events at the fairgrounds.
Selection *

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends the Board of Commissioners direct staff to evaluate the existing Benton County Exotic Animal Ordinance and bring back recommendations for discussion.

Work Session Motions * I move to ...
I move to direct staff to evaluate the Exotic Animal Ordinance, BCC Chapter 9, and bring back recommendations based on work session discussions.

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.

Fair Board Exotic Animal Ordinance Letter.pdf	2.63MB
Benton County Exotic Animal Ordinance.pdf	78.72KB

Comments (optional) If you have any questions, please call ext. 6090

If you have any questions, please call ext.6800

Department
Approver

LYNNE MCKEE

Department Approval

Comments

Signature

Lynne McKee

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

County Administrator Approver
JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Coney

County Administrator Approval

Comments

Signature

A handwritten signature in cursive script, reading "Joseph Kerby", is centered within a light gray rectangular box.

BOC Final Approval

Comments

Signature

Teresa Farley



January 12, 2021

Xanthippe Augerot, Chair
Patrick Malone, Commissioner
Nancy Wyse, Commissioner
Joseph Kirby, County Manager
Vance Croney, County Counsel
Benton County Board of Commissioners
205 NW 5th Street
Corvallis, OR 97330

RE: Benton County Oregon Ordinance 9.805 Ban on use of Wild or Exotic Animals in Traveling Animal Displays and/or Acts.

Dear Xan, Pat, Nancy, Joe and Vance:

On behalf of the Benton County Fair Board, we respectfully request that you reconsider the above-cited ordinance. As written, this ordinance hampers the business model of the Benton County Event Center and Fairgrounds, in ways that we believe were unintended.

As stated in Section (4) of the Ordinance, "Wild or Exotic Animal" there is a clause "not to be construed as an exhaustive list, or limit the generality of each group" which may cause additional concerns, if entities choose to apply pressure to expand the list of banned animals without thoughtful consideration.

By definition, the term "Exotic" refers to a rare or unusual animal not native to the country for which they may be residing. The Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), and various city ordinances, moderate the trade of exotic animals around the world, mainly to prevent threats to their survival as a species, and to protect them from ecological damage. The concern of the convention is that their conservation status is not at risk and that they will not end up in the wild becoming an invasive species. Traveling shows that have the proper permits, licenses, and have high standards for the care of their animals, provide a scientific and educational opportunity, while not creating a challenge to CITES. The CITES Treaty was signed by the United States, which has in turn published federal laws against the import and sale of animal items, such as ivory.

The U.S. Department of Agriculture (USDA) already has a permitting process for keeping and breeding exotic species, either captured in the wild or bred in captivity. Many exotic species are prohibited by the United States from pet trade. These same species have been permitted under legitimate purposes such as educational shows and in zoos, aquariums, and wildlife parks. The American Zoo and Aquarium Association (AZAA), an association that most educational shows, zoos, aquariums and wildlife parks belong to, monitor captivity, habitat, handling, breeding, transporting and welfare.

It is important to note that the captive breeding programs in the United States involving exotic animals have created a condition where fewer and fewer animals are actually being captured in the wild. Many zoo's and wildlife parks acquire their collections from sanctioned breeding programs and must demonstrate that they meet standards for welfare, transport and care. This includes the extensive Veterinary certifications against Zoonotic disease. Both the AZAA and the Centers for Disease Control (CDC) have worked with the American Veterinary Medical Association, the U.S. Department of Agriculture and National Animal Control Association to help monitor captive breeding in the US, as monitor the prevention of exotic disease, or inbreeding.

We believe that the intent of the ordinance was to ensure animal wellbeing, and the discouragement of shows that misuse or potentially abuse exotic animals, either by enclosing them in extremely small and confining cages for long periods of time, not allowing for adequate feeding or exercise, and for which extreme handling measures are used. With this in mind, we also do not think it was your intention, by this ordinance, to prohibit shows and events at the Benton County Fair and Rodeo that represent our Agricultural and Western Heritage, as well as provide a family oriented and educational opportunity for our communities.

The list of Wild or Exotic Animals in Section (4) also creates a condition that limits many events that our Fairgrounds have hosted over the years, including Rodeo, which is part of our western agricultural heritage. The text of the ordinance extends to animal classifications indigenous to the species native to the United States, and not defined as "exotic", such as alligators, and other reptiles. The category (c) under this same section also bans "Ekasnibrabcgii" and "Pinnipedia" that include animals such as stingrays, sharks, sea lions, seals, and other marine life indigenous to the United States.

Many other categories include animals found in the United States, and are not otherwise defined as exotic. The exceptions listed are limited to alpaca, cattle, llamas, swine, sheep, goats, domestic cats and dogs, which would limit any future events that we as a Fair Board may want as part of our fair.

Additional animals not "exempt" in the ordinance, which currently inhibit events at our Event Center and Fairgrounds are horses and camels. Horses are scientifically classified as *Equus Caballus*, one of two extant subspecies of *Equus Ferus*, belonging to the *Equidae* family, and

Perissodactyla order (odd-toed hoofed mammals). Both of these animals have existed in the United States, and around the world, as domesticated animals for a long time.

As we see the current situation there are three very distinct options. The first option would be to repeal the ordinance, deferring to state and federal laws already in place, the group that supported the ordinance in the first place may take issue with that, it is a completely logical option based on the federal and state regulations already in place.

The second would be to re-write the ordinance and rather than list classes of prohibited animals by species, knowing that it encompasses a lot of animal categories that are not truly exotic, and includes animals that exist in North America and really are not in that category. Examples are Lama's, Alpacas and Camels, all of which have been domesticated and used in the US. In the prohibited list you could list the exact animal that is prohibited, such as elephants, monkeys, African or Siberian tigers, African Lions, etc. When it is done by species a lot of North American animals such as the Stingrays get caught up in the class of "exotic" species.

A third option would be to devise a permitting process that would allow for a committee or subject matter expert from the County to use an evaluative process, while not excluding many of our past Fair and Rodeo vendors, or shows that have provided entertainment and educational opportunities to our residents hosted at the Event Center and Fairgrounds. The permitting process could include inspecting veterinary records, transport and housing accommodations and handling. The permitting process could be supported by charging a nominal fee for review of documents. This allows for choosing to prohibit events where animals are subjected to a gaff hook or are transported in confined cages, without adequate care for their wellbeing, while still being open to educational shows that both teach and provide access to many species that exist in the United States, and encourage the protection of and care of these animals.

It is our belief, that if a show with animals intended for educational and family entertainment wanted to be a vendor to the Benton County Fair and Rodeo, or wanted to rent space at the Event Center, the decisional process of whether or not to allow a show would be best served by a permitting process. The permitting process would allow for the regulation of various show collections, and allow the opportunity for review of all veterinary records, transport permits, and practices of animal welfare, care, and handling.

The permit process could include review by the Animal Control Officer, and a verification of proper licenses, permits and information on care, feeding, and handling. A permitting process will allow vendors to present documentation, and provide insight on their offerings. Their documentation and additional information would allow the Board of Commissioners or their designee, to determine which shows meet the educational and family friendly environment that is the heart of our mission at the Benton County Event Center and Fairgrounds, which may also apply to other Benton County facilities and/or events.

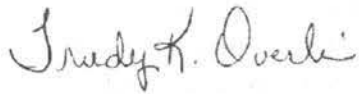
As the ordinance as written, it limits other family oriented and educational shows suitable to our community, which we believe could be managed using a permitting process. This process will allow the Commissioners to set the standards for the County, regulated by the permitting process.

If you prefer not to consider a permitting process, we hope that you will reconsider the current prohibitions on distinct classifications, consider listing the prohibited animals by name specifically, or greatly enhance the list of exceptions to the list so that entertainment and educational opportunities at our facility can continue, while mindful of animal welfare and care.

The Fair Board believes that care and concern regarding animal welfare is an important factor in the decisional process with regard to proposed shows and vendors. The Fair Board feels that our concerns match those of the Board of Commissioners, pertaining to the intent of the ordinance. We believe in proper care and maintenance of animals and genuinely do not approve of extreme handling measures such as torture of animals. We would be willing to assist your board with the development of a permit application, taking into consideration the required veterinary records, permits and handling information suitable to make informed decisions regarding which shows and collections allowed on county property.

Thank you for your kind consideration of our request.

Sincerely,



Trudy K. Overlin, Fair Board Chair



Mark Baumgartner, Fair Board Vice-Chair

Cc:

Benton County Fair Board

Lynne McKee, Manager, Benton County Event Center and Fairgrounds

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, tapirs, and zebras);
- (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. In addition, Benton County shall have the right to pursue any other remedy provided to it in law or in equity. [Ord. 2018-0290]

4.2 WS

Benton County Public Health and Safety Levy Survey

January 2021



Research purpose

- Gauge voter sentiment regarding renewal of the proposed public health and safety levy
- Assess voter priorities about various public health and safety services that may be funded by the levy
- Measure confidence in public safety and sheriff's office deputies

Methodology

- Hybrid survey (two-thirds phone and one-third text-to-online) of N=201 Benton County voters
- Conducted January 14–18, 2021; 10 minutes to complete
- Quotas set and data weighted by age, gender, party affiliation, education level, and area of the county to ensure a representative sample of likely May 2021 voters
- Margin of error $\pm 6.9\%$
- Due to rounding, some totals may differ by ± 1 from the sum of separate responses

Key takeaways: general mood and top issues

- Six in ten voters (60%) feel the Benton County is headed in the right direction.
- COVID-19, homelessness, and poverty are considered the biggest problems facing the county. Voters consider high taxes and crime as lower-tier problems.
- Most voters (95%) agree that the county is a safe place to live and most (84%) say that if they witnessed a crime that they would be willing to report it to sheriff's office deputies.
- Fewer voters, though still a solid majority (62%), say sheriff's office deputies treat all people equally.

Key takeaways: proposed public health safety levy

- Initial support for the proposed levy is moderately strong. When provided with only a ballot title, a majority (57%) express support for the proposed levy, with supporters roughly split among those certain they will support and those who lean toward support.
- Initial support is strongest among Democrats (68%), women (63%), and residents of Corvallis (65%).
- Although more Republicans and voters outside of Corvallis initially support rather than oppose the levy, support is lower among Republicans (43%) and those who do not reside in Corvallis (48%).
- A majority who oppose the levy say property taxes are already too high. Others add that they don't view it as their responsibility to fund the proposed services and they also cite government mismanagement.

Key takeaways: summary information about the levy

- Learning a few key facts about the levy in a brief ballot summary boosts support for the levy substantially:
 - It would fund public health and safety services.
 - It was first passed by voters in 2007 and has been renewed twice.
 - If passed again property tax rates will stay at their current rate.
 - It would not go into effect until 2023 to ensure no double taxation.
 - If it fails property taxes will decrease and cuts will be made to health and safety services.
- After hearing this information, support for the levy increases 9 points to 66%, with those certain of their support outweighing those who lean toward support by roughly two to one.
- Learning these key facts is a greater driver of support than learning about the specific public health and safety services that might be funded by the levy.

Key takeaways: impact of information on key groups

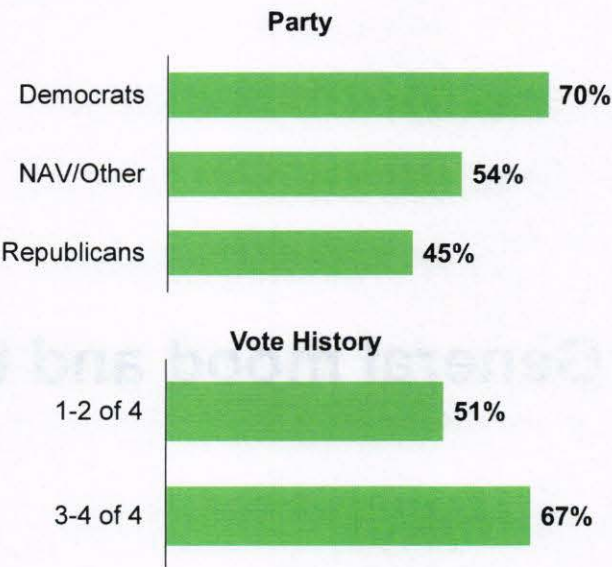
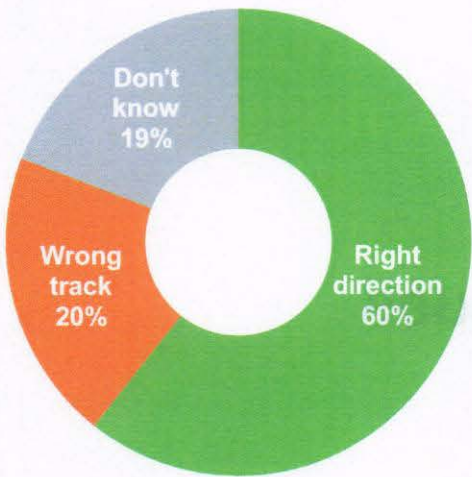
- Learning key facts about the levy boosts support among every demographic group.
- Strongest supporters grow to include:
 - Women (80%)
 - Democrats (76%)
 - Corvallis voters (73%)
 - Age 18–29 (72%) and age 45–64 (72%)
 - All income groups (69%–74%)
 - Frequent voters (70%)
- Key groups of soft supporters grow to include:
 - POC voters (63%)
 - Age 65+ (61%)
 - Voters outside Corvallis (58%)
 - Republicans (54%)

Key takeaways: public health and safety services

- At least three in four Benton County voters consider all but one of the proposed public health and safety services to be important.
- The top three services that most voters consider important all focus on the wellbeing of families and youth.
- Republicans are more likely to value public safety services, especially a county-wide 24-hour sheriff's patrol.
- POC voters most value programs to support inmates who are returning to the community.

General mood and top issues

Six in ten Benton County voters believe the county is headed in the right direction. Positivity is highest among Democrats and frequent voters.



Voters say COVID-19, homelessness, and poverty are the biggest problems facing the county. Taxes and crime are second-tier problems.

37% COVID-19

29% Homelessness, poverty

11% Jobs/economy

10% Affordable housing, rent

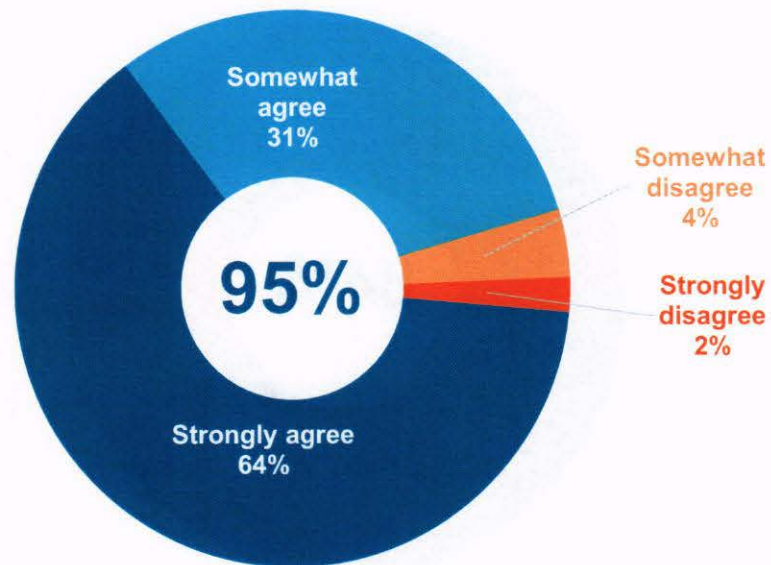
9% High taxes, property taxes

9% Crime

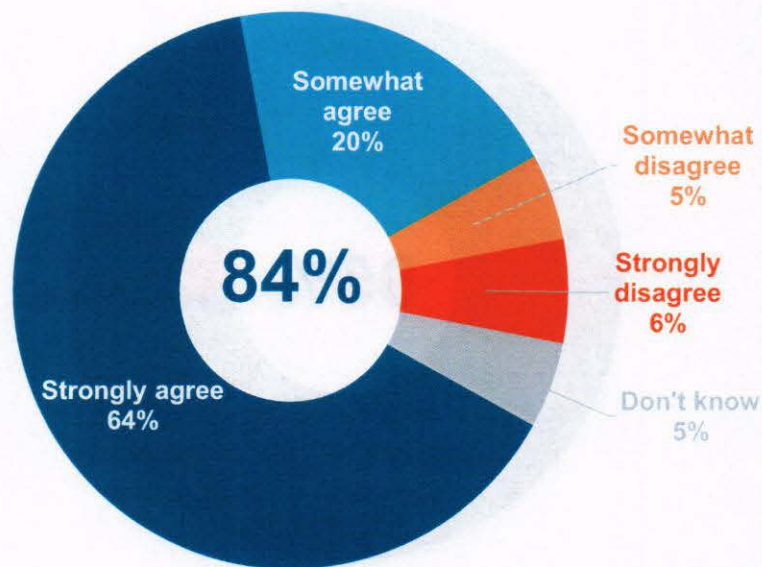
6% Roads, transportation, infrastructure

Public safety sentiments

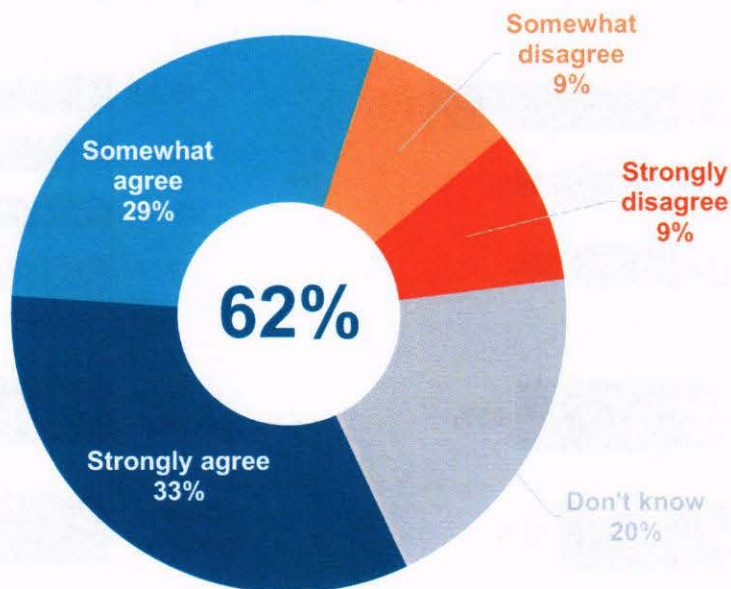
Most voters believe Benton County is a safe place to live.



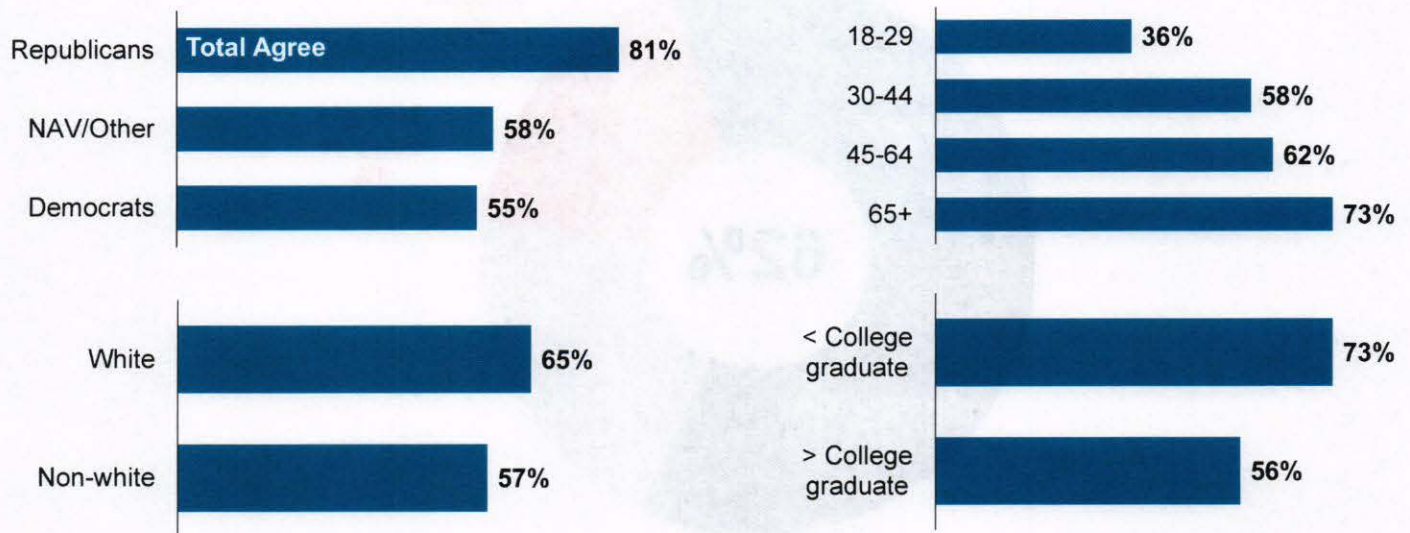
Most voters say if they witness a crime that they would be willing to report it to county sheriff's deputies.



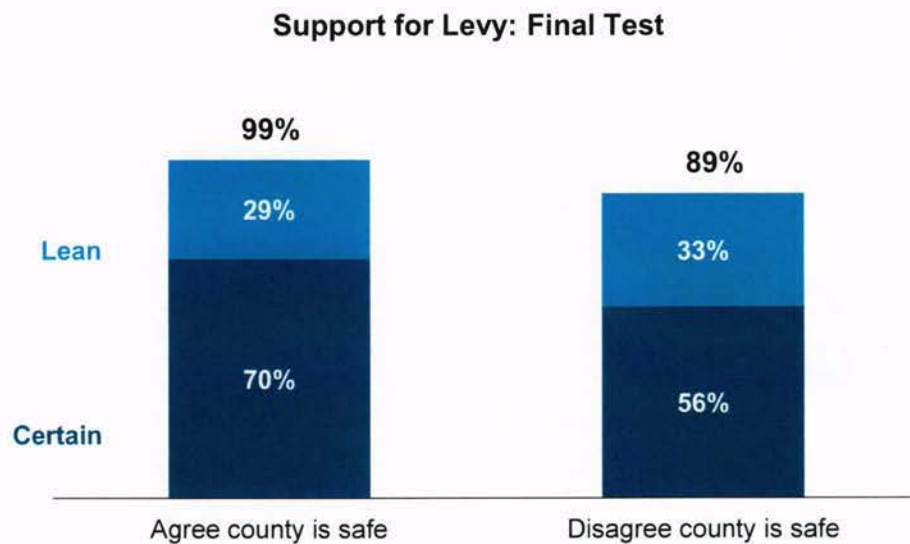
Six in ten voters say sheriff's deputies treat all people equally.



Republicans, older voters, white voters, and voters who haven't graduated from college are more likely to believe sheriff's deputies treat all people equally.



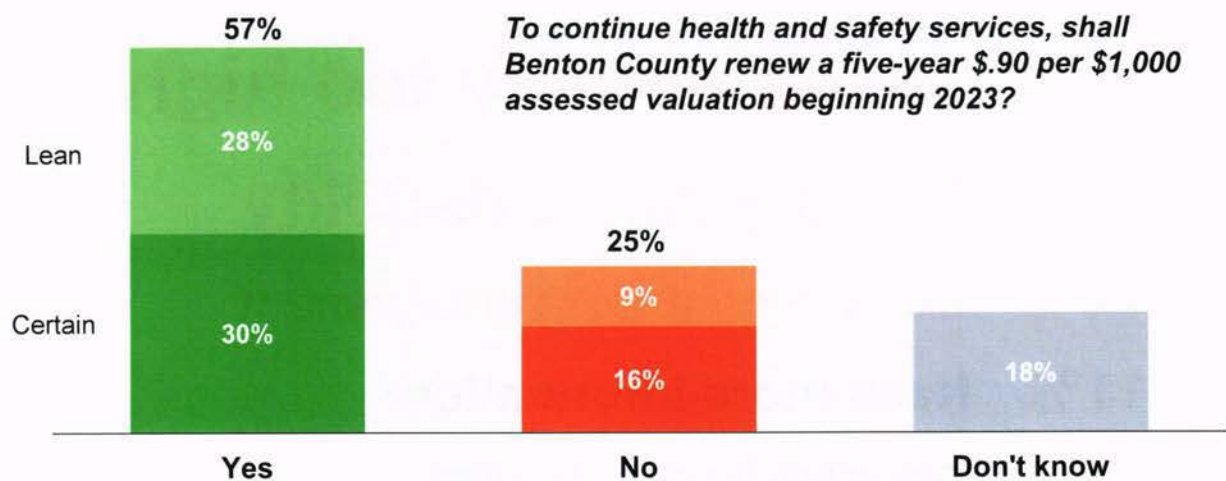
Voters who feel the county is safe are somewhat more supportive of the proposed levy, which suggests that they connect public safety with continued public investment.



Initial levy test Ballot title only



After only hearing the ballot title, nearly six in ten voters say they support renewal of the levy.



Among those who oppose the levy, a majority are tax sensitive. Others say it is not their responsibility to fund proposed services and cite government mismanagement.

55% Taxes already too high

21% Not my responsibility

14% Government mismanagement

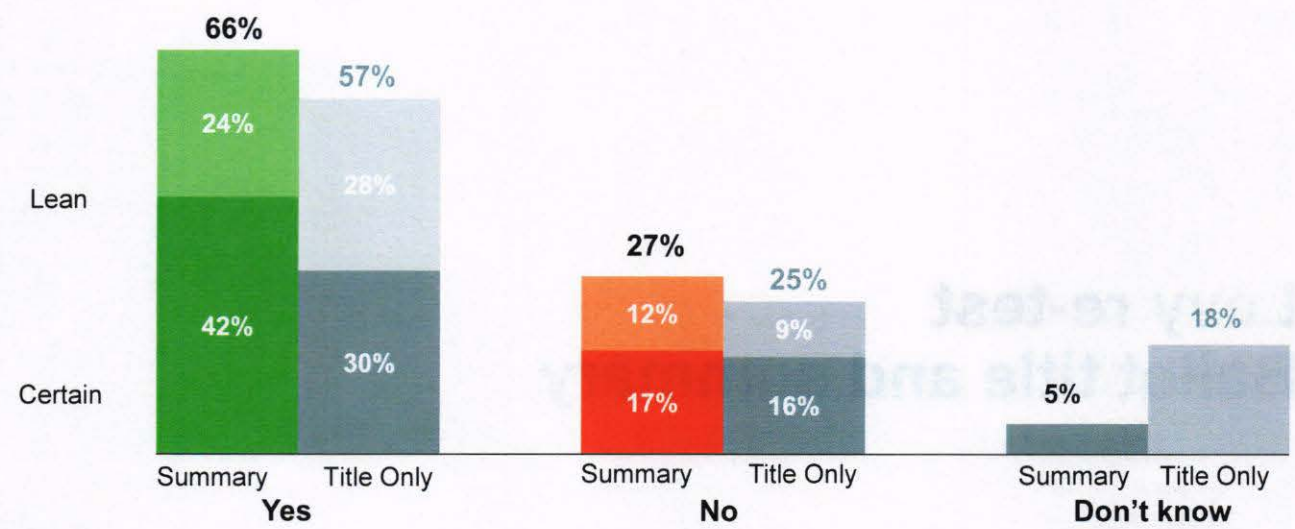
11% Need more information

2% Preference for other services

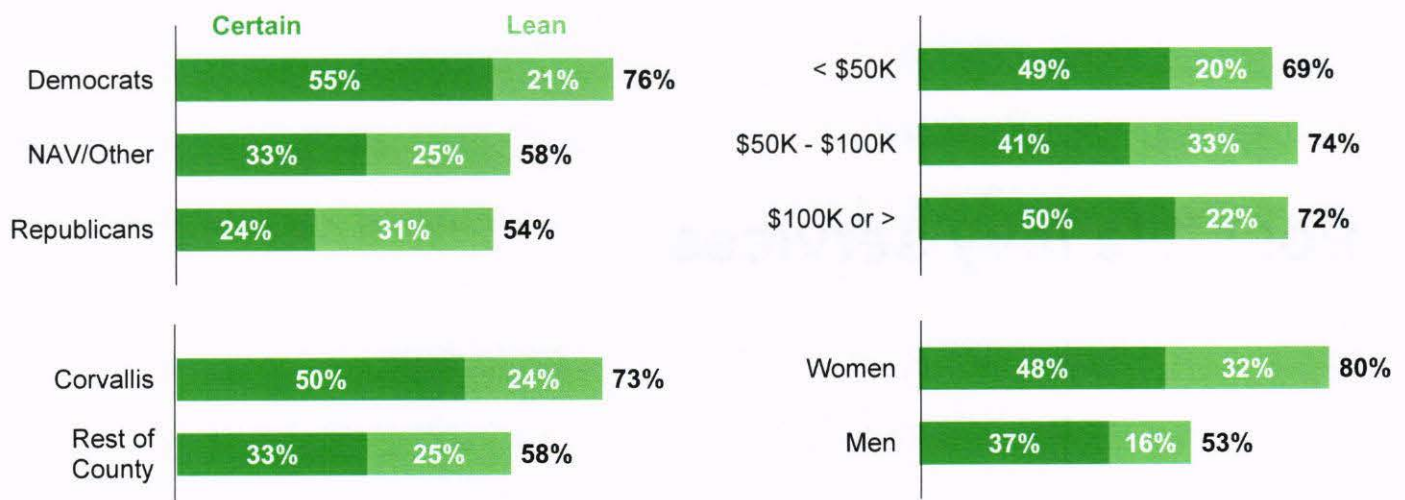
n=50

Levy re-test
Ballot title and summary

After hearing a brief summary of the levy, support—and certainty of support—increases.

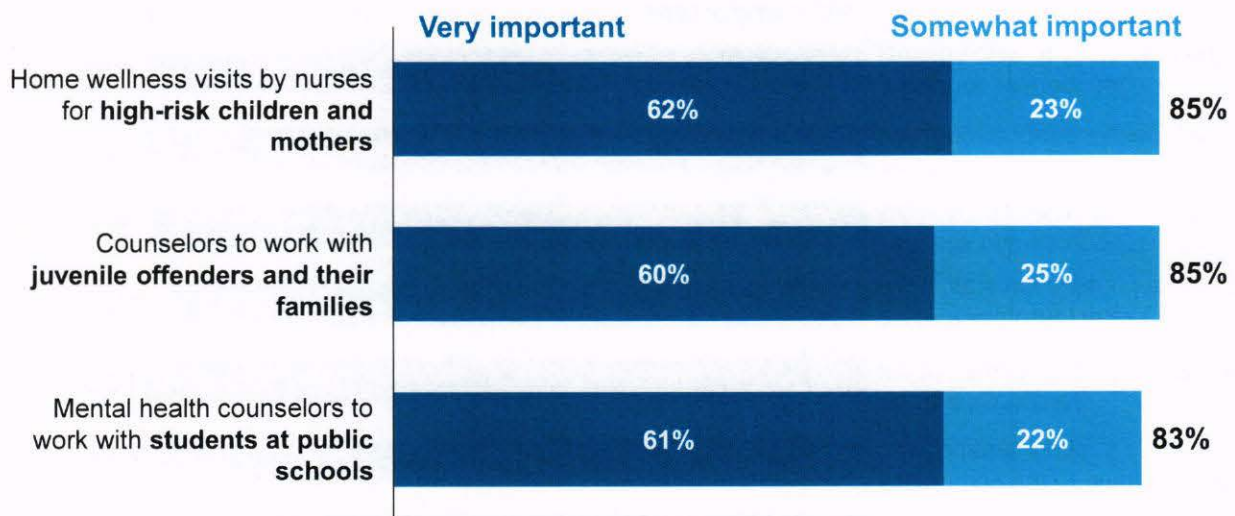


After hearing a summary, a majority of all groups support the levy and support is strongest among Democrats, women, and Corvallis voters. All income groups also support the levy.

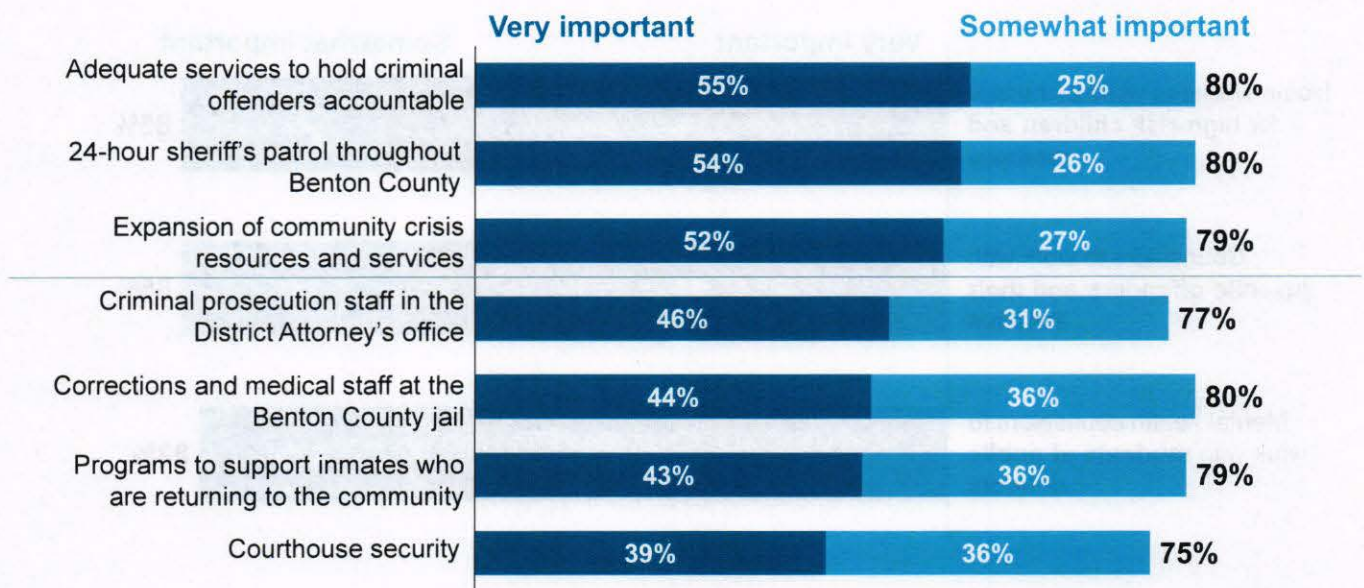


Possible levy services

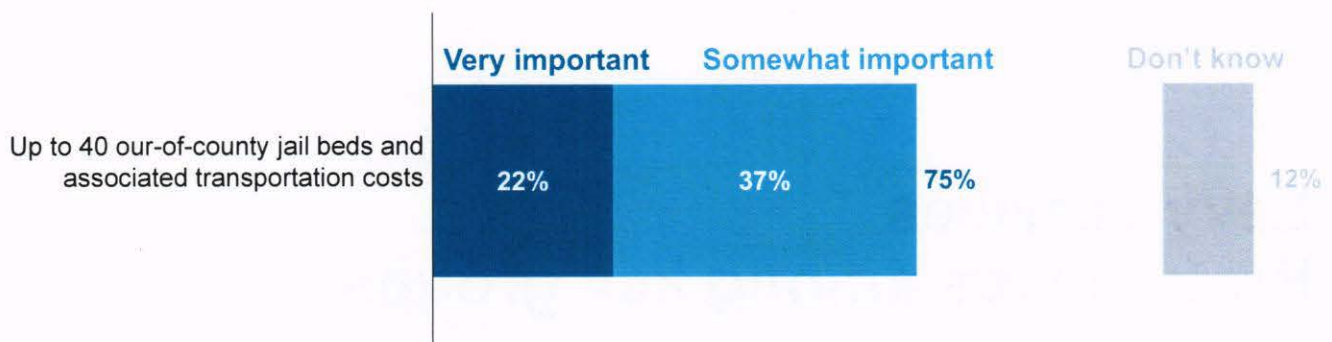
Services that voters consider the most important all focus on the wellbeing of families and youth.



The second-tier of important services can be ranked by the degree to which voters see them not simply as important, but very important.



Forty out-of-county jail beds are considered important, but less so. Uncertainty may explain lower rankings for more jail beds.



Levy services

Preferences among key groups

There is much overlap among key groups when it comes to how they value proposed services to be funded by the levy.

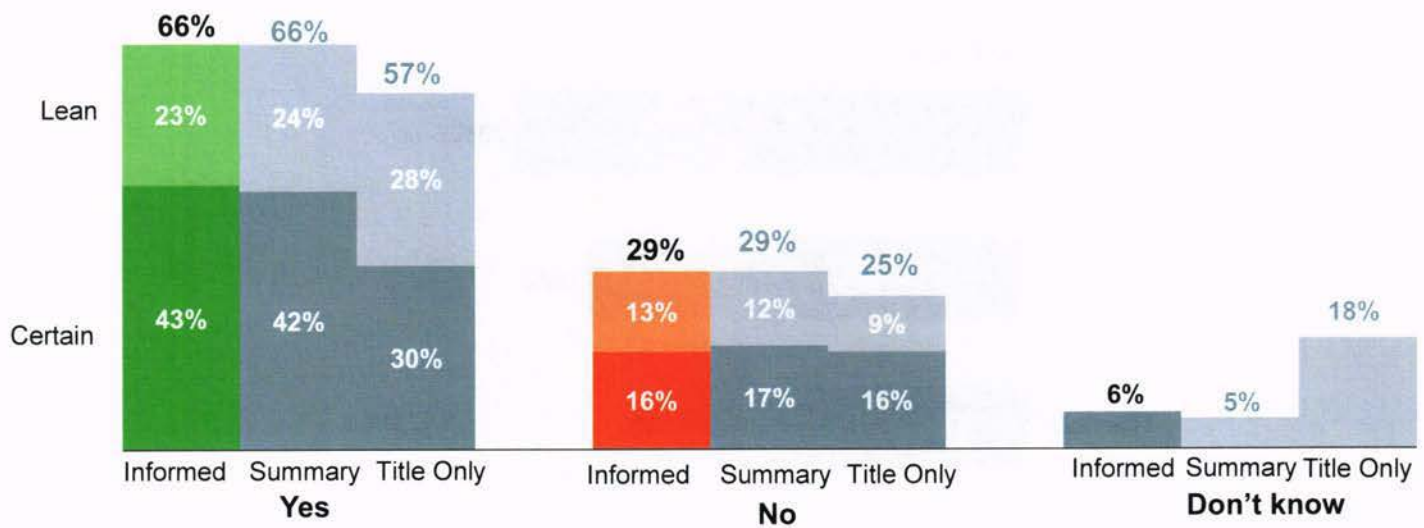
X=top X=second X=third

Service	Race		Area		Gender		Age		Political Party		
	POC	White	Corvallis	Rest	Men	Women	Ages <65	Ages 65>	Dem	Rep	NAV/Other
Home visits by nurses for high-risk youth and moms		X	X	X	X	X	X	X	X		X
Counselors for juvenile offenders and families		X	X	X	X	X	X	X	X		X
Mental health counselors for public schools		X		X		X	X		X	X	
Adequate services to hold offenders accountable	X							X		X	X
24-hr sheriff's patrol throughout Benton County					X					X	
Corrections and medical staff at Benton County jail	X										
Support inmates returning to community	X		X								

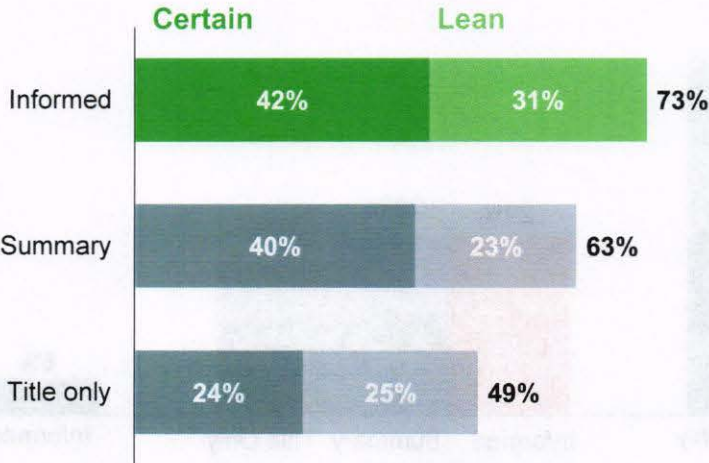
Final levy re-test

Title, summary, and informed

After hearing a list of services that may be funded by the levy, overall support remains essentially the same as when voters were presented with only a ballot summary.



Few groups shift their support substantially after hearing about services to be funded, except POC voters.





John Horvick

jhorvick@dhmresearch.com

Tony Iaccarino

tiaccarino@dhmresearch.com

dhmresearch.com

BOC Agenda Checklist Master

request input from central

Agenda Placement and Contacts

Suggested Agenda Date 02/23/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Teresa Farley

Phone Extension * x6890

Meeting Attendee Name * Xanthippe Augerot

Agenda Item Details

Item Title * In the Matter of Appointment to the Board of Property Tax Appeals

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 Board of Commissioners has chosen to appoint Andrew Freborg to serve on the Board of Property Tax Appeals.

Options *
 1) Approve appointment
 2) Do not approve appointment

Fiscal Impact *
☐ Yes
☒ No

Suggested Agenda 08/25/21
 Date

Agenda Item Details

Suggested
 Placement

Department *

Contact Name *

Phone Extension *

Meeting Attendee
 Name *

Agenda Item Details

Item Title *

Item involves *

- ☒ Appointment
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Decision and Action
- ☐ Discussion Only
- ☐ Document Reviewing
- ☐ Employment
- ☐ Fiscal Impact
- ☐ Other Resolution
- ☐ Online/Video Viewing (at least 2)
- ☐ Organizational/Policy Reviewing
- ☐ Presentation
- ☐ Project/Contract Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Board/Committee

Involvement *

Advertisement *

Yes No

2040 Thriving Communities Initiative

Mandated Service? * ☒ Yes
☐ No

2040 Thriving Communities Initiative

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

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

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

According to ORS 309.067 the county governing body shall appoint a pool of members.

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 Approve appointment

Recommendations*

Meeting Motions*

I move to ...

I move to appoint Andrew Freborg to the Board of
Property Tax Appeals.

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.

BOPTA Order appt 210223.docx	18.11KB
BOPTA Order 210223.doc	30.5KB

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

Department TERESA FARLEY
Approver

Department Approval

Comments

Signature

TERESA FARLEY

BOC Initial Approval

Approvals Required ☐ Counsel
☐ Finance
☐ HR

County Administrator Approver TERESA FARLEY

Comments

County Administrator Approval

Comments

Signature

Teresa Farley

BOC Final Approval

Comments

Signature

Teresa Farley

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

**In the Matter of Appointment to the) ORDER #D2021-030
BOARD OF PROPERTY TAX APPEALS)**

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

IT APPEARING TO THE BOARD

THAT the following qualified and knowledgeable individuals have indicated a willingness to
serve on this board:

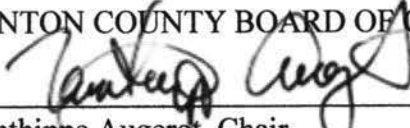
<u>Name</u>	<u>Appointed & Position</u>
Andrew Freborg	Pool 2
	Appointed: 02/23/21
	Expires: 06/30/21

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Board of Property Tax Appeals.

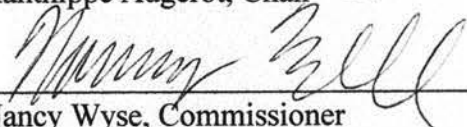
Adopted this 23rd day of February, 2021.

Signed this 23rd day of February, 2021.

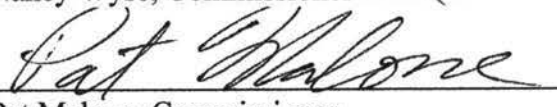
BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner

**BENTON COUNTY
BOARD OF PROPERTY TAX APPEALS
(FORMERLY BOARD OF EQUALIZATION)
(BOPTA)**

	<u>NAME/ADDRESS</u>	<u>TERM PERIOD</u>	<u>TERM SERVING</u>	<u>DATE APPOINTED</u>
<u>POOL 1</u>				
Non-Office Holding Resident	VACANT	Begin: 07/01/16 Expire: 06/30/17	Term	
Non-Office Holding Resident	Nicholas Fowler	Begin: 07/01/20 Expire: 06/30/21	6 th Term	12/15/15 07/05/16 reappt'd 07/18/17 reappt'd 07/03/18 reappt'd 08/04/20 reappt'd
Non-Office Holding Resident	VACANT	Begin: 07/01/19 Expire: 06/30/20	4 th Term	11/22/16 07/18/17 reappt'd 07/03/18 reappt'd
Non-Office Holding Resident	VACANT	Begin: Expire:		
Non-Office Holding Resident	VACANT	Begin: Expire:		
<u>POOL 2</u>				
Non-Office Holding Resident	VACANT	Begin: 07/01/19 Expire: 06/30/20	4 th Term	11/22/16 07/18/17 reappt'd 07/03/18 reappt'd
Non-Office Holding Resident	Kathleen Hutchinson	Begin: 07/01/20 Expire: 06/30/21	5 th Term	11/22/16 07/18/17 reappt'd 07/03/18 reappt'd 08/04/20 reappt'd
Non-Office Holding Resident	Andrew Freborg	Begin: 07/01/20 Expire: 06/30/21	Partial Term	02/23/21
Non-Office Holding Resident	VACANT	Begin: 07/01/16 Expire: 06/30/17		
Non-Office Holding Resident	VACANT	Begin: Expire:		

STAFF/RECORDER:

James Morales, 541-766-6756;
(contact) Lea Gray, 541-766-6831

MEMBERS:

Appointment should be a member of the Board of Commissioners or a Non-Official Holding County Resident appointed by the Board of Commissioners - ORS 309.020(a) and 309.020(7)(a).

TERM LIMIT:

Terms are for **one (1) year**, beginning on date of appointment and ends June 30 (or whenever member resigns or is replaced, which ever occurs first). - ORS 309.020(2).

MEETS:

Session begins on first Monday in February, meetings as needed.
Session ends no later than April 15.

NOTES:

Appointments are made by the Board of Commissioners.

February 14, 2021

Oregon Housing and Community Services
Sandra Flickinger, Assistant Director of Procurement and Grant Compliance
725 Summer Street NE, Suite B
Salem, OR 97301
E-mail: OHCS.Contracts@oregon.gov

Subject: Request for Information (RFI) #914-6090-21, Administration of the 2021 Emergency Rental Assistance Program

Dear Ms. Flickinger,

Thank you for the opportunity to provide information on the distribution of Emergency Rental Assistance (ERA) under section of H.R. 133 - Consolidated Appropriations Act, 2021. We are thankful to Congress for passing this very important legislation, which includes \$25 billion of federal emergency rental assistance funding and specifically \$281.26 million to Oregon.

Oregon's Crisis

Portland State University's (PSU) Homelessness Research & Action Collaborative Portland published a report on February 9, 2021, which highlights the scope of the eviction crisis facing Oregon: "Approximately 89,000 Oregon households owe back rent, according to the center's analysis of the Census Household Pulse survey of social and economic impacts of the coronavirus. As many as 200,000 have little to no confidence in their ability to pay next month's rent, which suggests that these numbers will continue to grow."

Additional findings in the report are alarming: "Using these sources — the estimates of households at risk of eviction (89,000), the calculator, and statewide health, shelter, child welfare, and juvenile justice data — the center estimates that Oregon might be forced to spend between \$1 billion and \$3.3 billion to respond to displacement of this magnitude in the short term if additional eviction supports are not adopted..."

...the total rent arrears owed in Oregon is estimated at \$378 million at the high end, according to Stout, a global investment bank advisory firm. Those costs will continue to rise but will likely be a fraction of the cost of evictions."

Need for a Statewide, Multi-pronged Approach

A. We want to ensure that these funds will be directed to reach every corner of the state, so that all of Oregon's counties can benefit from these critical federal rental and utility assistance monies to meet the needs of their citizens. The reality of the pandemic is that we have high levels of housing instability and risk of eviction in every region, county and city in Oregon.

B. Applicants for these federal ERA funds should have the option to utilize up to 10% this funding for "Housing Stability Services" as authorized under the bill. Both Congress and the PSU report recognize the need for an approach that includes substantial rent assistance as well as funding for additional services that support housing stability.

- Congressional intent of the ERA related to “case management and others related services” is contained in the Committee record (see attached). The intent states: “Eligible renters would be able to receive assistance with rent and utility payments, unpaid rent or utility bills that have accumulated since the beginning of the coronavirus pandemic, and other housing expenses that were incurred due, directly or indirectly, to the pandemic. Eligible renters would also have access to services, such as case management and tenant-landlord mediation, to help them remain stably housed.”
- Section 501(c)(3) of the ERA states: “HOUSING STABILITY SERVICES -- Not more than 10 percent of funds received by an eligible grantee from a payment made under this section may be used to provide eligible households with case management and other services related to the novel coronavirus disease (COVID-19) outbreak, as defined by the Secretary, intended to keep households housed.”
- The PSU report, referenced above, includes recommended actions such as “fully funding rent supports to meet the scale of the need and extending renter protections including: relief from no-cause evictions, access to mediation instead of eviction, and reasonable repayment periods for arrears to avoid mass evictions in Oregon.”
- “Community mediation is uniquely suited to be of service during this pandemic. It increases access to justice and builds capacity for conflict resolution and social capital within communities,” according to Susan Jeghelian, Executive Director, Massachusetts Office of Public Collaboration. She added that Massachusetts’ “plan to deploy community mediation as a tool for eviction diversion to promote housing stability is a smart, strategic use of local dispute resolution resources.”

Opportunity: Housing Stability Services

All tenants who can benefit from these funds must be provided equitable, meaningful and timely access to these funds.

We believe, as Congress envisioned, that up to 10% of the ERA funding should be made available for applicants who seek funding for housing stability services which include but are not limited to the following:

- Increased case management capacity
- Trusted, culturally competent system navigators who can help individuals and families access rental assistance dollars
- Access to pre-eviction mediation/dispute resolution services
- Coordinated referral to needed social and healthcare services
- Providing education about and improving access to critical eviction prevention services and programs such as credit counseling, home share programs, food security and job search resources

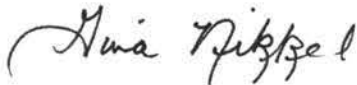
The Association of Oregon Counties and the League of Oregon Cities work in partnership with a variety of community organizations, including the Oregon Office of Community Dispute Resolution, community action agencies, CBO’s and other state and local housing partners. We believe a blend of case management, mediation, community based and culturally competent

based engagement and other coordination of resources can help address the evictions crisis in the following specific ways:

1. Significantly increase the number of Oregonians who take advantage of all available rental and utility assistance options
2. Empower local community action agencies and their local BIPOC partners to engage tenants who have historically underutilized public benefits, such as rental assistance
3. Help ensure that especially vulnerable populations (such as seniors, individuals with serious mental illness or intellectual/developmental disability; those living in remote rural areas; and those who lack basic internet services) are not overlooked in this housing crisis
4. Help coordinate access to immediate rental and utility assistance while simultaneously strengthening connections to local resources and services that will support long-term housing stability.

Thank you for your willingness to support us in this important work.

Sincerely,



Gina Nikkel, Executive Director
Association of Oregon Counties



Mike Cully, Executive Director
League of Oregon Cities



Patrick Sponsler, Administrator, Oregon Office for Community Dispute Resolution
University of Oregon School of Law



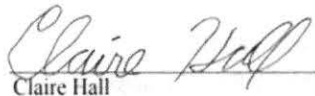
Ernesto Fonseca, CEO
Hacienda CDC



Jimmy Jones, Executive Director
Mid-Willamette Valley Community Action Agency



Paula Hall, Chief Executive Officer
CAPECO


Claire Hall

Commissioner, Lincoln County



Pegge McGuire, Executive Director
Community Services Consortium



Scott Cooper, Executive Director
NeighborImpact

Attachments

1. PSU Homelessness Research & Action Collaborative Report of February 9, 2001
2. U.S. House Committee Emergency Rental Assistance December 20, 2020
3. Massachusetts Eviction Diversion Initiative

Cc:

Representative Fahey, Chair, House Committee on Housing
Senator Jama, Chair, Senate Committee on Housing and Development
Representative Kotek, Speaker of the House
Senator Courtney, Senate President
Governor's Office



U.S. HOUSE COMMITTEE ON FINANCIAL SERVICES
– CHAIRWOMAN MAXINE WATERS –
COVID-19 STIMULUS PACKAGE
TEMPORARY EXTENSION OF THE CDC EVICTION MORATORIUM &
EMERGENCY RENTAL ASSISTANCE

Summary of Subtitle B

Subtitle B of the COVID-19 Stimulus Package would provide a temporary extension of the CDC eviction moratorium and establish an emergency rental assistance program through the Department of Treasury, which would provide \$25 billion to help families and individuals pay their rent and utility bills and remain stably housed, while also helping rental property owners of all sizes continue to cover their costs, including the costs of necessary to ensure residents' health and safety.

Explanation of Key Provisions

Is there an extension of the eviction moratorium?

Yes. The COVID-19 Stimulus Package extends the CDC's eviction moratorium until January 31, 2021. This will help ensure that millions of renters across America are not evicted while waiting to receive assistance.

What kind of assistance would renters receive?

Eligible renters would be able to receive assistance with rent and utility payments, unpaid rent or utility bills that have accumulated since the beginning of the coronavirus pandemic, and other housing expenses that were incurred due, directly or indirectly, to the pandemic. Eligible renters would also have access to services, such as case management and tenant-landlord mediation, to help them remain stably housed. A household may receive up to 12 months of assistance but may receive an additional three months of assistance only if it is necessary to ensure the household remain stably housed and funds are available.

How would renters (and property owners) apply for, and receive, assistance?

Renters would apply for assistance with entities that state and local grantees select to administer the program. Once a renter qualifies for assistance, the administering entity would send the payment directly to the landlord. If a landlord declines to receive the assistance from the administering entity, a renter may instead receive a direct payment from the administering entity to make rental payments to their landlord themselves. Property owners could also assist renters to apply for rental assistance under the program or apply on behalf of the tenant, but will be required to notify the renter that assistance is being provided on their behalf and obtain their consent in the application.

Who would be eligible to receive emergency rental assistance?

Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of the area median income (AMI); (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households with incomes that do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 days.

In determining household income, the administering entity must consider the household's income for 2020 or the household's monthly income at the time of application for assistance, which must be recertified every three months if the household is receiving ongoing rental assistance.

How would Treasury distribute the funding?

The Department of Treasury will distribute funds to states and localities using the same formula used to distribute Coronavirus Relief Funds. Small states will receive a minimum of \$200 million in emergency rental assistance. Localities with populations over 200 thousand people may request to receive their allocation of emergency rental assistance directly. Under the program, the District of Columbia is treated as a state. The U.S. territories would share a set-aside of \$400 million (with a small territory set-aside), while \$800 million would be set aside for Native Americans, Alaska Natives, and Native Hawaiians.

FARLEY Teresa

From: Palmer Vilagi <palmervilagi@hotmail.com>
Sent: Monday, February 22, 2021 2:42 PM
To: AUGEROT Xanthippe
Cc: JARAMILLO Annabelle E; MALONE Patrick; RASH Alyssa; KERBY Joseph; *Benton Web PIO; KURTH Nick; STOKES JonnaVe; FARLEY Teresa; WYSE Nancy; Scott Stuart
Subject: Re: Benton County, public health and the economy
Attachments: 2021 Yamhill County Resolution.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello! Please see attached - the latest resolution yamhill county is adopting. I encourage Benton county to take a stand as well before no businesses are left standing. Thank you for your time.

Palmer Vilagi
Real Estate Investor
541-760-7408

"Don't ask yourself what the world needs. Ask yourself what makes you come alive, and go do that, because what the world needs is people who have come alive."
- Howard Thurman

On Jan 4, 2021, at 7:07 PM, AUGEROT Xanthippe <Xanthippe.Augerot@co.benton.or.us> wrote:

Dear Mr. Vilagi,
Thank you for your messages and the documents from Yamhill and Josephine counties. Our Board of Commissioners supports Governor Brown's efforts to protect lives and the economy in Oregon. By observing both mask requirements and social distancing, as well as slowing our economy when COVID risk levels warrant it, we have minimized illness, stress on our hospitals, and loss of life. We have the 5th lowest death rate per 100,000 people, and have consistently held that ranking. Despite Governor Brown's precautions, Oregon has not fared significantly worse than the national average in terms of unemployment rate or total wages and salaries. We do, however, lag the national average when it comes to employment loss, unfortunately.

We all want COVID-19 to go away, so that we can get back to normal patterns of commerce and community. But what we hear most from our local merchants is that they want people to mask up, keep safe 6 feet, get vaccinated and minimize gatherings so that we can reduce transmission. Only that way will people feel truly comfortable spending lots of time out and about again.

Xan Augerot, Commissioner
Benton County
541-766-6800 office
541-231-1300 mobile

From: Palmer Vilagi <palmervilagi@hotmail.com>

Sent: Thursday, December 31, 2020 3:26 PM

To: JARAMILLO Annabelle E <Annabelle.E.JARAMILLO@Co.Benton.OR.US>; MALONE Patrick <Pat.Malone@Co.Benton.OR.US>; AUGEROT Xanthippe <Xanthippe.Augerot@Co.Benton.OR.US>; RASH Alyssa <alyssa.rash@Co.Benton.OR.US>; KERBY Joseph <Joseph.Kerby@Co.Benton.OR.US>; *Benton Web PIO <Pioinfo@Co.Benton.OR.US>; KURTH Nick <Nick.Kurth@Co.Benton.OR.US>; STOKES JonnaVe <JonnaVe.Stokes@Co.Benton.OR.US>; FARLEY Teresa <Teresa.FARLEY@Co.Benton.OR.US>

Subject: P.S.

Benton Co Board of Commissioners,

I also wanted to pass on some information to you regarding the resolutions Yamhill & Josephine County passed to protect business owners rights and their livelihoods and to take a firm stand against the government overreach taking place against a virus with over a 99.97% survival rate.

This article sums it up very well

<https://www.northwestobserver.com/index.php?ArticleId=693>

In addition Mossyrock, WA passed an ordinance allowing businesses to stay open.

<https://mynorthwest.com/2333279/mossyrock-inslee-covid-lockdowns/>

As citizens of Philomath my wife & I propose that all of Benton County passes a similar resolution ASAP & also cities in Benton County pass ordinances such as Mossy Rock WA did.

<https://ktvz.com/news/coronavirus/2020/12/23/prinevilles-mayor-elect-among-dozen-in-main-street-effort-to-reopen-biz-on-jan-1/>

Bravo to these mayors for taking a stand and re-opening on Jan 1! Let us join them!

Jason Beebe, mayor of Prineville provided NewsChannel 21 with a list of the mayors and mayors-elect who are currently willing to be identified in the coalition:

Paul Aziz, Lebanon Mayor
Jason Beebe, Prineville Mayor-Elect
Brian Cooper, Fairview Mayor
Rod Cross, Toledo Mayor
Sean Drinkwine, Estacada Mayor
Kelly Grassman, Mt. Angel Mayor
Brian Hodson, Canby Mayor
Scott Keyser, Molalla Mayor-Elect
Randy Lauer, Troutdale Mayor-Elect
Rich Mays, The Dalles Mayor
Stan Pulliam, Sandy Mayor
Mary Schamehorn, Bandon Mayor

Palmer Vilagi
Real Estate Investor
[541-760-7408](tel:541-760-7408)

"Don't ask yourself what the world needs. Ask yourself what makes you come alive, and go do that, because what the world needs is people who have come alive."

- Howard Thurman

Resolution No. 2021-01

A RESOLUTION IN SUPPORT OF THE LOCAL ECONOMY AND BUSINESSES OF YAMHILL COUNTY IMPACTED BY COVID-19 RESTRICTIONS INCLUDING REQUESTS FOR RELIEF OF SAID RESTRICTIONS

WHEREAS, our Founding Fathers recognized the abuses inherent with a totalitarian government and drafted two of the most sacred documents in history – the Declaration of Independence and the United States Constitution – to limit the government’s power and to clearly define and protect the God given rights we enjoy as Americans; and

WHEREAS, we as Yamhill County Commissioners have sworn to “support, protect and defend” that Constitution, and

WHEREAS, Oregon Governor Kate Brown (Governor) has sworn the same oath; and

WHEREAS, on March 8, 2020 the Governor issued a Declaration of Emergency to facilitate the State’s response to the Covid-19 pandemic, and since that date has issued over 23 Emergency Directives (Directives); and

WHEREAS, the Governor has extended the current “statewide pause” despite record cases of Covid-19 being recorded and no obvious data to support the notion that continued restrictions are having the desired impact on controlling the disease; and

WHEREAS, the Fourteenth Amendment to the U.S. Constitution declares, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States”; and

WHEREAS, Article 1, Section 18, Oregon Constitution declares, “Private property shall not be taken for private use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered”; and

WHEREAS, the Governor unilaterally bypassed Oregon legislature by creating de facto law with her directives and claiming the right to do so under the authority of “emergency powers” extended for over 10 months; and

WHEREAS, the Governor deemed within her power and discretion to classify many businesses as non-essential despite many of these businesses being substantially the same as others classified as essential; and

WHEREAS, we assert the Governor’s order that our businesses be restricted to 25% capacity violates our Fifth Amendment right that declares no citizen shall be deprived of his property, “without the due process of law”; and

WHEREAS, the Governor has singled out bars, restaurants and athletic clubs and related businesses even though only a limited number of Covid-19 infections have been traced to those sources; and

WHEREAS, the Directives and their enforcement by the Oregon Health Authority have caused harm to the residents and businesses of Yamhill County; and

WHEREAS, to date, Yamhill County health officials, aided by the continued trust and diligence of Jefferson County residents, have managed outbreaks of Covid-19 without seeing large scale community spread as witnessed in some counties; and

WHEREAS, current shutdown policies will cause intellectual, emotional, and economic devastation that will last for generations.

NOW THEREFORE BE IT RESOLVED that Yamhill County Board of Commissioners calls on the Governor to uphold her solemn pledge to “support, protect, and defend” the U.S. & Oregon Constitutions and insists she correct course by removing orders restricting our local businesses and limiting the size of peaceful gatherings; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners considers all independently owned businesses essential and demands the Governor treat them as such; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners calls on the Governor to direct her OHA, OSHA and OLCC inspectors to discontinue abusive inspections and fines in our county businesses; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners calls on the Governor to rescind the ineffective Directives before more businesses and county constituents are harmed; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners supports the concept of creating a fund supported by individual donations, to be administered by a non-county entity, to support businesses that may have been fined by State enforcement agencies; and

BE IT FURTHER RESOLVED that Yamhill County Board of Commissioners urges residents and citizens to follow Covid-19 mitigation best practices and measures under the auspices of being self-governing and committed to protecting our well-being and that of our neighbors without coercion; and

BE IT FURTHER RESOLVED that Yamhill County Board of Commissioners encourages our legislative representatives to aggressively support amendments to the Oregon Revised Statutes that would limit any Governor’s authority to restrict our freedoms under the auspices of a declared and prolonged declaration of emergency; and

BE IT FURTHER RESOLVED that Yamhill County staff shall research County ordinances for possible amendments supporting local businesses and/or limiting access by State enforcement agencies; and

BE IT FURTHER RESOLVED that Yamhill County shall research litigation opportunities that the county, or multiple counties collaboratively, could pursue to provide relief to our local businesses; and

BE IT FURTHER RESOLVED that Yamhill County recognizes its right, as stated in our Declaration of Independence, to confront the government when it has subjected it’s citizens to a “long train of abuses and usurpations” and our solemn duty to “throw off such Government” if those abuses are not corrected.

Adopted this ____th day of February, 2021.

Mary Starrett
Board of Yamhill County Commissioners

Lindsay Berschauer
Board of Yamhill County Commissioners

Casey Kulla
Board of Yamhill County Commissioners