



**Board of Commissioners**

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way

Corvallis, OR 97333

bentoncountyor.gov

## AGENDA **REV1**

*(Chair May Alter the Agenda)*

### BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, January 2, 2024, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	<a href="#">Click for Zoom link</a>	Dial 1(253) 215-8782	<a href="#">Click for Facebook LiveStream link</a>
	Zoom Meeting ID: 854 5842 8158		
	Zoom Passcode: 858830		

**County Service District meetings will immediately follow the Board of Commissioners meeting for the following County Service Districts: 911 Emergency Communication Services, Alpine, Alsea, Alsea Human Services, Cascade View, Extension Services, Hidden Valley, Library Services, North Albany, and South Third.**

#### 1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

#### 2. Election of the 2024 Board Chair and Vice Chair

#### 3. Review and Approve Agenda

#### 4. 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.*

#### 5. Consent Calendar

- 5.1 In the Matter of Setting the Board of Commissioners Meeting Schedule for 2024, Order No. D2024-001
- 5.2 In the Matter of Designating the 2024 Official Newspaper for Benton County, Order No. D2024-015

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*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.

- 5.3 In the Matter of Designating the 2024 Official Newspaper for the Board of Health, Order No. D2024-023
- 5.4 In the Matter of Designating the 2024 Official Newspaper for the Contract Review Board, Order No. D2024-024

## 6. Old Business

- 6.1 10 minutes – Second Reading and Adoption of Ordinance 2023-0322 Amending Benton County Code, Chapter 9 – *Tom Douglas, Natural Areas, Parks, and Events; Vance M. Cronney, County Counsel*

## 7. New Business

- 7.1 10 minutes – In the Matter of a Resolution in Support of the Due Process Continuity of Care Act, Resolution No. R2024-001 – *Xanthippe Augerot, Commissioner*
- 7.2 5 minutes – In the Matter of Appointment of a Benton County Commissioner to a ‘County Not Otherwise Represented’ Seat on the Association of Oregon Counties 2024 Legislative Committee – *Xanthippe Augerot, Commissioner*

## 8. Other

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

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*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.

# CONSENT CALENDAR

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

**In The Matter of Setting the        )**  
**Meeting Schedule of the Board    )**     **ORDER #D2024-001**  
**of Commissioners                    )**

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

IT APPEARING to the Board that is in the best interest of the **Board of Commissioners** for the Governing Body to meet regularly and publicly.

THEREFORE, IT IS HEREBY ORDERED that the **Board of Commissioners** Governing Body will meet on the following schedule:

As necessary on the first, second, third, and fourth Tuesday and/or other times as needed, time and place as noticed per ORS 192.640.

BE IT FURTHER ORDERED that this schedule shall remain in force until superseded.

Adopted this 2nd day of January, 2024.

Signed this 2nd day of January, 2024.

**BOARD OF COMMISSIONERS**

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Xanthippe Augerot, Chair

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Nancy Wyse, Vice Chair

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Pat Malone, Commissioner

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

**In The Matter of Designating an        )**  
**Official Newspaper for the        )**     **ORDER #D2024-012**  
**Board of Commissioners        )**

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

THAT pursuant to Oregon Revised Statutes 193.020 it is necessary for various County  
departments to publish legal notices in designated official county newspapers.

THEREFORE, IT IS HEREBY ORDERED that the Corvallis Gazette Times is  
designated as the official newspaper for the **Board of Commissioners** Governing Body legal  
publications, and this designation remains until such time as Benton County completes a  
formal process for selecting a newspaper of record.

Adopted this 2<sup>nd</sup> day of January, 2024.

Signed this 2<sup>nd</sup> day of January, 2024.

BOARD OF COMMISSIONERS

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Xanthippe Augerot, Chair

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Nancy Wyse, Vice Chair

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Pat Malone, Commissioner

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

**In The Matter of Designating an        )**  
**Official Newspaper for the            )**     **ORDER #D2024-023**  
**Board of Health                            )**

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

THAT pursuant to Oregon Revised Statutes 193.020 it is necessary for various County  
departments to publish legal notices in designated official county newspapers.

THEREFORE, IT IS HEREBY ORDERED that the Corvallis Gazette Times is  
designated as the official newspaper for the **Board of Health** Governing Body legal  
publications, and this designation remains until such time as Benton County  
completes a formal process for selecting a newspaper of record.

Adopted this 2<sup>nd</sup> day of January, 2024.

Signed this 2<sup>nd</sup> day of January, 2024.

BOARD OF HEALTH

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Xanthippe Augerot, Chair

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Nancy Wyse, Vice Chair

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Pat Malone, Commissioner

**BEFORE THE CONTRACT REVIEW BOARD  
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In The Matter of Designating an        )**  
**Official Newspaper for the        )**     **ORDER #D2024-024**  
**Contract Review Board        )**

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

THAT pursuant to Oregon Revised Statutes 193.020 it is necessary for various County  
departments to publish legal notices in designated official county newspapers.

THEREFORE, IT IS HEREBY ORDERED that the Corvallis Gazette Times is  
designated as the official newspaper for the **Contract Review Board** Governing Body  
legal publications, and this designation remains until such time as Benton County  
completes a formal process for selecting a newspaper of record.

Adopted this 2<sup>nd</sup> day of January, 2024.

Signed this 2<sup>nd</sup> day of January, 2024.

CONTRACT REVIEW BOARD

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Xanthippe Augerot, Chair

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Nancy Wyse, Vice Chair

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Pat Malone, Commissioner

# **OLD BUSINESS**



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

**In the Matter of Amending**                     )  
**Benton County Code Ch. 9**                     )       **Ordinance No. 2023-0322**  
   )

THE BENTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

WHEREAS wild or exotic animals used in traveling animal displays suffer severe and extended confinement; are deprived of natural movements, free exercise, and natural behaviors; and are prone to chronic stress, behavioral, health, and psychological problems; and

WHEREAS constant travel, temporary and collapsible facilities, and prolonged confinement and physical coercion are inherently part of traveling animal displays; and these conditions subject wild or exotic animals to chronic stress that compromises their welfare while also creating risks for the public and workers;

WHEREAS the itinerant nature of traveling animal displays using wild or exotic animals complicates oversight such that agencies and authorities cannot properly monitor, evaluate, or follow through regarding the condition of animals or facilities, or their history of injuries, incidents, illnesses, violations, or other issues, and so cannot properly protect animals, workers, or the public;

WHEREAS the use of wild or exotic animals for entertainment contributes to the trade of these animals by perpetuating their breeding and sale; and

WHEREAS Benton County deems it is in the public interest to prevent animal cruelty by prohibiting traveling animal displays that include wild or exotic animals for public entertainment or amusement within the County.

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

**I. Short Title.**

1. This ordinance shall be known as “Amendment to Benton County Code Chapter 9.”

**II. Text Amendment.**

2. Benton County Code Chapter 9 is hereby amended as described in the attached Exhibit A.

This Ordinance shall become effective on the 1<sup>st</sup> day of February 2024.

1<sup>st</sup> Reading: December 19, 2023  
2<sup>nd</sup> Reading: January 2, 2024  
Effective Date: February 1, 2024

BENTON COUNTY  
BOARD OF COMMISSIONERS

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Xanthippe Augerot, Chair

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Nancy Wyse, Vice Chair

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Pat Malone, Commissioner

Approved as to form:

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Vance M. Croney, County Counsel

**Exhibit A**

Benton County Code Chapter 9.805 shall be amended as follows:

**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 animals listed below ~~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) Hippopotamuses, giraffes, camels, deer, antelope, and chevrotains;

(b) Alligators, crocodiles and camans;

~~(a)~~(c) Sharks, skates, and rays;

(d) Elephants;

(e) Tigers, lions, jaguars, leopards, panthers, cheetahs, cougars, lynx, bobcat, ocelot, margay, Fisher cats, and European wild cats but excluding domestic cats;

(f) Hyenas;

(g) Kangaroos, koalas, wombats, wallabies, opossums, and gliders;

(h) Apes, monkeys, lemurs, gorillas, chimpanzees, orangutans, bonobos;

(i) Rhinoceroses, tapirs, and zebras;

(j) Seals, sea lions, and walruses;

(k) Ostriches and emus;

- (l) Bears;
- (m) Wolves, coyotes, foxes, African wild dogs and jackals except domestic dogs and their hybrids;
- (n) Whales, dolphins, and porpoises;
- (o) Anteaters, sloths, and armadillos;
- (p) Skunks, weasels, martens, mink, badgers, river otters, and sea otters;
- (q) Raccoons, coatis, kinkajous, ringtails, cacomistles, and olingos;
- (r) Tortoises;
- (s) Civets, mongooses, bearcats, and genets; and
- (t) Monitor lizards and Komodo dragons. [Ord. 2023 — ; 2018-0290]
- ~~(a) — Artiodactyla (including hippopotamuses, giraffes, camels, but excepting alpaca, cattle, llama, swine, sheep, and goats);~~
- ~~(b) — Crocodylia (including alligators and crocodiles);~~
- ~~(c) — Elasmobranchii (including nurse sharks and lemon sharks);~~
- ~~(d) — Elephantidae (elephants);~~
- ~~(e) — Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, but excluding domestic cats);~~
- ~~(f) — Hyaenidae (hyenas);~~
- ~~(g) — Marsupialia (including kangaroos);~~
- ~~(h) — Non-human primates (including apes, monkeys, and lemurs);~~
- ~~(i) — Perissodactyla (including rhinoceroses and tapirs, but excluding Equidae);~~
- ~~(j) — Pinnipedia (including seals, sea lions, and walruses);~~
- ~~(k) — Struthio (ostriches); and~~
- ~~(l) — Ursidae (bears).~~
- ~~(m) — Canidae (including wolves, coyotes, foxes, except domestic dogs)~~
- ~~(n) — Cetacea (including whales, dolphins, porpoises)~~
- ~~(o) — Edentata (including anteaters, sloths, armadillo)~~

~~(p) Mustelidae (including skunks, weasels, mink, badgers, river otters, sea otters)~~

~~(q) Procyonidae (including raccoons, coatis, kinkajous, ringtails)~~

~~(r) Testudinidae (tortoise)~~

~~(s) Viverridae (including civets, mongooses, bearcat)~~

~~(t) Varanidae (monitor lizards, Komodo dragons) [Ord. 2018-0290]~~

Benton County Code Ch. 9.810 shall be amended as follows:

### 9.810 Prohibitions.

(1) It shall be unlawful for any person to allow for the participation of an ~~an~~ ~~wild or exotic~~ animal listed in Section 9.805(4) 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); ~~or the~~ 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, education or medical institution, the USDA Cooperative Extension Service, OSU Extension Service 4-H and its sanctioned events, community rodeos conforming to NPRA (Northwest Professional Rodeo Association) animal welfare rules and FFA-sponsored events and including any such institution dedicated to the training of service or assistance animals, but excluding wild animal training programs for the purpose of traveling animal displays;~~

(b) Veterinary clinics or wildlife rescue and rehabilitation facilities, which are licensed or permitted by the state of Oregon;

(c) Any licensed or accredited academic, research, education or medical institution, the USDA Cooperative Extension Service, OSU Extension Service 4-H and its sanctioned events, and any institution dedicated to the training of service or assistance animals, but excluding wild animal training programs for the purpose of traveling animal displays;

(d) Community rodeos conforming to NPRA (Northwest Professional Rodeo Association) animal welfare rules and FFA-sponsored events. This exemption applies to activities using only animals not listed in 9.805(4).

(e) Persons temporarily transporting ~~wild or exotic~~ animals listed in Section 9.805(4) through the county, provided 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;

(f) Persons owning or keeping a trained exotic primate as a service animal pursuant to ORS 609.345.

(g) 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).

(h)     Animals not listed in Section 9.805(4) may be prohibited or restricted by state law or regulation. [Ord. [2023-0322](#); [2018-0290](#)]

# **NEW BUSINESS**



**Board of Commissioners**

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way  
Corvallis, OR 97333

[bentoncountyor.gov](http://bentoncountyor.gov)

January 2, 2024

**DRAFT**

Name

Address

City, State ZIP

Dear [Representative \_\_\_\_\_ or Senator \_\_\_\_\_]:

On behalf of Benton County, we respectfully request your urgent support for bipartisan legislation such as H.R. 3074/S. 971, which amends the Medicaid Inmate Exclusion Policy (MIEP). This harmful federal policy, outlined under Section 1905(a)(A) of the Social Security Act, makes no distinction between individuals housed in jails versus prisons, and thus unfairly denies or revokes federal health benefits for adults and juveniles who are being housed in local jails prior to conviction. These individuals, who are pending disposition, are still presumed innocent under the United States Constitution.

The MIEP causes disruptions in primary and behavioral healthcare access for justice-involved populations that are enrolled in federal programs such as Medicaid and Medicare. Not only does this discontinuity in care contribute to detrimental health outcomes for both individuals and their communities, but it also increases rates of jail recidivism. By contrast, uninterrupted healthcare helps those who enter the criminal justice system break the cycle of recidivism exacerbated by untreated physical and mental illnesses and substance use disorders.

Across our nation, approximately 11 million people cycle in and out of local jails each year, 60 percent of whom are pretrial detainees. The number of individuals being detained pre-adjudication has grown tremendously in the past several decades and parallels the number of individuals in local jails who are experiencing mental illness and serious mental illness, often with co-occurring substance use disorders.

In Benton County, there are approximately 38 pretrial detainees housed in our jails on any given day, as well as five or six at the Oregon State Hospital to restore mental health



DRAFT

competency to be able to participate in their own defense. Our jail staff now receive crisis response and mental health first aid training, but many of our adults in custody need more specialized support and treatment. This situation is not exclusive to Benton County; jails across our nation provide critical care to individuals with mental illness and co-occurring substance use disorders. Without adequate community resources and continuous healthcare coverage, local jails have become de facto behavioral health hospitals and treatment facilities.

Recent federal action has reinforced the importance of continuing care coordination for incarcerated individuals with behavioral health conditions. The FY 2023 omnibus appropriations bill included a provision to give states the option to continue Medicaid coverage for juveniles in pretrial status. Additionally, the U.S. Department of Health and Human Services, through the Centers for Medicare and Medicaid Services, released guidance encouraging states to apply for a Medicaid section 1115 demonstration opportunity allowing incarcerated individuals to receive health services under Medicaid at least 30 days prior to release from jail or prison.

Thank you for your consideration of this request.

Sincerely,  
BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot  
Chair

Nancy Wyse  
Vice Chair

Pat Malone  
Commissioner

Attachment:  
Benton County, Oregon Board of Commissioners  
Resolution R2024-001

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

**In the Matter of a Resolution      )**  
**in Support of the Due Process     )**                           **RESOLUTION NO. R2024-001**  
**Continuity of Care Act             )**

WHEREAS approximately 11 million people cycle in and out of local jails each year, 60% of which are pretrial detainees.

The number of individuals being detained pretrial has grown tremendously in the past several decades and paralleled the number of individuals in local jails that are experiencing mental illness and serious mental illness, often with co-occurring substance use disorders.

Individuals who are detained pretrial are still presumed innocent under the United States Constitution.

Having access to federal health benefits while awaiting trial and presumed innocent aligns with an individual’s constitutional rights.

Current federal law makes no distinction between individuals housed in jails versus prisons, and thus unfairly denies or revokes federal health benefits for adults that are being housed in local jails prior to conviction.

Current federal law prohibits the use of federal funds and services, such as Medicaid, for healthcare provided to inmates of local county jails.

The cost to provide inmates in county jails with health care leaves counties responsible for the full cost of inmates’ health care rather than the traditional federal, state, and local partnership for safety-net services.

A report published in 2015 by the Vera Institute of Justice shows that jail healthcare costs represent approximately 10% of total jail costs.

The **Due Process Continuity of Care Act**, a bipartisan bill before Congress, amends the Medicaid Inmate Exclusion Policy (MIEP) to ensure that pretrial detainees can retain their Medicaid benefits.

This federal legislation preserves the partnership between federal and local governments, ensuring that local governments are not burdened with an unfair share of meeting the mandate to guarantee medical coverage.

This legislation would alleviate a significant unfunded burden placed on county jails, resulting in significant savings to county governments.

This legislation would allow for improved coordination of care and would help counties break the cycle of recidivism caused or exacerbated by untreated mental illness and/or substance use disorders, thereby improving public safety.

NOW, THEREFORE BE IT RESOLVED, that the Benton County Board of Commissioners urges the United States Congress to support and pass the Due Process Continuity of Care Act.

Adopted this 2<sup>nd</sup> day of January 2024.

Signed this 2<sup>nd</sup> day of January 2024.

BENTON COUNTY BOARD OF COMMISSIONERS

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Xanthippe Augerot, Chair

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Nancy Wyse, Vice Chair

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Pat Malone, Commissioner

Approved as to form:

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Vance M. Croney, County Counsel