

**MINUTES OF THE MEETING**  
**BENTON COUNTY BOARD OF COMMISSIONERS**  
Livestream: <http://facebook.com/BentonCoGov>  
Tuesday, December 5, 2023  
9:00 a.m.

**Present:** Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Rachel McEneny, County Administrator

**Elected Officials:** Jef Van Arsdall, Sheriff

**Staff:** Jenn Ambuehl, Rick Crager, Financial Services; Tomi Douglas, Jesse Ott, Natural Areas, Parks, and Events; Eric Glass, David Iverson, Brian Lundy, Sheriff's Office; Cory Grogan, Public Information Officer; April Holland, Lacey Mollel, Health Services; Amanda Makepeace, BOC Staff; Erika Milo, BOC Recorder

**Guests:** Ryan Beathe, City of Albany; John Harris, Horsepower Productions; Craig Hendrickson, Trudy Overlin, Kristi Schrock, Fair Board; Kevin Kenaga, Arlene Merems, Eileen Stark, Richard Weber, Residents

**1. Opening:**  
**1. Call to Order**

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

**2. Introductions**  
**3. Announcements**

No announcements were made.

**2. Review and Approve Agenda**

The following items were added under **Item 8. Other:**

- 8.1 Commissioner Nancy Wyse Update**
- 8.2 Commissioner Pat Malone Update**
- 8.3 Hubert McBee Campground – Board of Commissioners**

The agenda was heard in this order:  
**Items 1-3, 6, 4, 5, 8.1, 8.2, 9, 8.3, 7**

**3. Comments from the Public**

No comments were offered.

**4. Work Session**

- 4.1 Discuss Supplemental Budget 240601, Resolution #R2023-024 – Rick Crager, Jenn Ambuehl; Financial Services**

Crager presented the first budget supplement for the 2023-25 biennium. Staff request a \$17.34 million increase, 3.6% of the current budget, for a total biennial budget of \$503 million. This

supplement contains no Full Time Equivalent changes; most changes relate to capital outlay, transfers, and reserves. Estimates for some capital projects have increased, and the County progressed slower than anticipated on these projects last biennium.

The supplemental budget includes a \$2.6 million increase for the External Fleet program, primarily because vehicles ordered last biennium were not in stock. For the same reason, \$905,000 in the Internal Fleet Service Fund will shift from Contingency to Capital Outlay, making no budgetary impact.

House Bill 5019 provided a new \$2.44 million grant from Oregon Housing & Community Services (OHCS) to increase emergency shelter and housing for the homeless. Staff are still discussing how to administer the \$1.4 million coming directly to the County. The total includes a grant to Unity Shelter, which prefers the County administer the funding.

Timber harvest at Beazell Forest will yield about \$475,000. Natural Areas, Parks, and Events will use \$210,000 for improvements and maintenance at the Beazell Education Center. The remaining \$265,000 will go into Operating Contingency.

There is a \$163,100 increase for emergency evacuation routes, including \$100,000 from Corvallis Rural Fire Department for the Sheep Farm Road project, and \$63,100 in project cost that carried over. This has enabled the County to focus more funds on the Cardwell Hill project and planning additional routes.

There is about \$132,000 for the Sheriff's Office, including a \$113,000 Homeland Security Administration grant for emergency communications and regional incident emergency operations training. The remainder is due to a higher beginning balance in the Department of Justice Equitable Sharing Trust Fund for Operations, now located in Materials & Supplies.

An \$11.59 million increase is due to updated revenues and estimates for all capital projects for the New Courthouse (NCH) and District Attorney's Office (DAO), the Crisis Center (CC), and the Emergency Operations Center (EOC). Staff did not have the 2023 legislative results when the budget was adopted. The CC overall increase for the biennium is \$1.5 million, due to unanticipated environmental work and slower spending than expected. The County received an additional \$100,000 from OHCS and \$1.2 million from Oregon Housing Authority (OHA) to defray the environmental costs. The CC is within budget with some contingency, with a total biennial budget of \$8.2 million. Crager noted that is not the total project budget, since there was spending in the previous biennium.

The EOC budget increased by \$3.5 million, based on Board prioritization of \$2 million from the American Rescue Plan Act and Capital Improvement Project funds. The County received \$5 million from the State legislature, which was \$1 million more than expected. The EOC total for the biennium, which is the total anticipated project cost, is \$8.8 million.

The NCH/DAO budget increased \$15.6 million because of project spending delays and additional estimated costs due to the increased size of NCH. The County has reached agreement with the State on the scope of the project, and construction should start in March 2024. The Board authorized Crager to use ARPA and Capital Improvements Project reserve funds as necessary for increased costs. The County has also received a much better than anticipated bond interest rate and a higher beginning fund balance, for a total biennial budget of \$9.2 million. This assumes the 2024 State legislature will receive additional allocations.

The \$9 million budgeted for the Homeless Navigation Center is removed from the budget because the request was not funded by the 2023 Legislature.

Augerot noted a correction to the presentation and text: the funds for the CC shortfall were from OHA and InterCommunity Health Network, not OHCS.

**MOTION:** Augerot moved to forward this item to the December 19, 2023 Board Meeting for a Public Hearing. Wyse seconded the motion, which **carried 3-0.**

## 5. Consent Calendar

### 5.1 Approval of Appointments to the Following Advisory Boards and Committees:

<u>Road District</u>	<u>Order Number</u>	<u>Appointees</u>
Brownly-Marshall	D2023-079	Martin Fitzpatrick
Chinook	D2023-080	Matthew Lindberg
Country Estates	D2023-081	Dan Dix
Marys River Estates	D2023-082	Debbie Jackson
McDonald Forest Estates	D2023-083	Fred Eisenlohr
North F Street	D2023-084	Robert Biscoe
Oakwood Heights	D2023-085	Eleanor Love
Ridgewood	D2023-086	Katherine Robertson
Rosewood Estates	D2023-087	Chris Smith
Vineyard Mountain	D2023-088	John Hockensmith
Westwood Hills	D2023-089	David Dickson

**MOTION:** Wyse moved to approve the Consent Calendar of December 5, 2023. Augerot seconded the motion, which **carried 3-0.**

## 6. Proclamations

### 6.1 Proclaiming December as National Rural Health Month in Benton County, Proclamation #P2023-021 – *Lacey Mollel, Community Health Centers*

Mollel read the Proclamation aloud. Rural areas face unique health disparities.

**MOTION:** Augerot moved to approve Proclamation #P2023-021 proclaiming December as National Rural Health Month in Benton County. Wyse seconded the motion, which **carried 3-0.**

## 7. Public Hearings

### \*PH 1 In the Matter of a Public Hearing Regarding an Amendment to Benton County Code, Chapter 9, Ordinance 2023-0322 – *Tomi Douglas, Natural Areas, Parks, and Events*

Chair Malone reconvened the regular Board Meeting and opened the Public Hearing at 11:00 a.m.

### Staff Report

Augerot shared that at the previous discussion on November 7, 2023, the redline of the Exotic Animal Ordinance (EAO) was not in the packet, and there was confusion about notice to the

community about the date of the Public Hearing. Given that, the Board decided not to proceed at that time. Augerot expressed confusion about the multiple versions of the EAO in circulation; the packet version had some errors.

Douglas noted the redline document had been revised many times; when Counsel previously pointed out errors, Douglas could not find the version referred to, but the errors were mostly earlier changes that had not carried through. Regarding organizations that were exempt from the EAO, under 9.810 (2)(a) the phrase ‘Any association accredited by the World Association of Zoos & Aquariums’ was inadvertently struck. 9.801(2)(b) should read ‘Veterinary clinics or wildlife rescue and rehabilitation facilities which are licensed by the state of Oregon.’

Augerot replied that the phrase was in the original and the public comments the Board received. The most recent version is incorrectly numbered 9.801(2)(a), (c), (b), (c); the two parts added back that were struck accidentally were (a) and the first (c).

Douglas had made the two corrections Counsel suggested. Douglas asked about substantive changes from the discussion at the November 7, 2023 Board Meeting.

Augerot indicated the main substantive change the Board requested then was in the rodeo language.

Wyse asked if the version in the revised packet was the correct version.

Counsel clarified that in the revised packet, page 126, 9.810(2) is numbered (a) through (f); that is the correct version of the EAO being presented to the Board. At the meeting on November 7, 2023, the question arose on whether (c) should be broken out so that (d) becomes a second subsection. Subsections (c) and (d) used to be one paragraph and now are separate, with an addition at the end of (d) that says, ‘This exemption applies to activities using livestock and domestic animals only.’

Douglas concurred that those were the changes made since November 7, 2023.

Augerot was unaware of a revised version of the packet.

Counsel added that Merems pointed out the numbering errors and staff corrected those yesterday.

Milo quoted the Board direction from the November 7, 2023 Public Hearing on this topic.

Augerot noted that the change on 9.805(4)(c) was to delete ‘lemon sharks’ because that is redundant with ‘sharks.’

Wyse noted that ‘lemon sharks’ does appear in the revised packet version.

#### Public Comment

Richard Weber, resident, commented that one section of the original EAO’s preamble about public safety was missing and should be restored. The spirit and scope of the original Ordinance should remain intact. Proposed changes: the original language of 9.810(2)(a) had exemptions for facilities accredited by the Association of Zoos & Aquariums or the World Association of Zoos and Aquariums and several recognized wildlife rehabilitation organizations. Weber requested that this text be reinstated. In 9.810 (2)(b), a new category of exempted entities is proposed for rodeos and Future Farmers of America (FFA) activities. Weber questioned the need for this

exemption and proposed changing the sentence ‘This activity applies to activities using livestock and domestic animals only’ to ‘This exemption applies only to activities not using animals listed in 9.805(4).’ There are many forms of entertainment, including animal-free circuses, that do not feature transportation of exotic animals.

Eileen Stark, resident, shared that similar laws have passed in over 150 cities and counties and 37 states; eight states have passed restrictions or full bans on the use of wild animals in traveling exhibits. Merems stated that County residents want to maintain the scope and intent of the original EAO, with just a few changes. It is essential to clarify that the rodeo exemption does not apply to animals banned by the EAO, since the terms ‘livestock and domestic animals’ are not defined in the document and could cause confusion. Instead, say that the exemption applies only to activities that do not use the animals listed. Please reject suggested edits such as adding ‘certified’ to 9.810(2)(a); facilities are either accredited or licensed by institutions, and no traveling show should be exempt. Animals in shows are trained using cruel methods, travel frequently in severe confinement, and often cause threats to public health and safety. There is no difference between a traveling animal act for entertainment or education in terms of welfare. There are multiple animal-free circuses.

Arlene Merems, resident, referred to her email about recommended EAO edits (**Exhibit 1**). The Board mentioned correcting the deletions about exemptions. One of the statements about public safety is missing from the preamble. The rodeo exemption should simply apply to activities not using animals listed in 9.805(4). The amended EAO incorporating those edits will make the Ordinance easy to understand and enforce, while meeting the Board’s original intent to end the County’s role in perpetuating suffering of wild animals in traveling animal acts. The Work Group (WG) for the original EAO did not include anyone familiar with the industry issues of such acts. The Oregon District Attorney for animal cruelty, the Director of Wildlife Integrity from the Oregon Department of Fish & Wildlife, and the Chintimini Wildlife Center Director attended only two meetings and offered minimal input because their expertise did not cover this discussion. Those individuals said the discussion was unorganized and did not address the intent to make the EAO understandable and enforceable.

Trudy Overlin, Fair Board (FB) member, stated that WG members attended most meetings. The alternative ordinance was based on the original assumption that the EAO was intended to ban circuses and events like Take a Walk on the Wild Side, but when the EAO was drafted, it went far beyond that scope. All parties in the WG had an opportunity to review the alternative ordinance, including the State Attorney. The FB has concerns about the definition of ‘domestic animals’ and still thinks the EAO is an overreach. The presence of a particular animal at an event does not necessarily constitute cruelty. The Fair Board also objects to some of the scientific studies consulted and has provided alternative studies to the Board of Commissioners. The EAO is already impacting the Fairgrounds’ ability to serve its required purpose. The EAO does not need to be extended, and doing so could cause presenters to object to working in Benton County and go elsewhere. The Fair Board has received comments from residents who felt unheard regarding the EAO, including a conservation entity and a recognized educator for the Oregon Museum of Science & Industry. If ‘livestock’ is added, it should be defined. The FB still thinks the EAO should be repealed and replaced, and, while that does not seem likely, wants to register its objections.

#### Staff Response

Douglas commented that everyone involved wants the same thing: for animals to be taken care of and not treated poorly or abused, and for 4-H, FFA, and the Fairgrounds to thrive. This version of the EAO will not currently harm the Fairgrounds or County operations, provides

specific guidelines, and outlines community values. The FB has been very cooperative and helpful during this process. This EAO is understandable, enforceable, and falls within 2040 goals and values.

Counsel felt it makes sense to change 9.810(2)(d) 'livestock and domestic animals' to a reference to the animal list in 9.805(4), thus connecting the exemption specifically to the Ordinance, and avoiding concerns about definitions. The 'whereas' provision about public safety was deleted at the Board's request.

Douglas recalled that when staff presented to the FB at the work session, that provision seemed particularly contentious and unnecessary, so it was removed as a compromise.

Augerot concurred with Douglas's recollection and felt that removing one provision did not weaken the overall language and intent. Augerot concurred with dropping the language about 'livestock and domestic animals' from 9.810(2)(b) and instead referring to the 9.805(4) list.

Douglas concurred with that suggestion.

Wyse noted that while this Ordinance has been used in many other jurisdictions, Benton's community is unique, and the Board needs to balance various groups and opinions. Wyse's intent is to balance diverse values while maintaining the spirit and intent of the original EAO and making the EAO more transparent and easily understood. Some trouble arose when Wyse and Malone (Augerot was absent) directed the FB to consider a change to the EAO. Wyse expressed appreciation for the FB's work in developing a second option, but the result was not exactly what Wyse or Augerot had in mind. The changes in this version of the EAO are good and serve the community well. The finger-pointing has been frustrating; everyone here has the same values, but too much time has been spent hearing accusations from various sides. In future, Wyse would prefer to stick to the facts, the vision, and the desired outcome.

Malone expressed appreciation for the WG's effort; that work can still be referred to. Malone agreed the County has spent considerable time on this. The version of the EAO with Latin names of animals was written and circulated by Animal Defenders International and was not intended to be easy to understand. The County has made some progress on making the EAO understandable. No one involved wants to be cruel to animals.

Craig Hendrickson, Fair Board member, asked if the Board is able to take testimony from individuals who reside outside of Benton County.

Malone affirmed.

Wyse affirmed, and stated she weights those opinions accordingly.

Hendrickson opined that if a matter affects Benton residents, those points of view should be weighted most, not the views of People for the Ethical Treatment of Animals and other groups from out of state. Hendrickson noted the ban includes alligators, and asked if a Benton County resident who owns an alligator would have to move away or remove his traveling educational business from the County.

Wyse clarified that the individual is allowed to own alligators, just not to display them at an event in Benton County.

Douglas noted that the individual has a State exemption.

Hendrickson asked if the individual could hold a show within city limits.

Wyse confirmed. The EAO only applies in the unincorporated portion of the County.

Chair Malone closed the public hearing at 11:41 a.m.

### Deliberations

Augerot was satisfied with the current version of the Ordinance in the packet with the additional changes from the last meeting of dropping ‘lemon sharks,’ dropping 9.810(2)(b) ‘livestock and domestic animals,’ and substituting a reference to 9.805(4).

Counsel recommended that instead of a motion to approve and first reading today, staff return to the Board with a redline version that shows the changes for clarity.

Augerot asked if another Public Hearing would be needed.

Counsel replied that this Public Hearing could be continued to another meeting, where staff will present the redline and clean version.

The Board favored this approach.

After discussion, Malone stated that the Hearing would be continued to the December 19, 2023 Board Meeting at 11:00 a.m., where the Board will resume deliberations on an updated redline version of the EAO based on testimony and information received today.

Wyse requested that Augerot’s proposed motion be sent to staff to clarify the desired changes.

### **{Exhibit 1: Arlene Merems December 4, 2023 Email}**

## **8. Other**

### **8.1 Commissioner Nancy Wyse Update**

Wyse mentioned receiving an email from Greg Wolfe of Housing Innovations Partnership regarding use of the County logo.

Augerot explained that at last year’s legislative effort, a group including Augerot endorsed a proposed revolving loan fund to be put forth in the short legislative session. Augerot advocated continuing to support this initiative, which helps developers who need revolving loans as they apply for government low-income housing funds. Wolfe formerly worked on the Association of Oregon County (AOC) solutions team and was also at the 2023 AOC conference advocating for this package. Augerot will contact Wolfe to confirm using the County logo.

### **8.2 Chair Pat Malone Update**

Last week, Malone went to the Knife River Training Center for an update on broadband internet. Representative Pam Marsh opened the meeting and has been actively promoting Oregon broadband. Rachael Maddock-Hughes, Sequoia Consulting, was on the panel and has a contract with the County to advance broadband efforts. Malone made good contacts with staff from internet provider Lyrica, which started fixed wireless in this area and plans to move to fiber

when appropriate. Polk County Commissioner Craig Pope attended. Polk County has a staff person advancing broadband efforts and has made a serious commitment, with good results.

Chair Malone recessed the regular Board meeting at 9:35 a.m.

Chair Malone reconvened the Board Meeting at 9:39 with Item 9.

**8.3 Hubert McBee Campground – Board of Commissioners**

**MOTION:** Wyse moved to authorize staff to enter into a Letter of Intent with the Alliance for Recreation and Natural Areas for acquisition of Hubert McBee Campground. Augerot seconded the motion, which **carried, 3-0.**

Chair Malone recessed the meeting at 10:36 a.m. and reconvened at 11:00 a.m. with item 7., Public Hearing 1.


**9. Executive Session – Negotiations for Property Transactions**


Chair Malone entered Executive Session at 9:47 a.m.

Chair Malone exited Executive Session at 10:31 a.m. and immediately resumed the regular Board Meeting with Item 8.3.

**10. Adjournment**

Chair Malone adjourned the meeting at 11:46 a.m.

  
\_\_\_\_\_  
Pat Malone, Chair

  
\_\_\_\_\_  
Erika Milo, Recorder

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



## MAKEPEACE Amanda

---

**From:** CRONEY Vance M  
**Sent:** Monday, December 4, 2023 8:54 AM  
**To:** MAKEPEACE Amanda  
**Cc:** MCENENY Rachel; DOUGLAS Tomi  
**Subject:** FW: Merems public comment on First Reading of Ordinance 2023-0322  
**Attachments:** Merems\_final\_comments\_12'5'2023.pdf

Amanda:

Another one for the packet/record of tomorrow's public hearing. Thanks. Vance.

-----Original Message-----

From: Arlene <maidenvoyage42@gmail.com>  
Sent: Monday, December 4, 2023 12:05 AM  
To: MALONE Patrick <Pat.Malone@bentoncountyor.gov>; AUGEROT Xanthippe <Xanthippe.Augerot@bentoncountyor.gov>; WYSE Nancy <nancy.wyse@bentoncountyor.gov>; CRONEY Vance M <Vance.M.Croney@bentoncountyor.gov>  
Cc: MCENENY Rachel <rachel.mceneny@bentoncountyor.gov>  
Subject: Merems public comment on First Reading of Ordinance 2023-0322

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 Everyone,

Attached are my comments on the 'new' First Reading of the Traveling Wild Animal Acts ordinance. Thank you for considering my comments. I look forward to your discussion on Tuesday.

Best Regards,

Arlene Merems

December 5, 2023

To: Benton County Board of Commissioners

**Re: First Reading of Ordinance 2023-0322: “Traveling Wild/Exotic Animal Acts Ordinance”**

Thank you for rescheduling the Public Hearing and First Reading of the amendment to Ordinance 2023-0322, and for acknowledging the public process mishap created when the First Reading was prematurely scheduled well in advance of the publicized timeline and without sufficient public notice.

I appreciate that the revised draft amendment in the Dec. 5<sup>th</sup> Board Meeting packet now includes the important clarification for the rodeo exemption, however a slight correction is needed to remove the unintended ambiguity created by the additional language, as noted below. Also, to my surprise three necessary sections of the ordinance have been deleted in the revised draft amendment. To my knowledge, these cuts were never proposed or discussed at any step in the amendment process and may be due to an editing error, discussed below, and shown in the attachment.

#### **RODEO EXEMPTION CLARIFICATION**

I support the insertion of additional language to clarify that the rodeo exemption does not apply to animals banned by the ordinance. This is consistent with assertions made by the BOC, the County Events Manager and the Fair Board, that local rodeos do not use, or intend to use, wild or exotic animals, nor do they intend to host traveling animal acts that use wild or exotic animals. However, as noted in the Fair Board comments for this agenda item in the meeting packet, the terms “livestock” and “domestic animal” are broad terms that are not defined in the ordinance and may cause confusion for rodeo activities. A slight modification to the language will remove any ambiguity and streamline the intention and scope of the rodeo exemption, without having to define “livestock” and “domestic”. My recommended edit is highlighted below:

**9.810 (2)(b) Community rodeos conforming to NPRA (Northwest Professional Rodeo Association) animal welfare rules and FFA-sponsored events. This exemption applies to activities ~~using livestock and domestic animals only~~ that do not use animals listed in 9.805 (4).**

#### **DELETED SECTIONS IN ERROR**

The public safety statement in the preamble to the ordinance is mysteriously missing. Also, two necessary exemptions are now deleted (struck out) from the ordinance. Its unclear if these

three deletions were done in error or intentionally. Either way, there is no justification for their removal, and all three deletions should be inserted back into the ordinance, as noted below:

1. Page 123 of the meeting packet contains the preamble to the ordinance. It includes only five of the six original *WHEREAS* statements. The statement that addresses public safety (statement #3 of the original preamble) is missing. The original preamble was carried forward in its entirety with the draft amendment presented at the Oct. 10, 2023 Goal Setting Work Session (Attachment 1). To my knowledge, there were no subsequent edits to the preamble. It is unclear why this statement was removed. **The statement should be re-inserted into the preamble:**

**WHEREAS, wild or exotic animals used in traveling performances bring people dangerously close to unpredictable wild or exotic animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals;**

2. In BCC 9.810 (2)(a) - the exemptions for AZA and WAZA are deleted in the current draft amendment. This deletion was neither proposed or discussed by the BOC or others. It appears to have been deleted in error.

**This exemption should be reinserted into the ordinance** (yellow highlight):

**(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);~~**

3. In BCC 9.810 (2)(c) – the exemptions for veterinary clinics and wildlife rescue and rehabilitation facilities are deleted in the current draft amendment. This deletion was neither proposed or discussed by the BOC or others. It appears to have been deleted in error.

**This exemption should be reinserted into the ordinance:**

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

## **MINOR CORRECTION**

**Delete “lemon sharks” from 9.805(4)(c).** It is unnecessary to list lemon sharks because they are included in the term “sharks”. “Lemon sharks” was provided as an example for Elasmobranchii in the original list of species and should have been deleted when the species list was revised.

(4)(c) Sharks, skates, rays **and lemon sharks;**

## EDITS SUGGESTED BY THE FAIR BOARD

Two edits have been suggested for section **9.810(2)(b)** by the Fair Board, shown in **red** below. **I urge the BOC to reject both suggested edits.**

The first edit inserts the word, “certified” to be applied to institutions. Institutions are not themselves certified. Only individual persons are certified. Institutions are licensed and/or accredited. As such, exempting “certified” institutions is incorrect and meaningless. As a side note, receiving certification is a lower bar compared to a degree from an accredited institution which operates under rigorous oversight and adheres to established criteria and high academic or research standards. Whereas, any online program, legitimate or not, can issue a certificate with little to no oversight or merit. For example, “emotional support animal” certification is available from any number of sources online for a fee.

Regarding the second suggested edit; NO wild animal training program for traveling wild animal acts should be exempt.

- (b) Any licensed, **certified** 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, **as defined as circuses or large mammal traveling shows**, for the purpose of traveling animal displays;

**I urge the BOC to reject both suggested edits.**

## ADDITIONAL CONSIDERATIONS

Foundational to this ordinance is the fact that traveling wild/exotic animal acts, whether marketed as “education” or entertainment, are mired in animal welfare issues. Both formats operate under the same business model; year-round travel over thousands of miles with their wild animals restrained in extreme confinement, stewing in their own filth, rarely experiencing life outside a cargo truck. This business model deprives these animals of every natural, basic need, including adequate veterinary care. Traveling acts claiming to provide “education” cannot teach their audience about what it means to be truly wild, nor do they teach about the animal’s actual life, or their suffering under such extreme conditions, or the constant stress from the endless touching, prodding, staring and screaming of over-excited humans. They merely “entertain” at the expense of the animal’s comfort and well-being. This is the reality of traveling acts, regardless of whether the exhibitor is based in Oregon or Texas, whether the animal is an elephant, a bobcat or a stingray.

Looking forward to the future, the Benton County Event Center will no doubt be successful showcasing acts that entertain our community with modern, talented acts that do not further

the suffering of wild animals. Benton County residents made clear at every peaceful protest and with our petition to save the ordinance that we strongly oppose wild animals as entertainment and strongly support animal-free acts. Nationally, more than 60% of Americans support animal-free acts and reject animal-based acts (Gallop Poll, 2016). Public awareness about the abhorrent conditions of roadside wild animal acts coupled with the understanding that wild animals are sentient, intelligent beings has led to a steady increase in laws banning traveling wild animal acts at every level of government across the county. As of December 2022, 150 jurisdictions in 37 states have enacted bans, along with 6 statewide bans and 50 nationwide bans. In response to a changing public, traveling animal shows big and small are replacing their animal acts with exciting acrobatics and other modern human acts (e.g, [Ringling Bros](#)). Each year, more animal-free performance troupes tour the northwest to sold out shows. Here are a few that would surely entertain Benton County residents.

- [Venardos Circus](#), performed in [Redmond](#) and [Kaiser](#)
- [Flynn Creek Circus](#), performed in [Ashland](#) and [Klamath Falls](#)
- [Circus Vargus](#)
- [Circus Rose](#)
- [Cirque Dreams](#)
- [Unites States Marine Band](#) is looking for venues!

Thank you for considering my comments and for your thoughtful attention to ensure this ordinance continues to reflect the BOC's stated intention: ***"to end Benton County's role in perpetuating suffering by prohibiting such performances in Benton County"***.

Most sincerely,

Arlene Merems  
Corvallis, OR 97333

**AMENDED Animal Welfare Ordinance DRAFT**

TD 9/14/23

**IN THE MATTER OF THE AMENDMENT OF BENTON COUNTY CHARTER CODE 9.805;**

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; and

WHEREAS, wild or exotic animals used in traveling performances bring people dangerously close to unpredictable wild or exotic animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals; and

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; and

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 ordain as follows:

1. Short Title. This ordinance shall be known as "Amendment to Benton County Code 9.805."
2. Text Amendment. Benton County Code Chapter 9 is hereby amended as noted in the attachment marked Exhibit A.