



**CURRY COUNTY  
BOARD OF COMMISSIONERS**

94235 Moore Street  
Gold Beach, Oregon

(541) 247-3296

[BOC\\_Office@co.curry.or.us](mailto:BOC_Office@co.curry.or.us)

[www.co.curry.or.us](http://www.co.curry.or.us)

**AGENDA  
BOC BUSINESS MEETING**

**April 18, 2024**

**4:00 p.m.**

*Items may be taken out of sequence to accommodate staff availability and the public.*

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**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**2. AMENDMENT AND APPROVAL OF THE AGENDA**

**3. GENERAL PUBLIC COMMENTS**

To make a public comment, please submit a Speaker's Slip to the Chair prior to the start of the meeting, or email public comments during the meeting to [BOC\\_Office@co.curry.or.us](mailto:BOC_Office@co.curry.or.us). Public comments are limited to three (3) minutes per speaker. If a public comment is regarding a specific agenda item, the speaker will be called upon the arrival of that agenda item.

**4. CONSENT AGENDA**

- A. Approve Minutes for Business Meeting on April 3, 2024 (Pg. 1)
- B. Approve Job Description and Reclassify Employee - Pitman (Pg. 3)
- C. Approve Job Description and Reclassify Employee - Donaldson (Pg. 9)
- D. Hire Order – Maxwell, Appraiser Trainee (Pg. 15)
- E. Approve the Awarding of SHSP Grant (Pg. 19)

**5. DISCUSSION/ACTION ITEMS**

- A. Creation of a Forestry Department (Pg. 39)
  - \*Public Comments\*
  - i. Order (Pg. 40)
- B. Creation of Curry County Road Advisory Committee (Pg. 41)
  - \*Public Comments\*
  - i. Order (Pg. 42)
- C. Discussion - Ambulance Service Code, Article Two, Section One (Pg. 48)
  - \*Public Comments\*
  - i. 2004 Readoption (Pg. 49)
  - ii. 2009 Amendments (Pg. 134)
  - iii. 2013 Exception (Pg. 138)
  - iv. 2014 Amendments (Pg. 169)
  - v. 2018 Extension (Pg. 211)

**6. DIRECTOR OF COUNTY OPERATIONS UPDATE**

**7. ELECTED OFFICIAL UPDATES**

**8. COMMISSIONER UPDATES**

- A. Commissioner Herzog
- B. Commissioner Trost
- C. Commissioner Alcorn

**9. EXECUTIVE SESSION**

- A. 192.660(2)()

**10. OTHER**

ORS 192.640(1) provides that "... 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."

**11. ADJOURN**

*Meetings are recorded and will be available on YouTube – Curry County Civic TV.  
To make a public comment, please submit a Speaker's Slip to the Chair prior to the start of the meeting,  
or email public comments during the meeting to [BOC\\_Office@co.curry.or.us](mailto:BOC_Office@co.curry.or.us).  
Auxiliary aids will be provided upon request with 48-hour advance notification.*



# CURRY COUNTY BOARD OF COMMISSIONERS

Commissioners' Hearing Room, Courthouse Annex  
94235 Moore Street, Gold Beach, Oregon  
[www.co.curry.or.us](http://www.co.curry.or.us)

## BUSINESS MEETING MINUTES

**April 3, 2024**

Please note: For detailed information on any agenda item refer to Audio/Video.

### 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

The meeting was called to order 6:00 p.m.; present were Chair Brad Alcorn, Vice Chair John Herzog, and Commissioner Jay Trost

Staff present: Director of County Operations and County Counsel Ted Fitzgerald, County Counsel Assistant Rabiah Lee, Finance Director Keina Wolf (via Teams), and Administrative Assistant Natasha Tippetts

The Pledge was recited by all.

### 2. AMENDMENT AND APPROVAL OF THE AGENDA

Alcorn would like Item 8 – Elected Official Updates moved to after Item 3 – General Public Comments.

Herzog would like to modify Item 5-B, Approve CCD Business Development Appointments to add Ann Vileisis.

**Herzog motioned to approve the agenda as amended. Trost seconded. Motion carried unanimously.**

### 3. PUBLIC COMMENTS

Mark Nast – Ethics complaint regarding Commissioner Herzog

### 4. ELECTED OFFICIAL UPDATE

A. Treasurer Barnes – Announced resignation as of April 30<sup>th</sup>. Thanked the Community and Commissioners.

### 5. SERVICE AWARDS

A. Recognition of Ryan Brose – 10 Years – Sheriff's Department

### 6. CONSENT AGENDA

- A. Approve Minutes for Business Meeting on March 21, 2024
- B. Approve CCD Business Development Corporation Appointments
- C. Approve Updated Agenda Policy
- D. Approve Camp Host Agreement – Boice-Cope

**Trost motioned to approve the Consent Agenda as amended. Herzog seconded. Motion carried unanimously.**

## **7. DISCUSSION/ACTION ITEMS**

### **A. LPSCC Lay Member**

**Trost motioned to appoint John Hart to the Lay Member Position on LPSCC**

### **B. Curry County Building Code Revision**

**Trost motioned to approve the Second reading by title only for the additions to the Curry County Building Code. Herzog seconded. Motion carried unanimously.**

Fitzgerald read the Ordinance by title only.

**Trost motioned to approve Ordinance amending Article Two, Division Eight of the Building Code. Herzog seconded. Motion carried unanimously.**

### **C. Caselle Community Development – Keina Wolf presented.**

**Trost motioned to accept Caselle’s proposal for the purchase of the Community Development Module. Herzog seconded. Motion carried unanimously.**

### **D. Financial Internal Controls – Keina Wolf presented.**

**Trost motioned to approve the Financial Internal Controls Policy. Herzog seconded. Motion carried unanimously.**

## **8. COMMISSIONER UPDATES**

### **A. Herzog – nothing**

### **B. Trost – Provided update on BOEM meetings he has facilitated. Also explained that there is an open seat on the Allcare board at this time due to a resignation. Asked if the other Commissioners would agree to allow Trost to resume that position. The Commissioners reached consensus that that would be ideal.**

### **C. Alcorn – Gave kudos to the Juvenile department on bringing kids in detention to work at fairgrounds. Provided information on upcoming Town Halls regarding the levy on the May ballot.**

Chair Alcorn adjourned the meeting at 6:38 p.m.

Dated this 18<sup>th</sup> day of April, 2024

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Brad Alcorn, Chair

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John Herzog, Vice Chair

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Jay Trost, Commissioner

Minutes prepared by Natasha Tippetts, Administrative Assistant



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>		<b>Agenda Item Title:</b>	
April 18, 2024 .....		Adopt job description and reclassify employee – A. Pitman .....	
<b>Time Needed:</b>			
<b>Financial Impact:</b>		<b>Description and Background:</b>	
		This order will adopt an amended position description of the Assistant	
<b>Category:</b>		Veterans' Services Officer to add Grant Administrator title and duties. The	
<input type="checkbox"/>	Action/Discussion	current Veterans' Service Officer Adali Pitman will then be reclassified	
<input checked="" type="checkbox"/>	Consent	into this job description. ....	
<input type="checkbox"/>	Executive Session		
<input type="checkbox"/>	Hire Order		
<input type="checkbox"/>	Presentation		
<b>Requested Motion:</b>			
Approve the position description for Veterans' Services Officer/Grant Administrator and reclassify Adali Pitman .....			
<b>Attachments:</b>		<b>Instructions Once Approved:</b>	
1. Order – Job Description .....		.....	
2. Order – Reclassify .....		.....	
3. ....		.....	
4. ....		.....	
5. ....		.....	
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>	
Natasha Tippetts – HR Specialist .....		4/10/2024	

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Adopting a                    )**  
**Position Description for a New Position            )**       ORDER NO. \_\_\_\_\_  
**(Veterans' Services Officer/Grant                    )**  
**Administrator)    )**

**WHEREAS**, it is the recommendation of Michael E. Fitzgerald, Director of County Operations, that the attached position description be adopted for the following position:

Veterans' Services Officer/Grant Administrator	G
Position Title	Range

**WHEREAS**, the Board of Commissioners of Curry County, a political subdivision of the State of Oregon, is in agreement with the above stated recommendation.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the above stated position, which description is attached hereto and incorporated herein by reference, is adopted

**DATED** this 18<sup>th</sup> day of April, 2024

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

\_\_\_\_\_  
John Herzog, Vice Chair

Approved as to Form:

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner

**CURRY COUNTY  
JOB DESCRIPTION**

**JOB TITLE: Assistant Veterans' Services Officer**

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**EXEMPT:** No  
**SALARY LEVEL:** G  
**SUPERVISOR:** Veterans' Services Officer  
**PREPARED BY:** Veterans' Services Officer

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April 2024

**GENERAL POSITION SUMMARY:**

The Assistant VSO will represent claimants as a federally authorized representative to file claims and actions on behalf of the veterans, their survivors and dependents to ensure they receive the maximum entitlement of benefits. An Assistant VSO considers a wide range of legal, medical, occupational and other factors to develop cases based upon complicated facts. This person also serves as the primary grant writer/manager, manages funder relationships, engages in compliance reporting, and supports special project initiatives.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

1. Serves as an advocate and liaison between veterans, state, and federal agencies and other community resources.
2. Serves as an advocate and liaison between veterans, state, and federal agencies and other community resources.
3. Disseminates general information pertaining to veterans' benefits through community outreach projects, State Stand Downs for homeless veterans, resource fairs and other public events.
4. Coordinates transportation for veterans to various VA medical facilities and community providers as necessary.
5. Actively seeks and maintains professional relationships with community providers to provide veterans with appropriate referrals for services in the community while maintaining confidential records.
6. Represents the Department at Veterans related public events within the community.

7. In conjunction with Department Heads, leads grant proposal development and submission—prepares and organizes materials for proposals, and submits and monitors grant applications. Submits grant applications via paper or online portals and maintains access information for those portals.
8. Research new funding and business development opportunities on a local, state, and federal level.
9. In coordination with the Finance Department, maintains a master list of grant deadlines, grant opportunities and all associated files and correspondence. Maintains library of grant support documents including resumes, bios, IRS forms, board, staff.

### **SUPERVISORY CONTROLS AND RESPONSIBILITIES:**

This position has no supervisory responsibilities. The Assistant VSO is supervised by the Veteran's Services Officer and all Grant Duties will be supervised by the Finance Director.

### **QUALIFICATION REQUIREMENTS:**

#### *Knowledge of . . .*

- Federal rules, regulations, and statutes of the VA and ODVA
- Case law of the United States Court of Appeals for Veterans Claims
- Etiology and relationship of medical conditions and medical terminology, human anatomy, and physiology
- Social Security, Medicare, and all need-based federal and state programs

#### *Ability to . . .*

- Tactfully conduct interviews of a personal nature with veterans and their families to obtain accurate and complete information
- Understand and interpret federal laws and regulations and medical records
- Prepare written statements and oral presentations on behalf of claimants
- Express technical information in clear oral or written manner
- Use pcs for word processing, the Vetra Spec / VBMS database program, and
- other appropriate software
- Keep accurate and confidential records
- Maintain grant compliance and reporting, including outcome measurement and grant budgets—taking responsibility for meeting high standards of effectiveness, timeliness, and completeness.
- Research statistics, trends and data for grant proposals and community advocacy

*Skills in . . .*

- Reading, analyzing, and interpreting common scientific and technical journals, financial reports, and legal documents
- Responding to common inquiries and complaints from customers, regulatory agencies, or members of the business community
- Writing speeches and articles for publication that conform to prescribed style and format. Effectively presenting information to top management, public, or other groups
- Working with and applying mathematical concepts, such as fractions, percentages, ratios, and proportions, to practical situations
- Defining problems, collecting data, establishing facts, and drawing valid conclusions

**EDUCATION AND/OR EXPERIENCE:**

Bachelor's degree in health or social sciences, business administration, law, education, or a related field.

Two years' experience in a social service setting, legal services or direct service to veterans; or any satisfactory equivalent of experience and training which demonstrates the ability to perform the above-described duties.

*Necessary Special Requirements:*

- Must be able to obtain accreditation as a Veterans' Services Officer as required by the Oregon Department of Veterans' Affairs
- Possession of a valid Oregon Driver License and good driving record

**PHYSICAL DEMANDS AND WORK ENVIRONMENT:**

- Typically requires climbing, stooping, kneeling, crouching, reaching standing, walking, sitting, lifting and repetitive motion.
- Requires exerting up to 20 lbs., frequently, 50 lbs. occasionally, of force to move objects. Minimum physical effort is required. Requires driving.

Reasonable accommodations may be made to enable individuals with disabilities to perform these essential functions.

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Reclassifying    )**      **ORDER NO. \_\_\_\_\_**  
**an Employee    )**  
**(Veterans' Services Officer/Grant            )**  
**Administrator)                                    )**

**WHEREAS**, it is the recommendation of Michael E. Fitzgerald, Director of County Operations, that Adali Pitman, currently a Veterans' Services Officer be reclassified to Veterans' Services Officer/Grant Administrator.

The job description for this position is attached hereto and incorporated by reference.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the above stated recommendation be in effect immediately.

**DATED** this 18<sup>th</sup> day of April, 2024

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

\_\_\_\_\_  
John Herzog, Vice Chair

Approved as to Form:

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>		<b>Agenda Item Title:</b>	
April 18, 2024 .....		Adopt job description and reclassify employee – T. Donaldson .....	
<b>Time Needed:</b>			
<b>Financial Impact:</b>		<b>Description and Background:</b>	
		This order will adopt an amended position description of the Deputy Clerk	
<b>Category:</b>		to add Records Officer title and duties. The current Deputy Clerk Trista	
<input type="checkbox"/> Action/Discussion		Donaldson will then be reclassified into this job description. ....	
<input checked="" type="checkbox"/> Consent		.....	
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input type="checkbox"/> Presentation			
<b>Requested Motion:</b>			
Approve the position description for Deputy Clerk/Records Officer and reclassify Trista Donaldson .....			
.....			
<b>Attachments:</b>		<b>Instructions Once Approved:</b>	
1. Order – Job Description .....		.....	
2. Order - Reclassifyd .....		.....	
3. ....		.....	
4. ....		.....	
5. ....		.....	
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>	
Natasha Tippetts – HR Specialist .....		4/10/2024	

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Adopting a                    )**  
**Position Description for a New Position            )**       ORDER NO. \_\_\_\_\_  
**(Deputy Clerk/Records Officer)                    )**

**WHEREAS**, it is the recommendation of Shelley Denney, County Clerk, that the attached position description be adopted for the following position:

Deputy Clerk/Records Officer	D
Position Title	Range

**WHEREAS**, the Board of Commissioners of Curry County, a political subdivision of the State of Oregon, is in agreement with the above stated recommendation.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the above stated position, which description is attached hereto and incorporated herein by reference, is adopted

**DATED** this 18<sup>th</sup> day of April, 2024

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

\_\_\_\_\_  
John Herzog, Vice Chair

Approved as to Form:

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner

**CURRY COUNTY  
JOB DESCRIPTION**

**JOB TITLE: Deputy Clerk/Records Officer - Clerk's Office**

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<b>EXEMPT:</b>	No	
<b>SALARY LEVEL:</b>	<b>D</b>	
<b>SUPERVISOR:</b>	Curry County Clerk	
<b>PREPARED BY:</b>	Curry County Clerk	March 2024

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**POSITION SUMMARY:**

Oversees all microfilming projects in the County Clerk's office; coordinates the scheduling, filming, reviewing, development of microfilm to ensure timely completion of projects. Oversees the daily operation of the County Archives and provides advice and assistance to other County departments on archives and records management. Performs related work as required.

Plans, organizes, and coordinates the storage and maintenance of the County Clerk's records program, provides administrative support the County Clerk and/or Chief Deputy Clerk.

Work is performed independently using guidelines and policies ranging from explicit to vague under the general supervision of the County Clerk and Chief Deputy Clerk.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

**EXAMPLES OF WORK:** *Illustrative only*

Records Officer

1. Coordinates, administers, leads, monitors, and participates in the day-to-day operations of the Oregon Records Management System including appropriate control over the maintenance, protection, retention, and disposition of records in accordance with Oregon Administrative Rules (OAR) and Oregon Revised Rules (ORS) requirements.
2. Utilize ORMS for search, retrieval, and data entry.
3. Apply records retention schedules to files, archiving and dispositioning files.
4. Participate in records organization projects which can include training or educating staff on records management best practices and procedures to meet ongoing records management needs. Staying current on trainings offered by the State Archives and shares that knowledge with others.
5. Review and identify records management procedures, policies, and controls currently in place, such as naming conventions, version management and compile and organize records accordingly.
6. Perform account document and inventory reconciliations as needed.
7. Perform data entry to document management system and other tracking tools. Review data for errors and inconsistencies. Verifying accuracy of date entered and correcting any errors.

**EXAMPLES OF WORK: (continued)**

8. Coordinates with transfer of records to and from the State Records Center and State Archives, when necessary. Prepare, track and proof process for creating archival quality microfilming of records arranging for disposition of microfilm with State Archives.
9. Oversees the annual destruction of records that have reached the end of their retention period.
10. Provides advice and assistance to other departments on archives and records management.

**Deputy Clerk**

1. Maintains voter registration data, voter history data, scanning and indexing of voter signatures to archival index.
2. Perform a variety of election preparation duties including providing ballots through the mail and at the counter to voters and assist in the investigation and resolution of ballots with issues. Assist in preparation and counting of ballots.
3. Assist the public in person or on the phone with election and recording questions, in searches of recorded documents, to answer inquiries requiring technical knowledge about records and recording processes.
4. Assists in Elections Division as directed by the County Clerk.
5. Provide advanced and specialized clerical support to the Clerk or Election Supervisor; maintain complex records and files; compose and type correspondence; purchase supplies; and perform moderately complex bookkeeping functions.
6. May assist in administration of the Clerk's Office budget.
7. Maintain a variety of records, prepare report concerning the Clerk's Office's operation or prepare material for filing.
8. May serve as Passport Agent, Deputy Registrar or Clerk of the Board of Property Tax Appeals.
9. Acts as back up to Deputy County Clerk positions, performing duties of that class as needed, including recording legal documents.

**DESIRABLE QUALIFICATIONS:**

*Through Knowledge of –*

- Oregon Revised States, Oregon Administrative Rules
- English, Spelling, punctuation, and arithmetic.
- Standard Office and data processing practices and procedures.
- Recordkeeping and reporting.
- Strong leadership, communications, and decision-making skills.
- Concepts and techniques of prioritizing/organizing work.

*Ability to –*

**DESIRABLE QUALIFICATIONS: (continued)**

- Analyze records and agency operations.
- Communicate effectively in both oral and written form.
- Comprehend and interpret pertinent laws, rules, and regulations.
- Understand oral and written instructions.
- Use tact and judgement in dealing with the public.
- Work proficiently both independently and in a team environment.
- Proof work personally performed, and work done by others.
- Maintain confidentiality.

**EDUCATION AND/OR EXPERIENCE:**

High school graduation or equivalency.

Three years of progressively responsible clerical experience including experience in recording of documents and film processing in a County Clerk's Office; plus, additional course work in office practices and procedures including accounting; or any satisfactory equivalent of experience and training which demonstrates the ability to perform the above-described duties.

**NECESSARY SPECIAL REQUIREMENTS:**

- Uphold special oath of office subject to penalties as defined in ORS.
- Continued compliance training and education required by Oregon Election Law.
- Possession of a valid Oregon Driver License with good driving record.

**WORK ENVIRONMENT/PHYSICAL DEMANDS:**

The incumbent works in a professional office environment and uses a computer, telephone and other office equipment as needed to perform duties.

The noise level in the work environment is typical of that of an office with frequent contact with customers and will encounter frequent interruptions throughout the workday, while maintaining attention to detail.

This position is regularly required to sit, talk; frequently required to use repetitive hand motion, stand, walk, reach, bend or lift up to 20 pounds regularly and 50 pounds occasionally. Performs occasional work after hours depending on the office work cycle.

Reasonable accommodation may be made to enable individuals with disabilities to perform these essential functions.

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Reclassifying    )      ORDER NO. \_\_\_\_\_**  
**an Employee                                        )**  
**(Deputy Clerk/Records Officer)            )**

**WHEREAS**, it is the recommendation of Shelley Denny, County Clerk, that Trista Donaldson currently a Deputy Clerk be reclassified to Deputy Clerk/Records Officer.

The job description for this position is attached hereto and incorporated by reference.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the above stated recommendation be in effect immediately.

**DATED** this 18<sup>th</sup> day of April, 2024

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

\_\_\_\_\_  
John Herzog, Vice Chair

Approved as to Form:

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>		<b>Agenda Item Title:</b>	
April 18, 2024		Hire Employee - Maxwell	
<b>Time Needed:</b>			
<b>Financial Impact:</b>		<b>Description and Background:</b>	
		This order will hire Colton Maxwell as a FTE in the Assessors Office as an	
<b>Category:</b>		appraiser Trainee.	
<input type="checkbox"/> Action/Discussion			
<input checked="" type="checkbox"/> Consent			
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input type="checkbox"/> Presentation			
<b>Requested Motion:</b>			
Approve the hire of Colton Maxwell as appraiser trainee in the Assessors Office			
<b>Attachments:</b>		<b>Instructions Once Approved:</b>	
1. Order			
2.			
3.			
4.			
5.			
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>	
Natasha Tippetts – HR Specialist		4/10/2024	

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Approving a )  
Hire ) ORDER NO. \_\_\_\_\_  
(C. Maxwell – Appraiser Trainee) )**

**WHEREAS**, it is the recommendation of Kiley Wegner, County Assessor, that the following person shall be hired to fill the position identified below at the specified salary range, step, rate of pay, and status:

<u>Name</u>	<u>Position</u>	<u>Range/Step</u>	<u>Rate</u>	<u>Status</u>
Colton Maxwell	Appraiser Trainee	A-D/1	\$4,291/Month	FT/Prob

The job description is attached hereto for reference.

**WHEREAS**, the Board of Commissioners of Curry County, a political subdivision of the State of Oregon, is in agreement with the above stated recommendation.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the above stated hire be in effect upon receipt of a satisfactory pre-employment drug screen and background check.

**DATED** this 18<sup>th</sup> day of April, 2024

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

\_\_\_\_\_  
John Herzog, Vice Chair

Approved as to Form:

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner

**CURRY COUNTY  
JOB DESCRIPTION**

**JOB TITLE: Property Appraiser Trainee - Assessor's Office**

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**EXEMPT:** No  
**SALARY LEVEL:** D  
**SUPERVISOR:** Deputy Assessor  
**PREPARED BY:** Assessor

June 2023

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**GENERAL POSITION SUMMARY:**

Performs residential appraisals of urban and rural properties under supervision of a lead appraiser for tax assessment purposes.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

1. Physically inspects lands for type of topography, view, access, landscaping and other pertinent information
2. Inspects properties to determine class, percentage of depreciation and functional use
3. Computes values of improvements through cost approach in comparison with present market activity, utilizing Department of Revenue factor books and computer program
4. Interprets aerial photos, topography maps and government survey maps; and researches deeds and letters of verification in an effort to arrive at realistic property values
5. Answers questions from the public regarding appraisal values, market trends, sales, and zoning
6. Assists other appraisers in preparing material for use in defending appeals to the Board of Equalization, Department of Revenue and Oregon Tax Court

**SUPERVISORY CONTROLS AND RESPONSIBILITIES:**

This position does not supervise the work of others ,  
Per ORS 308.015 the training period for this position shall not exceed two years, yet a minimum of one year is likely.

## **QUALIFICATION REQUIREMENTS:**

### *Knowledge of . . .*

- Real property appraisal methods and appropriate applications of recorded instruments such as deeds, mortgages and contracts.

### *Ability to . . .*

- Deal courteously and tactfully with the public.
- Maintain effective working relationships with other employees, County departments and various tax related agencies.
- Communicate effectively both verbally and in writing.
- Handle complaints, problems and hostile persons professionally and safely.
- Pass a state licensing exam

### *Skills in . . .*

- Accurately performing mathematical calculations.
- Keeping detailed records for preparing accurate reports.

## **EDUCATION AND/OR EXPERIENCE:**

High school graduation or equivalent with additional course work in economics, business administration, real estate or related field as required by the State of Oregon to qualify as a County Property Appraiser. Minimum one year experience preferably in a county assessor's office.

### *Necessary Special Requirements:*

Certification by the State of Oregon as an Appraiser; possession of a valid Oregon Driver's License. High school diploma or equivalent.

## **PHYSICAL DEMANDS AND WORK ENVIRONMENT:**

- Visual/hearing ability sufficient to comprehend written/verbal communication. Ability to lift heavy supplies or equipment. Extensive bending, standing, walking or sitting may be required. Climbing over or under locked gates. Ability to deal effectively with stress. Ability to drive in adverse weather, occasionally for long distances, or at night.
- Mixed office and field work. Employees may encounter adverse weather, tobacco smoke, or animals during the process of conducting field work.

Reasonable accommodation may be made to enable individuals with disabilities to perform these essential functions.



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
4/18/24	SHSP-FY21 Reallocation Grant-Bosley Tower Microwave System Replacement Project	
<b>Time Needed:</b>		
5 minutes		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
+ \$90,000.00	<p>In response to a lightning strike on March 1st, 2024, which disrupted the microwave system at the Bosley Tower in Curry County, we are initiating the Bosley Tower Microwave System Replacement Project. This endeavor aims to restore and enhance our emergency communication capabilities, particularly in South County. The SHSP 21-295 Grant award of \$90,000, will fund 95% of this critical project. By replacing damaged equipment, upgrading infrastructure, and implementing hardening measures, such as bracing and grounding kits, we seek to ensure seamless transmission of critical information for public safety and emergency response efforts throughout the county.</p>	
<b>Category:</b>		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
None.		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1. 21-295 SHSP Agreement 2. 3. 4. 5.	Once approved, Emergency Management will oversee Requests for Reimbursement on behalf of the Sheriff's Office from Oregon Department of Emergency Management. This is a quick turn around grant with RFR's submitted and funds needing to be exhausted by the June 30th, 2024 deadline.	
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>
Ashley Thien - Emergency Management		4/8/24

**OREGON DEPARTMENT OF EMERGENCY  
MANAGEMENT  
HOMELAND SECURITY GRANT PROGRAM  
STATE HOMELAND SECURITY PROGRAM  
CFDA # 97.067  
Curry County  
\$90,000  
Grant No: 21-295**

This Agreement is made and entered into by and between the **State of Oregon**, acting by and through the Oregon Department of Emergency Management, hereinafter referred to as “OEM,” and **Curry County**, hereinafter referred to as “Subrecipient,” and collectively referred to as the “Parties.”

- 1. Effective Date.** This Agreement shall become effective on the date this Agreement is fully executed and approved as required by applicable law. Reimbursements will be made for Project Costs incurred beginning on **October 1, 2021**, and ending, unless otherwise terminated or extended, on **June 30, 2024** (the “Grant Award Period”). No Grant Funds are available for expenditures after the Grant Award Period. OEM’s obligation to disburse Grant Funds under this Agreement is subject to Sections 6 and 10 of this Agreement.
- 2. Agreement Documents.** This Agreement consists of this document and the following documents, all of which are attached hereto and incorporated herein by reference:

Exhibit A: **Project Description and Budget**

Exhibit B: **Federal Requirements and Certifications**

Exhibit C: **Subagreement Insurance Requirements**

Exhibit D: **Information required by 2 CFR 200.332(a)**

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows, listed from highest precedence to lowest precedence: Exhibit B; this Agreement without Exhibits; Exhibit A; Exhibit C.

- 3. Grant Funds.** In accordance with the terms and conditions of this Agreement, OEM shall provide Subrecipient an amount not to exceed **\$90,000** in Grant Funds for eligible costs described in Section 6 hereof. Grant Funds for this Program will be from the Fiscal Year 2021 State Homeland Security Program (SHSP) grant.
- 4. Project.** The Grant Funds shall be used solely for the Project described in Exhibit A and shall not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by OEM by amendment pursuant to Section 11.d hereof.
- 5. Reports.** Failure of Subrecipient to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues may result in the suspension of grant payments, termination of this Agreement, or both.

**a. Performance Reports.**

- i. Subrecipient agrees to submit performance reports, using a form provided by OEM, on its progress in meeting each of the agreed upon milestones. The narrative reports will address specific information regarding the activities carried out under the FY 2021 State Homeland Security Program.
- ii. Reports are due to OEM on or before the 15th day of the month following each subsequent calendar quarter (ending on March 31, June 30, September 30, and December 31).
- iii. Subrecipient may request from OEM prior written approval to extend a performance report requirement past its due date. OEM, in its sole discretion, may approve or reject the request.

**b. Financial Reimbursement Reports.**

- i. To receive reimbursement, Subrecipient must submit a signed Request for Reimbursement (RFR), using a form provided by OEM that includes supporting documentation for all grant expenditures. RFRs may be submitted monthly but no less frequently than quarterly during the term of this Agreement. At a minimum, RFRs must be submitted on or before 15 days following each subsequent calendar quarter (ending on March 31, June 30, September 30, and December 31), and a final RFR must be submitted no later than 30 days following the end of the grant period.
- ii. Reimbursements for expenses will be withheld if performance reports are not submitted by the specified dates or are incomplete.
- iii. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.
- iv. Reimbursements will only be made for actual expenses incurred during the Grant Award Period. Subrecipient agrees that no grant may be used for expenses incurred before or after the Grant Award Period.

**6. Disbursement and Recovery of Grant Funds.**

- a. **Disbursement Generally.** OEM shall reimburse eligible costs incurred in carrying out the Project, up to the Grant Fund amount provided in Section 3. Reimbursements shall be made by OEM upon approval by OEM of an RFR. Eligible costs are the reasonable and necessary costs incurred by Subrecipient for the Project, in accordance with the State Homeland Security Program guidance and application materials, including without limitation the United States Department of Homeland Security Notice of Funding Opportunity (NOFO), that are not excluded from reimbursement by OEM, either by this Agreement or by exclusion as a result of financial review or audit. The guidance, application materials and NOFO are available at <http://www.oregon.gov/oem/emresources/Grants/Pages/HSGP.aspx>.
- b. **Conditions Precedent to Disbursement.** OEM's obligation to disburse Grant Funds to Subrecipient is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

- i. OEM has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow OEM, in the exercise of its reasonable administrative discretion, to make the disbursement.
  - ii. Subrecipient is in compliance with the terms of this Agreement including, without limitation, Exhibit B and the requirements incorporated by reference in Exhibit B.
  - iii. Subrecipient's representations and warranties set forth in Section 7 hereof are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
  - iv. Subrecipient has provided to OEM a RFR in accordance with Section 5.b of this Agreement.
- c. Recovery of Grant Funds.** Any funds disbursed to Subrecipient under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement ("Misexpended Funds") or that remain unexpended on the earlier of termination or expiration of this Agreement ("Unexpended Funds") must be returned to OEM. Subrecipient shall return all Misexpended Funds to OEM promptly after OEM's written demand and no later than 15 days after OEM's written demand.

**7. Representations and Warranties of Subrecipient.** Subrecipient represents and warrants to OEM as follows:

- a. Organization and Authority.** Subrecipient is a political subdivision of the State of Oregon and is eligible to receive the Grant Funds. Subrecipient has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Subrecipient of this Agreement (1) have been duly authorized by all necessary action of Subrecipient and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Subrecipient is a party or by which Subrecipient or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Subrecipient of this Agreement.
- b. Binding Obligation.** This Agreement has been duly executed and delivered by Subrecipient and constitutes a legal, valid and binding obligation of Subrecipient, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.
- c. No Solicitation.** Subrecipient's officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to subagreements. No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.
- d. NIMS Compliance.** By accepting FY 2021 funds, Subrecipient certifies that it has met National Incident Management System (NIMS) compliance activities outlined in the Oregon NIMS Requirements located through OEM at [http://www.oregon.gov/oem/emresources/Plans\\_Assessments/Pages/NIMS.aspx](http://www.oregon.gov/oem/emresources/Plans_Assessments/Pages/NIMS.aspx).

The warranties set forth in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

## **8. Records Maintenance and Access; Audit.**

- a. Records, Access to Records and Facilities.** Subrecipient shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Project in accordance with all applicable generally accepted accounting principles, generally accepted governmental auditing standards and state minimum standards for audits of municipal corporations. Subrecipient acknowledges and agrees, and Subrecipient will require its contractors, subcontractors, sub-recipients (collectively hereafter “contractors”), successors, transferees, and assignees to acknowledge and agree, to provide OEM, Oregon Secretary of State (Secretary), Office of Inspector General (OIG), Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), or any of their authorized representatives, access to records, accounts, documents, information, facilities, and staff. Subrecipient and its contractors must cooperate with any compliance review or complaint investigation by any of the above listed agencies, providing them access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary. The right of access is not limited to the required retention period but shall last as long as the records are retained.
- b. Retention of Records.** Subrecipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the Grant Funds or the Project for until the latest of (a) six years following termination, completion or expiration of this Agreement, (b) upon resolution of any litigation or other disputes related to this Agreement, or (c) as required by 2 CFR 200.333. It is the responsibility of Subrecipient to obtain a copy of 2 CFR Part 200, and to apprise itself of all rules and regulations set forth.
- c. Audits.**
  - i. If Subrecipient expends \$750,000 or more in Federal funds (from all sources) in its fiscal year, Subrecipient shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR 200 Subpart F. Copies of all audits must be submitted to OEM within 30 days of completion. If Subrecipient expends less than \$750,000 in its fiscal year in Federal funds, Subrecipient is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section 8.a. herein.
  - ii. Audit costs for audits not required in accordance with 2 CFR 200 Subpart F are unallowable. If Subrecipient did not expend \$750,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.
  - iii. Subrecipient shall save, protect and hold harmless the OEM from the cost of any audits or special investigations performed by the Secretary or any federal agency with respect to the funds expended under this Agreement. Subrecipient acknowledges and agrees that any audit costs incurred by Subrecipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Subrecipient and the State of Oregon.

## **9. Subrecipient Procurements; Property and Equipment Management and Records; Subcontractor Indemnity and Insurance**

- a. Subagreements.** Subrecipient may enter into agreements (hereafter “subagreements”) for performance of the Project. Subrecipient shall use its own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law (including without limitation ORS chapters 279A, 279B, 279C, and that for contracts for more

than \$150,000, the contract shall address administrative, contractual or legal remedies for violation or breach of contract terms and provide for sanctions and penalties as appropriate, and for contracts for more than \$10,000 address termination for cause or for convenience including the manner in which termination will be effected and the basis for settlement).

- i. Subrecipient shall provide to OEM copies of all Requests for Proposals or other solicitations for procurements anticipated to be for \$100,000 or more and to provide to OEM, upon request by OEM, such documents for procurements for less than \$100,000. Subrecipient shall include with its RFR a list of all procurements issued during the period covered by the report.
  - ii. All subagreements, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner that encourages fair and open competition to the maximum practical extent possible. All sole-source procurements in excess of \$100,000 must receive prior written approval from OEM in addition to any other approvals required by law applicable to Subrecipient. Justification for sole-source procurement in excess of \$100,000 should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.
  - iii. Subrecipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to OEM.
  - iv. Subrecipient agrees that, to the extent it uses contractors, such contractors shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.
- b. Purchases and Management of Property and Equipment; Records.** Subrecipient agrees to comply with all applicable federal requirements referenced in Exhibit B, Section II.C.1 to this Agreement and procedures for managing and maintaining records of all purchases of property and equipment will, at a minimum, meet the following requirements:
- i. All property and equipment purchased under this agreement, whether by Subrecipient or a contractor, will be conducted in a manner providing full and open competition and in accordance with all applicable procurement requirements, including without limitation ORS chapters 279A, 279B, 279C, and purchases shall be recorded and maintained in Subrecipient's property or equipment inventory system.
  - ii. Subrecipient's property and equipment records shall include: a description of the property or equipment; the manufacturer's serial number, model number, or other identification number; the source of the property or equipment, including the Catalog of Federal Domestic Assistance (CFDA) number; name of person or entity holding title to the property or equipment; the acquisition date; cost and percentage of Federal participation in the cost; the location, use and condition of the property or equipment; and any ultimate disposition data including the date of disposal and sale price of the property or equipment.
  - iii. A physical inventory of the property and equipment must be taken and the results reconciled with the property and equipment records at least once every two years.
  - iv. Subrecipient must develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property and equipment. Subrecipient shall investigate any loss, damage, or theft and shall provide the results of the investigation to OEM upon request.

- v. Subrecipient must develop, or require its contractors to develop, adequate maintenance procedures to keep the property and equipment in good condition.
  - vi. If Subrecipient is authorized to sell the property or equipment, proper sales procedures must be established to ensure the highest possible return.
  - vii. Subrecipient agrees to comply with 2 CFR 200.313 pertaining to use and disposal of equipment purchased with Grant Funds, including when original or replacement equipment acquired with Grant Funds is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency.
  - viii. Subrecipient shall require its contractors to use property and equipment management requirements that meet or exceed the requirements provided herein applicable to all property and equipment purchased with Grant Funds.
  - ix. Subrecipient shall, and shall require its contractors to, retain the records described in this Section 9.b. for a period of six years from the date of the disposition or replacement or transfer at the discretion of OEM. Title to all property and equipment purchased with Grant Funds shall vest in Subrecipient if Subrecipient provides written certification to OEM that it will use the property and equipment for purposes consistent with the State Homeland Security Program.
- c. **Subagreement indemnity; insurance.** Subrecipient's subagreement(s) shall require the other party to such subagreements(s) that is not a unit of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless OEM and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the other party to Subrecipient's subagreement or any of such party's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the Parties that OEM shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of OEM, be indemnified by the other party to Subrecipient's subagreement(s) from and against any and all Claims.

Any such indemnification shall also provide that neither Subrecipient's contractor(s) nor any attorney engaged by Subrecipient's contractor(s) shall defend any claim in the name of OEM or any agency of the State of Oregon (collectively "State"), nor purport to act as legal representative of the State or any of its agencies, without the prior written consent of the Oregon Attorney General. The State may, at any time at its election, assume its own defense and settlement in the event that it determines that Subrecipient's contractor is prohibited from defending State or that Subrecipient's contractor is not adequately defending State's interests, or that an important governmental principle is at issue or that it is in the best interests of State to do so. State reserves all rights to pursue claims it may have against Subrecipient's contractor if State elects to assume its own defense.

Subrecipient shall require the other party, or parties, to each of its subagreements that are not units of local government as defined in ORS 190.003 to obtain and maintain insurance of the types and in the amounts provided in Exhibit C to this Agreement.

## 10. Termination

- a. **Termination by OEM.** OEM may terminate this Agreement effective upon delivery of written notice of termination to Subrecipient, or at such later date as may be established by OEM in such written notice, if:
  - i. Subrecipient fails to perform the Project within the time specified herein or any extension thereof or commencement, continuation or timely completion of the Project by Subrecipient is, for any reason, rendered improbable, impossible, or illegal; or
  - ii. OEM fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow OEM, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement; or
  - iii. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement; or
  - iv. The Project would not produce results commensurate with the further expenditure of funds; or
  - v. Subrecipient takes any action pertaining to this Agreement without the approval of OEM and which under the provisions of this Agreement would have required the approval of OEM.
  - vi. OEM determines there is a material misrepresentation, error or inaccuracy in Subrecipient's application.
- b. **Termination by Subrecipient.** Subrecipient may terminate this Agreement effective upon delivery of written notice of termination to OEM, or at such later date as may be established by Subrecipient in such written notice, if:
  - i. The requisite local funding to continue the Project becomes unavailable to Subrecipient; or
  - ii. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.
- c. **Termination by Either Party.** Either Party may terminate this Agreement upon at least ten days notice to the other Party and failure of the other Party to cure within the ten days, if the other Party fails to comply with any of the terms of this Agreement.
- d. **Settlement upon Termination.** Immediately upon termination under Sections 10.a.i, v., or vi, no Grant Funds shall be disbursed by OEM and Subrecipient shall return to OEM Grant Funds previously disbursed to Subrecipient by OEM in accordance with Section 6.c and the terminating party may pursue additional remedies in law or equity. Termination of this Agreement does not relieve Subrecipient of any other term of this Agreement that may survive termination, including without limitation Sections 11.a and c.

## 11. GENERAL PROVISIONS

- a. **Contribution.** To the extent authorized by law, Subrecipient shall defend (subject to ORS chapter 180), indemnify, save and hold harmless OEM and its officers, employees and agents from and against any and all claims, suits, actions, proceedings, losses, damages, liability and court awards including costs, expenses, and attorneys' fees incurred related to any actual or alleged act or omission by Subrecipient, or its employees, agents or contractors. This Section shall survive expiration or termination of this Agreement.
- b. **Dispute Resolution.** The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or

arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each party shall bear its own costs incurred under this Section 11.b.

- c. **Responsibility for Grant Funds.** Subrecipient, pursuant to this Agreement with OEM, shall assume sole liability for its breach of the conditions of this Agreement, and shall, upon its breach of conditions that causes or requires OEM to return funds to DHS or FEMA, hold harmless and indemnify OEM for an amount equal to the funds received under this Agreement; or if legal limitations apply to the Subrecipient's indemnification ability, the indemnification amount shall be the maximum amount of funds available to Subrecipient for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
- d. **Amendments.** This Agreement may be amended or extended only by a written instrument signed by both Parties and approved as required by applicable law.
- e. **Duplicate Payment.** Subrecipient is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party, organization or individual.
- f. **No Third Party Beneficiaries.** OEM and Subrecipient are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as an intended beneficiary of the terms of this Agreement.

Subrecipient acknowledges and agrees that the Federal Government, absent express written consent by the Federal Government, is not a party to this Agreement and shall not be subject to any obligations or liabilities to Subrecipient, contractor or any other party (whether or not a party to the Agreement) pertaining to any matter resulting from the this Agreement.

- g. **Notices.** Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, email or mailing the same by registered or certified mail, postage prepaid to Subrecipient or OEM at the appropriate address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.
- h. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by, construed in accordance with, and enforced under the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between OEM (or any other agency or department of the State of Oregon) and Subrecipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a

waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of the Circuit Court of Marion County in the State of Oregon, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

- i. **Compliance with Law.** Subrecipient shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the implementation of the Project, including without limitation as described in Exhibit B.
- j. **Insurance; Workers' Compensation.** All employers, including Subrecipient, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. Subrecipient shall ensure that each of its subrecipient(s), contractor(s), and subcontractor(s) complies with these requirements.
- k. **Independent Contractor.** Subrecipient shall perform the Project as an independent contractor and not as an agent or employee of OEM. Subrecipient has no right or authority to incur or create any obligation for or legally bind OEM in any way. Subrecipient acknowledges and agrees that Subrecipient is not an "officer", "employee", or "agent" of OEM, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary.
- l. **Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- m. **Counterparts.** This Agreement may be executed in two or more counterparts (by facsimile or otherwise), each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
- n. **Integration and Waiver.** This Agreement, including all Exhibits and referenced documents, constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. The delay or failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by that Party of that or any other provision. Subrecipient, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW

Curry County

By

Name

(printed)

Date

**APPROVED AS TO LEGAL SUFFICIENCY**

(If required for Subrecipient)

By

Subrecipient's Legal Counsel

Date

**Subrecipient Program Contact:**

Ashley Thien  
Emergency Manager  
Curry County  
94235 Moore St. Suite 213  
Gold Beach, OR  
97444  
Phone: 541-373-7370  
Email: [thienas@co.curry.or.us](mailto:thienas@co.curry.or.us)

**Subrecipient Fiscal Contact:**

Nick Vicino  
Deputy Treasurer  
Curry County  
94235 Moore St. Suite 124  
Gold Beach, OR  
97444  
Phone: 541-247-3299  
Email: [vicinon@co.curry.or.us](mailto:vicinon@co.curry.or.us)

**STATE OF OREGON**, acting by and through its Oregon  
Department of Emergency Management

By

Name

(printed)

Preparedness Section Manager, OEM

Date

**APPROVED AS TO LEGAL SUFFICIENCY**

By Samuel B. Zeigler via email  
Senior Assistant Attorney General

Date: 9/23/21

**OEM Program Contact:**

Kevin Jeffries  
Grants Coordinator  
Oregon Department of  
Emergency Management  
PO Box 14370  
Salem, OR 97309-5062  
Phone: 503-378-3661  
Email: [kevin.jeffries@oem.oregon.gov](mailto:kevin.jeffries@oem.oregon.gov)

## EXHIBIT A

### Project Description and Budget

#### I. Project Description

Curry County: This project will fund the repairs and physical security hardening of the Bosley Tower microwave system, located in Curry County, Location: 42-12-31.2 N, 124-13-32.0 W.

The renovations, upgrades, and installations, including the installation of bracing and a grounding kit, will enhance the Bosley tower's resilience to lightning strikes and adverse weather conditions through hardening measures, ensuring seamless transmission of critical information for public safety and emergency response efforts

Project will involve the purchase and installation of interoperable radio equipment to include antennas, transmitters, receivers and associated components, bracing, electrical grounding equipment and associated components.

Completion of the project requires all components being installed and tested for operational and physical hardening needs to have been satisfactorily met.

Investment Justification: Soft Target Hardening  
Core Capability: Operational Communications

#### II. Budget

Grant Funds:	\$90,000
<b>Total Budget:</b>	<b>\$90,000</b>
Equipment	\$90,000
<b>Total (Grant)</b>	<b>\$90,000</b>

## **EXHIBIT B**

### **Federal Requirements and Certifications**

#### **I. General.**

Subrecipient agrees to comply with all federal requirements applicable to this Agreement. Those federal requirements include, without limitation, financial management and procurement requirements; requirements for maintaining accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP); and all other financial, administrative, and audit requirements as set forth in the most recent versions of the Code of Federal Regulations (CFR), Department of Homeland Security (DHS) program legislation, and DHS/Federal Emergency Management Agency (FEMA) program regulations and requirements. References below to “recipient” include Subrecipient.

#### **1 - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. section 2225.)

#### **2 - Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

#### **3 - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942. Article XXXVI - Reporting of Matters Related to Recipient Integrity and Performance If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

#### **4 - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

#### **5 - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

## **6 - Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

## **7 - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

## **8 - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313.

## **9 - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at C.F.R. Part 17 and 44 C.F.R. Part 19.

## **10 – Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

## **11 - Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

## **12 - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

## **13 - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409,

# **II Other Applicable Federal Regulations**

**1 - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the *Civil Rights Act of 1964*, (42 U.S.C. section 2000d *et seq.*) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-peoplelimited> and additional resources on <http://www.lep.gov>.

**2- Universal Identifier and System of Award Management**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**3 - Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101- 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

**4 - SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**5 - Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**6 - National Environmental Policy Act**

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969 (NEPA)*, Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 *et seq.*) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**7 - Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

**8 - USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001* (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

**9 - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

#### **10 - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (codified as amended at 42 U.S.C. section 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

#### **11 - RESERVED**

#### **12 - Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

#### **13 - Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

#### **14- Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.

#### **15 - Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **16 - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the *Drug-Free Workplace Act of 1988* (41 U.S.C. sections 8101-8106).

#### **16 - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

#### **17 - Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and

policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

#### **18 - Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance at [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf) and Privacy Template at [https://www.dhs.gov/sites/default/files/publications/privacy\\_pia\\_template\\_2017.pdf](https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf) as useful resources respectively.

#### **19 - Civil Rights Act of 1968**

Recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 *et seq.*), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

#### **20- Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

#### **21 - Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

#### **22- Energy Policy and Conservation Act**

Recipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 *et seq.*), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

#### **23 - Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the *Resource Conservation and Recovery Act*, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

## **EXHIBIT C**

### **Subagreement Insurance Requirements**

#### **GENERAL.**

Subrecipient shall require in its first tier subagreements with entities that are not units of local government as defined in ORS 190.003, if any, to: i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, “TAIL” COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before performance under the subagreement commences; and ii) maintain the insurance in full force throughout the duration of the subagreement. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to OEM. Subrecipient shall not authorize work to begin under subagreements until the insurance is in full force. Thereafter, Subrecipient shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. Subrecipient shall incorporate appropriate provisions in the subagreement permitting it to enforce compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. In no event shall Subrecipient permit work under a subagreement when Subrecipient is aware that the contractor is not in compliance with the insurance requirements. As used in this section, “first tier” means a subagreement in which Subrecipient is a Party.

#### **TYPES AND AMOUNTS.**

i. **WORKERS COMPENSATION.** Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers’ compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Employers’ liability insurance with coverage limits of not less than \$500,000 must be included.

ii. **COMMERCIAL GENERAL LIABILITY.**

Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to OEM. This insurance shall include personal injury liability, products and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by OEM:

Bodily Injury, Death and Property Damage:

Not less than \$1,000,000 per occurrence, (for all claimants for claims arising out of a single accident or occurrence) and an annual aggregate limit of not less than \$2,000,000.

iii. **AUTOMOBILE Liability Insurance: Automobile Liability.**

Automobile Liability Insurance covering all owned, non-owned and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for “Commercial General Liability” and “Automobile Liability”). Automobile Liability Insurance must be in not less than the following amounts as determined by OEM:

Bodily Injury, Death and Property Damage:

Not less than \$1,000,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence) and an annual aggregate limit of not less than \$2,000,000.

**ADDITIONAL INSURED.** The Commercial General Liability Insurance and Automobile Liability insurance must include OEM, its officers, employees and agents as Additional Insureds but only with respect to the contractor's activities to be performed under the subagreement. Coverage must be primary and non-contributory with any other insurance and self-insurance.

**"TAIL" COVERAGE.** If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the contractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of the subagreement, for a minimum of 24 months following the later of : (i) the contractor's completion and Subrecipient's acceptance of all Services required under the subagreement or, (ii) the expiration of all warranty periods provided under the subagreement. Notwithstanding the foregoing 24-month requirement, if the contractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then the contractor may request and OEM may grant approval of the maximum "tail " coverage period reasonably available in the marketplace. If OEM approval is granted, the contractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace.

**NOTICE OF CANCELLATION OR CHANGE.** The contractor or its insurer must provide 30 days' written notice to Subrecipient before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

**CERTIFICATE(S) OF INSURANCE.** Subrecipient shall obtain from the contractor a certificate(s) of insurance for all required insurance before the contractor performs under the subagreement. The certificate(s) or an attached endorsement must specify: i) all entities and individuals who are endorsed on the policy as Additional Insured and ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage. **INSURANCE REQUIREMENT REVIEW.** Subrecipient agrees to periodic review of insurance requirements by OEM under this Agreement and to provide updated requirements as mutually agreed upon by OEM and Subrecipient.

**OEM ACCEPTANCE.** All insurance providers are subject to OEM acceptance. If requested by OEM, Subrecipient shall provide complete copies of its contractors' insurance policies, endorsements, self-insurance documents and related insurance documents to OEM's representatives responsible for verification of the insurance coverages required under this Exhibit C.

## **Exhibit D**

### **Information required by 2 CFR 200.332(a)**

1. Federal Award Identification:
  - (i) Sub-recipient name (which must match registered name in DUNS): Curry County
  - (ii) Sub-recipient's Unique Entity Identifier (UEI) number: YN13JH8REQV1
  - (iii) Federal Award Identification Number (FAIN): EMW-2020-SS-00073
  - (iv) Federal Award Date: September 1, 2021
  - (v) Sub-award Period of Performance Start and End Date: From October 1, 2021, to June 30, 2024
  - (vi) Sub-award Budget Period Start and End Date: From October 1, 2021, to June 30, 2024
  - (vii) Amount of Federal Funds Obligated by this Agreement: \$90,000
  - (viii) Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including this agreement \*: \$90,000
  - (ix) Total Amount of Federal Award committed to the Subrecipient by the pass-through entity: \$90,000
  - (x) Federal award project description: State Homeland Security Program Grant plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation.
  - (xi)
    - (a) Name of Federal awarding agency: U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA)
    - (b) Name of Pass-through entity: Oregon Department of Emergency Management
    - (c) Contact information for awarding official: Erin McMahon, Director – Oregon Department of Emergency Management, PO Box 14370, Salem, OR 97309-5062
  - (xii) Assistance Listings Number and Title: 97.067 Homeland Security Grant Program  
Amount: \$8,402,500
  - (xiii) Is Award R&D? No
  - (xiv) Indirect cost rate for the Federal award: 9.5%
2. Subrecipient's indirect cost rate: 0%

\*The Total amount of Federal Funds Obligated to the Subrecipient by the pass-through entity is the Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity during the current fiscal year.



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
<b>Time Needed:</b>		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
<b>Category:</b>		
<input type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1.		
2.		
3.		
4.		
5.		
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Establishing a )  
Curry County Forestry Department ) ORDER NO. \_\_\_\_\_  
)**

**WHEREAS**, the County currently owns land that could reasonably be classified as timber land and has engaged in revenue generating timber harvests; and

**WHEREAS**, in order to properly manage the existing timber land and potential acquisition of additional timber land, it is appropriate to establish a Timber Department; and

**WHEREAS**, the Timber Department will be funded entirely from timber revenues and shall not require General Fund contributions.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the Curry County Forestry Department is established.

**DATED** this 18<sup>th</sup> day of April, 2024.

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

Approved as to Form:

\_\_\_\_\_  
John Herzog, Vice Chair

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
Curry County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
4/18/24	Creation of Road Advisory Committee	
<b>Time Needed:</b>		
5 minutes		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
N/A	<p>A Road Advisory Committee is a tool used by local governments to encourage citizen input regarding the County Road Department's priorities pertaining to road maintenance. The Committee would review the County Road system and evaluate County priorities. Committee recommendations would be presented to the Board for a determination on their implementation.</p> <p>The Committee would consist of two members each from the Northern, Central, and Southern portions of the County.</p> <p>One member from each area would serve a two year term, and one member from each area would serve a one year term.</p>	
<b>Category:</b>		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
Establish the Curry County Road Advisory Committee		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1. Order	Advertise available positions for the Road Advisory Committee.	
2.		
3.		
4.		
5.		
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>
Ted Fitzgerald, County Legal Counsel		4/10/24

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Order Establishing a )  
Curry County Road Advisory Committee ) ORDER NO. \_\_\_\_\_  
)**

**WHEREAS**, the County is responsible for the regular maintenance and emergency repair of all County roads, a list of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Board of County Commissioners wishes to seek input from the citizens of Curry County in order to formulate priorities for road repairs in the County; and

**WHEREAS**, the Committee shall consist of two members each from the Northern, Central, and Southern portions of the County; and

**WHEREAS**, one member from each area shall serve a two year term, and one member from each area shall serve a one year term.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the Curry County Road Advisory Committee is established and vacancies for the available positions will be advertised.

**DATED** this 18<sup>th</sup> day of April, 2024.

**BOARD OF CURRY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Brad Alcorn, Chair

Approved as to Form:

\_\_\_\_\_  
John Herzog, Vice Chair

\_\_\_\_\_  
Michael E. Fitzgerald, OSB #950738  
Curry County Legal Counsel

\_\_\_\_\_  
Jay Trost, Commissioner

# CURRY COUNTY MAINTAINED ROADS

10/21/2021

Alphabetically Sorted by Road Name

Road #	Road Name	Begin Milepost	Begin Description	End Milepost	End Description	Road Length
530	A ST	0.000	Nesika Rd	0.135	Dead end	0.135
570.6	AGATE PL	0.000	Sandy Dr	0.026	End of pavement	0.026
375	AGNESS-ILLAHE RD	0.000	920 ft South of Cougar Ln	8.068	End County Road	8.068
160	AIRPORT RD	0.000	Hwy 101	2.890	Airport gate	2.890
115	ALDER ST	0.000	Hwy 101	0.236	End of Pavement	0.236
117	ALLEN BOICE DR	0.000	Kerber Dr	0.285	Guard rail barrier / gate	0.285
725	AQUA VISTA LN	0.000	Rainbow Rock Rd	0.112	End of road	0.112
500	ARIZONA RANCH RD	0.000	Hwy 101	0.845	End County Maint. #37163	0.845
245	ARIZONA ST	0.000	Paradise Point Rd	0.775	End of pavement - Transfer station entrance	0.775
228	AZALEA LN	0.000	Silver Butte Rd	0.081	Loop driveway	0.081
565.7	AZALEA LN	0.000	Iris St - Driftwood Dr	0.130	End of pavement	0.130
531	B ST	0.000	Nesika Rd	0.114	Kilgore Rd	0.114
565.5	BAYVIEW DR	0.000	Driftwood Dr (South end)	0.105	#94090 (End of road)	0.105
819	BAYVIEW DR	0.000	W Benham Ln (West end)	0.331	W Benham Ln (East end)	0.331
269.5	BLANCHARD DR	0.000	Old Mill Rd MP 0.489	0.160	Cul-de-sac	0.160
824	BOAT BASIN RD	0.000	Lower Harbor Rd	0.409	Coast Guard parking lot	0.409
142.1	BOICE COPE PARK RD	0.000	Boice Cope Rd.	0.333	End of Loop	0.333
142	BOICE COPE RD	0.000	Floras Lake Rd.	0.287	Parking Lot	0.287
106	BONO RD	0.000	Hwy 101	0.341	End of Pavement	0.341
570.5	BOULDER PL	0.000	Sandy Dr	0.026	End of pavement	0.026
107	BOWMAN ST	0.000	Langlois Mtn. Rd	0.138	First St	0.138
640	BROOKS RD	0.000	Hunter Creek Lp	0.454	End of centerline stripe	0.454
707.1	BROOKSIDE DR	0.000	Cape Ferrelo Rd	0.481	Cul-de-sac	0.481
882	CAMELLIA DR	0.000	Hwy 101	0.492	Woodriff Ln	0.492
704	CAPE FERRELO RD	0.000	Hwy 101	2.595	Carpenterville Rd	2.595
269.3	CEDAR HOLLOW RD	0.000	Vista Dr MP 0.49	0.178	Cul-de-sac	0.178
515	CEDAR VALLEY RD	0.000	Ophir Rd.	8.143	N. Bank Rogue River Rd.	8.143
268	CEMETERY LOOP RD	0.000	Hwy 101 (South end) MP 302.24	1.337	Deady St (Port Orford)	1.337
527	CHANDLER RD	0.000	Nesika Rd	0.170	End of pavement	0.170
841	CHAPMAN LN	0.000	E Hoffeldt Ln	0.167	Ivy Ln	0.167
811	CHILCOTE LN	0.000	S Bank Chetco River Rd	0.243	End of loop	0.243
178	CHILDERS RD	0.000	Hwy 101	0.269	End of pavement	0.269
280	CHINA MOUNTAIN RD	0.000	Noble Dr MP 0.677	5.851	Humbug Park Rd	5.851
570.3	COBBLESTONE CT	0.000	High Tide Dr	0.039	Cul-de-sac	0.039
125	COPE LN	0.000	Hwy 101	0.231	End of Pavement - Cattle guard	0.231
706	CORNETT RD	0.000	Cape Ferrelo Rd	0.159	Foxglove Wy	0.159
425	COUGAR LN	0.000	Agness-Illahe Rd	0.278	#3880 (Gate)	0.278
148	COUNTY SHOP RD	0.000	Hwy 101	0.230	Access gate to County yard	0.230
721	COVERDELL RD	0.000	Rainbow Rock Rd	0.269	Pavement narrows - End stripe	0.269
509	COY CREEK RD	0.000	Ophir Rd	1.898	End County Rd / road narrows	1.898
856	CRESTLINE LP	0.000	W Hoffeldt Ln	0.249	Crestline Lp RM 0.069	0.249
172	CRYSTAL CREEK RD	0.000	Hwy 101	1.776	Gate / End of County Road	1.776

# CURRY COUNTY MAINTAINED ROADS

10/21/2021

Alphabetically Sorted by Road Name

Road #	Road Name	Begin Milepost	Begin Description	End Milepost	End Description	Road Length
596	CURRY ST	0.000	Riverway Dr	0.045	End of pavement	0.045
728	DEMOSS RD	0.000	Carpenterville Rd	0.163	End of pavement #96734	0.163
190	DEWEY RD	0.000	Cape Blanco Road	0.935	End of pavement	0.935
753	DODGE AV	0.000	Parkview Dr - RM 0.565 (South end)	0.547	Parkview Dr - RM 1.068 (North end)	0.547
585	DOYLE POINT RD	0.000	Wedderburn Loop Rd (East end)	0.316	Wedderburn Loop Rd (West end)	0.316
565.2	DRIFTWOOD DR	0.000	Iris St	0.310	Bayview Dr	0.310
712	DULEY CREEK RD	0.000	Carpenterville Rd	1.351	End of pavement	1.351
818	E BENHAM LN	0.000	Hwy 101	0.176	Road narrows - #98295	0.176
840	E HOFFELDT LN	0.000	Hwy 101	0.258	Daina Ln	0.258
778.3	EASTWOOD LN	0.000	Marina Hts Lp RM 0.257	0.319	Pacific View Dr	0.319
540	EDSON CREEK RD	0.000	Hwy 101	2.287	N. Bank Rogue River Rd.	2.288
703	EGGERS RD	0.000	Hwy 101	1.525	Cape Ferrelo Rd	1.525
685	EIGHTY ACRE RD	0.000	Hwy 101	0.864	End of pavement	0.864
208	ELK RIVER RD	0.000	Hwy 101	7.552	USFS Boundary / Road narrows	7.552
656	EMERALD DR	0.000	Hunter Creek Ht	0.092	#28326	0.092
505	EUCHRE CREEK RD	0.000	Ophir Rd	1.900	Bridge	1.900
601	FAIRGROUNDS RD	0.000	Hwy 101	0.275	Gate (North boundary of Fairgrounds)	0.275
111	FIRST ST	0.000	West end at Knapp Ranch	0.179	End of Pavement	0.179
860.1	FLORAL HILL DR	0.000	Hwy 101	0.124	Wedgewood Ln	0.124
124	FLORAS CREEK RD	0.000	Hwy 101	8.684	At east end of Morril Bridge	8.684
130	FLORAS LAKE LP	0.000	North end of loop at Hwy 101	1.961	South end of loop ath Hwy 101	1.961
136	FLORAS LAKE RD	0.000	Floras Lake Lp	1.916	Lakes End Dr	1.916
813	FOSTER RD	0.000	Payne Rd	0.171	End of County Road	0.171
800	GARDNER RIDGE RD	0.000	N Bank Chetco River Rd RM 5.043	11.526	Cattle guard	11.526
241	GARRISON LAKE RD	0.000	Paradise Point Rd	0.333	End of road	0.333
862	GAVIN LN	0.000	Tuttle Ln	0.218	Cul-de-sac	0.218
758	GOWMAN LN	0.000	Parkview Dr	0.187	215' West of Stafford Rd	0.187
525	GRANGE RD	0.000	Nesika Rd	0.271	End of pavement	0.271
196	GRASSY KNOB RD	0.000	Hwy 101	4.211	End of pavement	4.211
605	GRIZZLY MOUNTAIN RD	0.392	City Limits - Bear Mtn Rd	2.623	End County Road sign	2.231
534	GUN CLUB RD	0.000	Nesika Rd	0.118	Kilgore Rd	0.118
134	HAGA RD	0.000	Floras Lake Rd	0.238	Driveway	0.238
814	HARBOR VIEW CR	0.000	S Bank Chetco River Rd	0.210	End of loop	0.210
114	HAZEL ST	0.000	Main St	0.038	End of Pavement	0.038
232	HENSLEY HILL RD	0.241	City Limits - Where road divides	1.123	End of pavement	0.884
570.7	HIGH TIDE DR	0.000	Sandy Dr - Cobblestone Ct	0.031	Sand dunes - trail	0.031
535	HILLSIDE ACRES RD	0.000	Ophir Rd	0.794	Hwy 101	0.794
565.6	HILLSIDE TR	0.000	Iris St	0.271	Bayview Dr	0.271
875	HOLLY LN	0.000	Oceanview Dr	0.084	Cul-de-sac	0.084
511.1	HORIZON DR	0.000	Ophir Rd	0.192	Mutts Wy	0.192

# CURRY COUNTY MAINTAINED ROADS

10/21/2021

Alphabetically Sorted by Road Name

Road #	Road Name	Begin Milepost	Begin Description	End Milepost	End Description	Road Length
274	HUBBARD CREEK RD	0.000	Hwy 101 MP 302.43	0.630	End of pavement	0.630
511.2	HUMBUG LN	0.000	Horizon Dr	0.100	Gate / House #34583	0.100
269.4	HUMBUG WY	0.000	Old Mill Rd MP 0.622	0.258	Cul-de-sac	0.258
598.2	HUMMINGBIRD HILL RD	0.000	Vist Lp	0.152	End of County Rd	0.152
630	HUNTER CREEK COMPLEX RD	0.000	Hunter Creek Rd	0.215	Office	0.215
655	HUNTER CREEK HT	0.000	Hunter Creek Rd	0.648	Pavement narrows - end stripe	0.648
637	HUNTER CREEK LP	0.000	Hwy 101 (North end)	1.211	Hunter Creek Rd	1.211
635	HUNTER CREEK RD	0.000	Hwy 101	4.908	End of pavement	4.908
141	I ST	0.000	Lakes End Drive	0.129	End of pavement	0.129
565.4	IRIS ST	0.000	Azalea Ln-Driftwood Dr	0.041	Hillside Tr	0.041
891	ITZEN DR	0.000	Kemlin Pl	0.105	End of pavement	0.105
110	JACKSON ST	0.000	Second St	0.163	Alder St	0.163
595	JERRYS FLAT RD	0.124	City Limits	9.642	USFS Boundary	9.518
895	JULIA WY	0.000	Laurence Ln	0.125	Cul-de-sac	0.125
112	KANE ST	0.000	Hwy 101	0.046	Jackson St	0.046
889	KEMLIN PL	0.000	Wollam Rd	0.193	End of Road / Guardrail Barrier	0.193
116	KERBER DR	0.000	Hwy 101	0.297	End of Pavement	0.297
532	KILGORE RD	0.000	B St	0.060	Gun Club Rd	0.060
860.3	KINGS WY	0.000	Wedgewood Ln	0.097	Dead end	0.097
214	KNAPP RD	0.000	Hwy 101	0.346	End of pavement / Cattle guard	0.346
140	LAKES END DR	0.000	Floras Lake Rd - Lakeshore Dr	0.393	180 ft past second 90 degree curve right	0.393
131	LAKESHORE DR	0.000	Lakes End Dr	0.368	End of Pavement	0.368
118	LANGLOIS MTN RD	0.000	Hwy 101	9.526	End of Pavement - Cattle guard	9.526
894	LAURENCE LN	0.000	Winchuck River Road	0.262	Cul-de-sac	0.262
142.2	LEEWARD ST	0.000	Boice Cope Rd	0.084	End County Rd	0.084
665	LITTLE SOUTH FORK RD	0.000	Hunter Creek Rd	2.626	End County Road sign	2.626
857	LIVELY LN	0.000	W Hoffeldt Ln - RM 0.085	0.173	W Hoffeldt Ln - RM 0.256	0.173
548	LOBSTER CREEK YOUTH CAMP RD	0.000	USFS Rd	0.902	Campground	0.902
570.8	LOW TIDE DR	0.000	Sandy Dr	0.012	Sand dunes - trail	0.012
816	LOWER HARBOR RD	0.000	Hwy 101	0.962	Boat Basin Rd	0.962
777	LUNDEEN RD	0.298	CITY LIMITS	0.366	END RIGHT OF WAY	0.068
113	MAIN ST	0.000	Hwy 101	0.147	End of Pavement	0.147
120	MAPLE ST	0.000	Main St.	0.027	End County Road	0.027
778.1	MARINA HEIGHTS LP	0.000	Marina Heights Rd	0.667	Marina Heights Rd	0.667
645	MATEER RD	0.000	Hunter Creek Rd	1.037	End of pavement	1.037
202	MCKENZIE RD	0.000	Hwy 101	0.481	Pavement narrows	0.481
520	MCKINNON DR	0.000	Cedar Valley Rd	0.255	End of pavement	0.255
570.1	MINER DR	0.000	Old Coast Rd	0.083	Sandy Dr	0.083
890	MUSEUM RD	0.000	Hwy 101 (North end)	0.357	Hwy 101 (South end)	0.357
511.3	MUTTS WY	0.000	Horizon Dr	0.069	Cul-de-sac	0.069

# CURRY COUNTY MAINTAINED ROADS

10/21/2021

Alphabetically Sorted by Road Name

Road #	Road Name	Begin Milepost	Begin Description	End Milepost	End Description	Road Length
226	MYRTLE LN	0.000	Silver Butte Rd	0.244	End of pavement	0.244
784	N BANK CHETCO RIVER RD	0.308	City Limits - 200 ft S of #97656	7.977	USFS Boundary	7.668
690	N BANK PISTOL RIVER RD	0.000	Pistol River Lp	7.775	Cattle guard - End County Road sign	7.775
545	N BANK ROGUE RIVER RD	0.000	Hwy 101	10.808	USFS Road	10.808
707.2	N BROOKSIDE DR	0.000	Brookside Dr	0.140	Cul-de-sac	0.140
541	NESIKA BEACH DUMP RD	0.000	Edson Creek Rd	0.055	Gate	0.055
524	NESIKA RD	0.000	Hwy 101 (North end)	1.241	Hwy 101 (South end)	1.241
209	NICHOLSON DR	0.000	Hwy 101	0.176	House # 43443	0.176
277	NOBLE DR	0.000	Hwy 101 MP 302.48	0.927	End County Road	0.927
450	OAK FLAT RD	0.000	USFS RD #33/Agness Rd	3.180	End of pavement	3.180
565.1	OCEAN WY	0.000	Hwy 101 Off-ramp	0.136	Driftwood Dr	0.136
132	OCEANSIDE LN	0.000	Lakeshore Dr	0.120	95 feet past #47392	0.120
872	OCEANVIEW DR	0.000	W Benham Ln	3.517	Hwy 101	3.517
555	OLD COAST RD	0.000	Wedderburn Loop Rd	4.591	Hwy 101 Northerly east entrance	4.591
776	OLD COUNTY RD	0.876	City limits	2.923	End County Road / gate	2.047
269.1	OLD MILL RD	0.000	Cemetery Loop Rd MP 0.787	0.969	Cul-de-sac	0.969
870	OLSEN LN	0.000	W Benham Ln	0.540	Oceanview Dr	0.540
510	OPHIR RD	0.000	Hwy 101 (North end)	4.265	Hwy 101 (South end)	4.265
709.1	PACIFIC CREST DR	0.000	Cape Ferrelo Rd	0.274	Cul-de-sac	0.274
154	PACIFIC HIGH SCHOOL RD	0.000	Hwy 101	0.060	Parking lot	0.060
778.2	PACIFIC VIEW DR	0.000	Marina Hts Lp RM 0.378	0.355	Eastwood Ln	0.355
244	PARADISE POINT RD	0.000	Hwy 101	0.937	End of pavement	0.937
269.6	PARK RD	0.000	Old Mill Rd MP 0.489	0.318	Cul-de-sac	0.318
752	PARKVIEW DR	0.900	City limits	1.285	City limits	0.385
810	PAYNE RD	0.000	S Bank Chetco River Rd	0.172	House #97906	0.172
570.4	PEBBLE PL	0.000	Sandy Dr	0.024	End of pavement	0.024
880	PEDRIOLI DR	0.000	Hwy 101	0.890	End of road - #15500	0.890
688	PISTOL RIVER CEMETERY RD	0.000	Pistol River Lp	0.251	Cemetery	0.251
693	PISTOL RIVER LP	0.166	Cape View Lp	2.032	Carpenterville Rd	1.866
691	PISTOL RIVER SCHOOL RD	0.000	N Bank Pistol River Rd	0.076	School parking lot	0.076
518	PONDEROSA RD	0.000	Cedar Valley Rd	0.448	Both dead ends	0.448
230	PORT ORFORD LOOP RD	0.000	Hwy 101 at North end	0.788	Mather Dr	0.788
620	QUARRY RD	0.476	City Limits - 94457	0.614	End of County road	0.138
537	RACCOON LN	0.000	Hillside Acres Rd	0.088	Dead end	0.088
720	RAINBOW ROCK RD	0.000	Carpenterville Rd (South end)	2.125	Carpenterville Rd (North end)	2.125
597	RIVERWAY DR	0.000	Jerrys Flat Rd	0.076	Dead end	0.076
221	ROSE WY	0.000	Silver Butte Rd	0.096	End of pavement / Mill Creek	0.096
808	S BANK CHETCO RIVER RD	0.000	Hwy 101	6.229	Cattle guard	6.229
808.1	S BANK CHETCO UNDERPASS	0.000	Lower Harbor Rd	0.144	S Bank Chetco River Rd	0.144

# CURRY COUNTY MAINTAINED ROADS

10/21/2021

Alphabetically Sorted by Road Name

Road #	Road Name	Begin Milepost	Begin Description	End Milepost	End Description	Road Length
695	S BANK PISTOL RIVER RD	0.000	Carpenterville Rd	1.335	End of pavement	1.335
812	SALMONBERRY RD	0.000	S Bank Chetco River Rd RM 1.567	0.047	Pavement narrows	0.047
570.2	SANDY DR	0.000	Cobblestone Ct	0.381	Sandy Dr - (End of loop)	0.381
109	SECOND ST	0.000	Jackson St	0.158	End of Pavement	0.158
815	SHOPPING CENTER AV	0.000	Lower Harbor Rd	0.615	W Hoffeldt Ln	0.615
220	SILVER BUTTE RD	0.000	Hwy 101	0.522	22 ft south of Azalea Ln	0.522
184	SIXES RIVER RD	0.000	Hwy 101	10.530	West end of Elephant Rock Creek Bridge	10.530
760	STAFFORD RD	0.000	Gowman Ln	0.140	End of road - #17084	0.140
507	STARKWEATHER RD	0.000	Ophir Rd	0.416	Cul-de-sac	0.416
897	STATELINE RD	0.000	Hwy 101	0.329	End of County Road / Hendry Lane	0.329
145	STONECYPHER RD	0.000	Hwy 101	1.144	Cattle guard	1.144
675	THIMBLEBERRY RD	0.000	Hwy 101	0.338	End of pavement	0.338
792	THOMPSON RD	0.000	N Bank Chetco River Rd RM 0.564	0.529	End of pavement - End of right of way	0.529
864	TITUS LN	0.000	W Hoffeldt Ln	0.134	End of County Road	0.134
108	TOWNLEY LN	0.000	Hwy 101	0.106	End of Pavement	0.106
861	TUTTLE LN	0.000	Floral Hill Dr	0.074	Gavin Ln	0.074
119	VALPY ST	0.000	Hwy 101	0.048	Jackson St	0.048
269.2	VISTA DR	0.000	Old Mill Rd MP 0.622	0.651	At City Limits - End of striping	0.651
598.1	VISTA LP	0.000	Jerrys Flat Rd	0.083	End of County Rd	0.083
817	W BENHAM LN	0.000	Hwy 101	0.696	Boat Basin Rd	0.696
848	W HOFFELDT LN	0.000	Hwy 101	0.374	End of County Road	0.374
122	WALLER LN	0.000	Hwy. 101	0.030	Intersection with library access	0.030
641	WATER TANK RD	0.000	Brooks Rd	0.061	End County Road	0.061
575	WEDDERBURN LOOP RD	0.000	Hwy 101 - N Bank Rogue	1.278	Hwy 101 off-ramp - Old Coast Rd	1.278
860.2	WEDGEWOOD LN	0.000	Floral Hill Dr	0.041	End of County maintenance	0.041
821	WENBOURNE LN	0.000	W Benham Ln	0.223	Oceanview Dr	0.223
778.4	WESTWOOD LN	0.000	Marina Hts Lp RM 0..525	0.111	End centerline stripe	0.111
896	WINCHUCK RIVER RD	0.000	Hwy 101	7.400	End of County Road / Begin USFS Road	7.400
892	WOLLAM RD	0.000	Oceanview Dr	0.108	Kemlin Pl	0.108
143	WOODRUFF LN	0.000	Floras Lake Rd	0.115	End of pavement	0.115
709.2	WOODTON LN	0.000	Cape Ferrelo Rd	0.070	Cul-de-sac	0.070
815.1	ZIMMERMAN LN	0.000	Hwy 101	0.051	Shopping Center Av	0.051
229	ZUMWALT LN	0.000	Port Orford Loop Rd	0.139	Elmore Ln	0.139

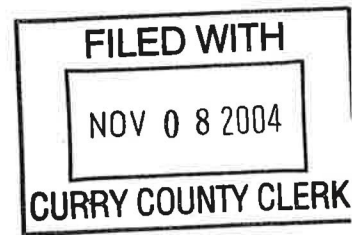


**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
4/18/24	Potential Amendment of Ambulance Service Code - Article Two, Section One	
<b>Time Needed:</b>		
10 minutes		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
N/A	<p>The Ambulance Service Ordinance, codified as Article Two, Division One of Curry County Code has been adopted and amended as follows:</p> <p>1996 - Adoption.</p> <p>2004 - 1996 Code repealed and replaced.</p> <p>2009 - Amendment to Code regarding the extension of a franchise.</p> <p>2013 - Exceptions to Code.</p> <p>2014 - Amendment to Code regarding the extension of a franchise and rights to non-emergent ambulance transports.</p> <p>2014 - Amendment to Code adopting a revised Ambulance Service Area Plan.</p> <p>2018 - Order Amending franchise terms and extending franchise.</p> <p>It is reasonable to consider amendments to Article Two, Division One that allow extensions to be processed without further amendment of County Code.</p>	
<b>Category:</b>		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
TBD		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1. 2004 Readoption 2. 2009 Amendments 3. 2013 Exception 4. 2014 Amendments 5. 2018 Extension	(a) Instruct Counsel to prepare amendments to the ASA Code in order to allow franchise extensions without additional amendment to the Code.  (b) Continue to process extensions by amending the Code.	
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>
Ted Fitzgerald, County Legal Counsel		4/10/24

IN THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment       )  
To the Curry County Code                )  
Regarding the Ambulance                )  
Service Areas and Plan                    )       ORDINANCE NO. 04-13



The Board of Curry County Commissioners ordains as follows:

SECTION 1                TITLE

This ordinance shall be known as Ordinance 04-13, an ordinance amending the Curry County Code.

SECTION 2                AUTHORITY

This ordinance is enacted pursuant to ORS 203.035 and ORS 682.031.

SECTION 3                PURPOSE

The purpose of this ordinance is to amend Ordinance 96-7 (and all amendments thereto) which adopted the Curry County Code, a compilation of Curry County ordinances. The specific amendments update the County's ordinance regarding ambulance service areas and the ambulance plan.

SECTION 4                ADOPTION

Exhibits "A" and "B", attached hereto and incorporated by reference, are adopted as amendments to the Curry County Code, Ordinance 96-7 as amended.

SECTION 5                REPEALER

The former Article Two, Section One of the Curry County Code, Ordinance 96-7, as amended, is repealed in its entirety.

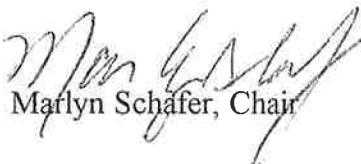
SECTION 6                SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or

invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance. It is expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.


ADOPTED this 18<sup>th</sup> day of October, 2004.

BOARD OF CURRY COUNTY COMMISSIONERS

  
Marlyn Schäfer, Chair

Absent

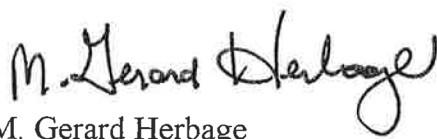
Ralph H. Brown, Vice-Chair

  
Lucie La Bonté, Commissioner

Attest:

  
Recording Secretary

Reviewed as to Form:

  
M. Gerard Herbage  
Curry County Legal Counsel

First Reading: 10/4/04  
Second Reading: 10/18/04  
Emergency Adoption: No  
Effective Date: 1/16/05

## **EXHIBIT "A"**

### **SECTION 2.01.010 TITLE**

This Division shall be known as the Curry County Ambulance Service Ordinance, and may be so cited and pled.

### **SECTION 2.01.020 AUTHORITY**

This Ordinance is enacted pursuant to ORS 682.035, 682.062, 682.063, 682.275 and ORS 203.035, and other applicable law.

### **SECTION 2.01.030 POLICY AND PURPOSE**

The Curry County Board of Commissioners finds:

- (1) That ORS 682.062 requires Curry County to develop and adopt a plan for the county relating to the need for a coordination of emergency ambulance services and to establish Ambulance Service Areas (ASAs) consistent with the plan to provide efficient and effective emergency ambulance services.
- (2) That this Ordinance, which establishes ASAs, methods for selecting an emergency ambulance provider for an ASA, and the Ambulance Service Area Advisory Committee, together with the document known as the Curry County Ambulance Service Area Plan (ASA Plan), attached hereto, and incorporated herein by this reference, make up the complete plan for emergency ambulance services for Curry County.
- (3) That the provisions of ORS 221.485 and 221.495, 478.260(3), and 682.025 through 682.065 requires Curry County to develop and adopt a plan for emergency ambulance services that recognizes the authority of cities and rural fire protection districts to operate and regulate emergency ambulance services within their own territories subject to the ASA Plan. That the provision of effective and efficient emergency ambulance services pursuant to the Curry County ASA Plan within cities and rural fire protection districts must be accomplished primarily on a cooperative basis. Curry County will employ formal sanctions and litigation to enforce the provisions of the Curry County ASA Plan when voluntary compliance cannot be obtained.
- (4) The board recognizes that in April of 2001, the Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section amended its rules to allow for the county designation of one or more non-emergency ambulance providers in each ASA, OAR 333-260-0070(3). In compliance with the rule, the board has and will designate

only one emergency ambulance provider for each ASA. Each of these designated emergency ambulance providers are also authorized to provide non-emergency ambulance service. However, at this time the Board elects to not require county designation for additional non-emergency providers, acknowledging that any such providers must meet the licensing and regulatory requirements imposed under state law as implemented by the Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section.

## **SECTION 2.01.040     DEFINITIONS**

The words and phrases in this Ordinance shall have the meaning provided in ORS Chapter 682 and OAR Chapter 333, Divisions 250, 255, 260, and 265, unless specifically defined herein to have a different meaning.

- (1) "Administrator" means a person designated by order of the Board to administer this Ordinance and the duly authorized deputy or assistant of such person.
- (2) "Ambulance" or "Ambulance Vehicle" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability.
- (3) "Ambulance Service Area (ASA)" means a geographical area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
- (4) "Ambulance Service Area Advisory Committee (Committee)" means the committee that will advise the Board as it pertains to the ASA Plan.
- (5) "Board" means the Curry County Board of Commissioners for Curry County, Oregon.
- (6) "DHS-EMS" means Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section.
- (7) "Franchise" means a franchise to provide emergency ambulance service issued by the Board pursuant to this Ordinance.

- (8) "Persons" means and includes individuals, corporations, associations, firms, partnerships, joint stock companies, cities, rural fire protection districts, and special service districts formed and existing pursuant to the Oregon Revised Statutes.

#### **SECTION 2.01.050     EXEMPTIONS**

This Ordinance shall not apply to:

- (1) Vehicles owned or operated under the control of the United States Government, the State of Oregon, Curry County, and the cities of Port Orford, Gold Beach, and Brookings;
- (2) Vehicles and aircraft being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident;
- (3) Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved;
- (4) Vehicles operated by lumber industries solely for the transportation of lumber industry employees.
- (5) Private vehicles not used for hire;
- (6) Ambulances or vehicles transporting patients from outside the county to a health care facility within the county, or which are passing through without a destination in the county;
- (7) Any person who drives or who attends an ill, injured or disabled person transported in a vehicle mentioned in Sections 1-6 of this Section;
- (8) Any person who otherwise by license is authorized to attend patients.

#### **SECTION 2.01.055     PROHIBITED ACTIVITIES**

- (1) No applicant or franchisee, applicant's or franchisee's employee, or any other person doing business as defined herein shall:
  - (A) Make a false statement of a material fact, or omit disclosure of a material fact, in an application for a franchise, or during a duly authorized investigation by the

Administrator and/or his designee

(B) Monitor or intercept emergency medical services communications for profit or gain.

(C) Charge for services not performed or make duplicate charges for the same service.

(D) Perform services of an EMT or EMT trainee unless authorized by state law.

(2) Except as provided for in this ordinance, it shall be unlawful to provide emergency transport by any vehicle other than a BLS or ALS ambulance. This prohibition shall include stretcher cars, which are defined as motor vehicles for hire constructed and equipped or regularly provided for non-emergency transportation of persons in a supine or recumbent position for reasons related to health conditions.

#### **SECTION 2.01.060     ADMINISTRATION**

The administrator, under the supervision of the Board and with the assistance of the Committee, shall be responsible for the administration of this Ordinance. In order to carry out the duties imposed by this Ordinance, the administrator, or persons authorized by the administrator, are hereby authorized to enter on the premises of any person regulated by this Ordinance at reasonable times and in a reasonable manner to determine compliance with this Ordinance and regulations promulgated pursuant thereto. The administrator shall also have access to records pertaining to ambulance service operations of any person regulated by this Ordinance. These records shall be made available within five (5) working days to the administrator at the person's place of business, or copies made and provided as requested by the administrator.

#### **SECTION 2.01.070     AMBULANCE SERVICE AREAS**

For the efficient and effective provision of emergency ambulance services in accordance with the ASA Plan, the ASA shown on the map attached hereto as Appendix #1, and incorporated herein by this reference, are hereby adopted as the ASA for Curry County. The Board, after notice to the affected ASA provider and by the adoption of an order, may adjust the boundaries of an ASA from time to time as necessary to provide efficient and effective emergency ambulance services.

#### **SECTION 2.01.080     AMBULANCE SERVICE PROVIDERS REGULATED**

Effective July 1, 1994, no person shall provide emergency ambulance services in Curry County, Oregon, unless such person is franchised in accordance with the applicable provisions of this Ordinance.

#### **SECTION 2.01.090     APPLICATION FOR AMBULANCE SERVICE FRANCHISE**

- (1) Any person desiring to provide ambulance service within Curry County shall submit an application to be assigned an ASA. The application shall be submitted to the Administrator.
- (2) Applications for franchises shall be on forms provided by the Board. In addition to information required on the forms, the Board may require additional information it deems necessary to insure compliance with this Ordinance.
- (3) The applicant shall provide the following information:
  - (a) The name and address of the person or agency applying.
  - (b) The ASA the person desires to serve, the location(s) from which ambulance services will be provided, and the level of service to be provided.
  - (c) A statement as to whether or not the person will subcontract for any service to be provided. If some service will be provided by subcontract, a copy of that subcontract shall be provided.
  - (d) A list of vehicles to be used in providing emergency ambulance services including year, make and model, and verification that each vehicle is licensed as a basic and/or advance life support ambulance by DHS-EMS.
  - (e) A statement that all equipment and supplies in each ambulance conforms to DHS-EMS standards.
  - (f) A list of personnel to be used in providing emergency ambulance service and their current Emergency Medical Technician level and certificate number, or other appropriate certification.
  - (g) Proof of financial ability to operate, including an operating budget for public bodies or financial statement for private entities, references and/or statement of past ambulance service. Appropriate financial information, such as income, tax returns, or reports by governmental authorities shall also be submitted upon request. Public bodies must provide information regarding the sources and amounts of funding for emergency ambulance services.
  - (h) Proof of public liability insurance in the amount of not less than the limits of claims made under the Oregon Tort Claims Act shall be provided. The minimum coverage shall be \$500,000 per occurrence (combined single limit for bodily injury and property damage claims) or \$500,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage.

- (i) A statement of experience in providing emergency ambulance service of a comparable quality and quantity to insure compliance with this Ordinance, regulations promulgated thereunder, any franchise issued, and the ASA Plan.
- (j) Proof of ability to comply with the terms and conditions of the ASA Plan and applicable county ordinances, in the form of a narrative summary.
- (k) A description of any prepaid ambulance service plan, including number of members, number of years of operation, funding and term.
- (l) If requested, information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials that may be requested.
- (m) In the case of an application to transfer or take over an already assigned franchise:
  - (i) A detailed summary of how the proposed change will improve emergency ambulance response time, and the quality and level of services to the ASA. It shall include an assessment of how the proposed change will impact the existing first response system.
  - (ii) Evidence that the call volume in the ASA is sufficient to financially or otherwise justify the change in service.
  - (iii) If requested, information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials that may be requested.
- (4) The Board may from time to time, by order, adopt fees to defray the actual reasonable costs incurred by Curry County in processing applications, and adopt annual franchise fees to defray the reasonable costs of Curry County in administering this Ordinance.
- (5) The applications shall be reviewed by the Committee, which shall recommend the assignment of the ASAs to the Board. The assignment of an ASA shall be made by an Order of the Board. The recommendation and order is to be based upon the proposal(s) which are the most functionally practical and likely to deliver the best quality of service.

#### **SECTION 2.01.110 REVIEW OF APPLICATION FOR FRANCHISE**

- (1) Applications shall be reviewed by the Committee, who shall make such investigation as it deems appropriate, and who may request assistance of other persons as necessary.
- (2) The administrator shall notify the holder of a franchise for providing emergency ambulance service to an ASA of any applications by another person to take over that franchise.
- (3) Unless the time is extended by the Board for good cause, the Committee shall make its recommendation to the Board to grant, deny, modify or attach appropriate conditions to the application. The Committee shall transmit its recommendation within sixty (60) days after the application and any required supplemental information has been received.

#### **SECTION 2.01.120 BOARD ACTION ON APPLICATION FOR FRANCHISE**

Upon receipt of the Committee's recommendation, the Board:

- (1) Shall publish notice of its intent to hold a public hearing on the application and recommendations at least ten (10) days, but not later than thirty (30) days following publication of notice.
- (2) May require additional investigation by the Committee if it finds that there is insufficient information on which to base its action.
- (3) Shall, upon the basis of the application, the Committee's recommendation, such other information as is permitted by this Ordinance, and such information as is presented to the Board at the public hearing make an order granting, denying or modifying the application or attaching conditions thereto.
- (4) Shall not make an order adverse to the applicant or to the holder of, or applicant for, another franchise effective less than 30 days after the date of such order and shall notify such persons in writing of the order. The Board may suspend operation of this subsection and enter an emergency order if it finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.
- (5) After the Board makes an order granting an emergency ambulance service franchise, with or without conditions, and the franchisee finds he/she is unable to provide a particular service, the Board may permit the franchisee to subcontract such service to another person if the Board finds that the quality and extent of the service would not be jeopardized. The Board may require the filing of such information as it deems necessary.

#### **SECTION 2.01.130 FRANCHISE TERMS AND RENEWALS**

- (1) Thereafter, unless the Board finds that a longer or shorter term is required in the public

interest, the term of an emergency ambulance service franchise shall be five (5) years, beginning on July 1 of a year and ending June 30 five (5) years later.

- (2) Unless grounds exist for refusal to renew a franchise under provisions for suspension or revocation as set forth in Section 2.01.160, or unless the franchise is to be given to a new person, franchises shall be renewable. Application for renewal shall be made on forms provided by the Board.
- (3) This subsection describes the procedures for processing a formal request for a franchise renewal. Not more than one hundred eighty (180) days and not less than one hundred twenty (120) days prior to the expiration of the franchise, a franchisee wanting to renew the franchise and any person desiring to take over the franchise shall submit an application to the administrator. Review of all applications for renewal or take over of a franchise shall be conducted in the same manner as for an application pursuant to Sections 2.01.090, 2.01.110 and 2.01.120 of this Ordinance.
- (4) This subsection describes the procedure for processing an informal request for a franchise renewal. This is an alternative method available (instead of subsection 3 above) for applying for a franchise renewal. A franchisee may apply on a written form provided by the county for a renewal by the end of the third year of an original five-year franchise. Following receipt of the application, the ASA Committee may recommend a franchise renewal. The Board has the discretion to renew the current franchise agreement for an additional five-year term without invoking the RFP process so long as the present franchisee is in compliance with the criteria described in this ordinance and the franchise agreement. Under this subsection, only one renewal may be allowed following each term of a franchise that is awarded under subsection 4 above.

#### **SECTION 2.01.140 EARLY DISCONTINUANCE OF SERVICE BY FRANCHISEE**

- (1) If a franchisee discontinues service before the expiration of his/her franchise, the Board shall set a time by which applications must be submitted for a new franchise in the ASA.
- (2) The administrator shall recommend to the committee appropriate temporary franchisee(s) to provide services within the ASA until a permanent replacement franchisee can be assigned.
- (3) The Committee shall develop an interim plan for coverage of the ASA, using existing franchisees and/or other available resources until the ASA can be reassigned.
- (4) The Board shall endeavor to select temporary franchisee(s), and shall issue a temporary certificate, valid for a stated period not to exceed six (6) months, entitling the selected temporary franchisee(s) to provide emergency ambulance service in all or part of the ASA.

ASA. The Board may renew a temporary certificate for one additional six (6) month period.

#### **SECTION 2.01.150 TRANSFER OF FRANCHISES**

A franchisee may transfer his/her franchise to another person only upon written notice to and approval by the Board. Review of an application for transfer of a franchise shall be conducted in the same manner as for an application pursuant to Sections 2.01.090, 2.01.110, and 2.01.120 of this Ordinance.

#### **SECTION 2.01.160 ENFORCEMENT OF FRANCHISE PROVISIONS**

- (1) Subject to the policies stated in Section 2.01.030, and in addition to the remedy provided in Section 2.01.170, and penalties provided elsewhere in this Ordinance, the administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke or refuse to renew a franchise as provided in this Subsection.

If in the judgment of the Board, there is sufficient evidence to constitute a violation of applicable local, state or federal law, this Ordinance, ORS Chapter 682 or the Rules promulgated thereunder, the ASA Plan, or if the franchisee has materially misrepresented facts or information given in the application for the franchise, the Board shall notify the franchisee in writing, by certified mail, return receipt requested, or by personal service, as is provided by law for the service of a summons, of the violation and what steps he/she must take to cure the violation. The Board shall send a copy of the notice to the Committee.

Ten (10) days following the receipt of notice of violation, the Board may enter its order of revocation, modification, suspension or non-renewal, and may thereby revoke, modify, suspend, or not renew the franchise, unless prior thereto the franchisee shall file with the Board his/her request for a hearing on the Board's notice of violation. If said request is timely filed, or if the Board so moves on its own, revocation, modification, suspension, or non-renewal will be stayed until the Board can, at its earliest convenience, hold a public hearing thereon. Notice of said hearing shall be given to the franchisee by mail and to all others by publication in a newspaper of general circulation in the county or the ASA at least ten (10) days prior to such hearing. The burden of proof at the hearing held hereunder shall be upon the franchisee.

- (2) In lieu of the suspension or revocation of the franchise, the Board may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided by mail to the franchisee. The notice shall specify the violation, the action necessary

to correct the violation, and the date by which the action must be taken. The franchisee shall notify the Board of the corrective action taken. If the franchisee fails to take corrective action within the time required, the Board shall notify the franchisee by certified mail, return receipt requested, or by personal service that the franchise is suspended or revoked upon service of the notice.

- (3) The Board may also execute a compliance agreement with the franchisee, stating the violation(s) and the corrective action necessary to correct the violation(s). Failure of the franchisee to make the agreed upon corrections will result in possible suspension or revocation according to subsection (2) above.
- (4) Should the franchisee fail to comply with the Board's order, then the Board may take any steps authorized by law to enforce its order.

#### **SECTION 2.01.170 PREVENTING INTERRUPTION OF SERVICE**

Whenever the Board finds that the failure of service or threatened failure of service would adversely impact the health, safety or welfare of the residents of this county, the Board shall, after reasonable notice, but not less than twenty-four (24) hours notice to the franchisee, hold a public hearing. Upon appropriate findings after the hearing, the Board shall have the right to authorize another franchisee or other person to provide services.

#### **SECTION 2.01.180 APPEALS, ABATEMENT AND PENALTIES**

- (1) All the decisions of the Board under this Ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of Curry, only by way of writ of review.
- (2) The provision of emergency ambulance service by any person in violation of this Ordinance, or regulations promulgated thereunder, is a nuisance and the Court may, in addition to other remedies provided by law or by this Ordinance, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such emergency ambulance service.
- (3) Any person who violates any of the provisions of this Ordinance is guilty of a violation. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision. Violations are subject to Article Ten (10) of the Curry County Code.

#### **SECTION 2.01.190 DUTIES OF AMBULANCE SERVICE FRANCHISEE**

The Franchisee:

- (1) Shall conduct its operation in compliance with all applicable state and federal laws, rules

and regulations, the terms of this Ordinance and the Curry County ASA Plan;

- (2) Shall not fail or refuse to respond to an emergency call for service when an ambulance is available for service;
- (3) Shall not respond to a medical emergency located outside its assigned ASA except:
  - (a) When a request for specific emergency ambulance service is made by the person calling for the ambulance and the call does not dictate an emergency response;
  - (b) When the franchisee assigned to the ASA is unavailable to respond and the franchisee is requested by another franchisee or 9-1-1 dispatch to respond; or
  - (c) When the response is for supplemental assistance or mutual aid.
- (4) Shall not voluntarily discontinue service to his/her assigned ASA until he/she has:
  - (a) Given sixty (60) days written notice to the administrator, or
  - (b) Obtained written approval of the Board.
- (5) Subsection 4 of this Section shall not apply to:
  - (a) Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction; or
  - (b) Transfer of franchises pursuant to Section 2.01.150 of this Ordinance.
- (6) Each franchisee shall send a representative to all ASA committee meetings. Such representative shall present a report to the committee concerning franchisee activities, ambulance runs, and any other information deemed appropriate, since the last ASA committee meeting.

**SECTION 2.01.200 AMBULANCE SERVICE AREA (ASA) ADVISORY COMMITTEE**

- (1) There is hereby created an Ambulance Service Area (ASA) Advisory Committee.
  - (a) The committee shall consist of nine members.
    - 1. One physician with emergency medical care experience.
    - 2. One EMT or Paramedic.
    - 3. One hospital administrator.
    - 4. One registered nurse with emergency medical care experience.
    - 5. One law enforcement officer.
    - 6. One representative of a fire department.
    - 7. One representative of a dispatch center.

8. Two members of the public who are not included in categories specified by subsections a1-7.

- (b) The administrator and other Curry County staff as the Board deems appropriate shall be ex-officio members of the Committee.
- (2) Members shall be appointed by and serve at the pleasure of the Board. The Board may appoint additional persons to the Committee to serve as ex-officio members or advisors. The Board may appoint or approve designation of alternates to serve in the absence of persons appointed to the Committee.
- (3) Except for the ASA administrator and other Curry County staff, appointments shall be for staggered terms on the initial Committee for a term not to exceed three (3) years. Subsequent appointments shall be for three (3) year terms. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term. Persons may be appointed to successive terms.
- (4) The Committee shall elect a chairperson. The Committee shall meet at such times as it deems necessary or as called by the Administrator or the Chairperson. The Administrator, chairperson, or any two members of the Committee may call a special meeting.
- (5) The Committee shall elect a secretary. The secretary shall be responsible for taking detailed minutes of committee meetings, and for distributing the minutes to the administrator, and to the other members of the committee.
- (6) Five (5) members constitute a quorum for the transaction of business. A majority vote of the total members is required to pass motions.
- (7) In addition to other duties prescribed by this Ordinance the Committee shall:
  - (a) Review and make recommendations to the administrator regarding the selection criteria for determining a franchise to provide ambulance service.
  - (b) Regularly provide information to the Board from prehospital care consumers, providers and the medical community.
  - (c) Periodically review the ASA Plan and make recommendations to the Board including, but not limited to:
    - (i) Review the standards established in the Plan and make recommendations regarding improvement of or new standards as required by OAR 333-260-0050;

- (ii) Monitor the coordination between emergency medical service resources;
  - (iii) Review dispatch procedures and compliance; and
  - (iv) Review the effectiveness and efficiency of the ASA boundaries.
- (d) Implement the quality assurance program outlined in the ASA Plan to insure compliance with the ASA Plan.
- (e) Perform such other duties as directed by the Board.
- (8) Committee members shall comply with ORS Chapter 244 regarding conflict of interest.

#### **SECTION 2.01.210 REGULATIONS OF AMBULANCE SERVICE**

Upon its own motion or upon a recommendation of the Committee, the Board may adopt ordinances, resolutions or orders regulating emergency ambulance service or implementing this Ordinance. Such regulations shall not conflict with ORS 682 and rules promulgated pursuant thereto.

#### **SECTION 2.01.220 INITIAL RESPONDER**

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an emergency ambulance service provider.

#### **SECTION 2.01.230 MISCELLANEOUS MATTERS**

1. Any judgment or declaration by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other portion of this Ordinance.
2. Upon recommendation of the Committee or upon its own motion, the Board may from time to time amend the provisions of this Ordinance. Amendments shall be made only after a public hearing before the Board with such advance notice of the hearing as deemed appropriate by the Board or as generally provided by ordinance, regulation or order of the Board.

"Exhibit B"



**AMBULANCE SERVICE AREA PLAN**

**FOR**

**CURRY COUNTY, OREGON**

## Table of Contents

I.	Certification By Governing Body of Curry County ASA Plan.....	Page 1
II.	Overview of Curry County .....	Page 2
III.	Definitions .....	Page 3
IV.	Boundaries	
	Ambulance Service Area Narrative and Description.....	Page 6
	Maps .....	Page 7
	Alternatives to Reduce Response Times.....	Page 8
V.	Systems Elements	
	9-1-1 Dispatched Calls.....	Page 9
	Pre-arranged Non-emergency transfers and Inter-facility transfers.....	Page 9
	Response Times .....	Page 9
	Level of Care .....	Page 9
	Personnel .....	Page 10
	Medical Supervision .....	Page 10
	Patient Care Equipment.....	Page 11
	Vehicles .....	Page 11
	Training.....	Page 11
	Quality Assurance.....	Page 11
	Structure .....	Page 11
	Process .....	Page 12
	Problem Resolution .....	Page 12
	Sanctions for Non-Compliant Personnel or Providers .....	Page 13
VI.	Coordination	
	Authority for Ambulance Service Area Assignment .....	Page 14
	Entity That Will Administer The ASA Plan.....	Page 14
	Complaint Review Process .....	Page 15
	Mutual Aid Agreements .....	Page 15
	Disaster Response .....	Page 15
	County Resources Other Than Ambulances .....	Page 15
	Out of County Resources .....	Page 16
	Mass Casualty Incident Plan.....	Page 16
	Response to Terrorism.....	Page 17
	Personnel and Equipment Resources .....	Page 18
	Additional Ambulances .....	Page 18

	Hazardous Materials.....	Page 18
	Search & Rescue and Specialized Rescue .....	Page 19
	Extrication .....	Page 19
	Emergency Communications and Systems Access	
	Telephone Access.....	Page 20
	Dispatch Procedures .....	Page 20
	Radio System .....	Page 21
	Emergency Medical Services Dispatcher Training .....	Page 22
VII.	Provider Selection	
	Initial Assignment of Existing Ambulance Service Providers .....	Page 22
	Reassignment of an ASA.....	Page 22
	Application Process for Applying for an ASA .....	Page 22
	Notification of Vacating an ASA .....	Page 22
	Maintenance of Level of Service .....	Page 23
VIII.	County Ordinances and Rules .....	Page 24
Appendices		
	ASA Maps .....	#1
	9-1-1 Map .....	#2
	Fire District Boundaries Maps.....	#3
	Incorporated City Maps.....	#4
	Notification and Response Time Map .....	#5
	Copy of Mutual Aid Agreement (Example) .....	#6
	Copy of Curry County EMS Ordinance .....	#7

## CERTIFICATION BY GOVERNING BODY OF COUNTY AMBULANCE SERVICE PLAN

In accordance with OAR 333-260-0020(3) and 333-260-0030(2), the Curry County Board of Commissioners hereby certifies that:

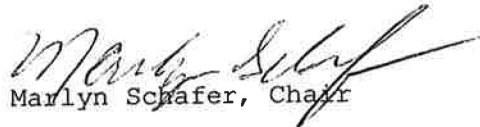
(a) Each subject or item contained in the Curry County Ambulance Service Plan was addressed and considered in the adoption of this plan;

(b) In our judgment, the ambulance service areas (ASA's) established in this plan provide for the efficient and effective provision of ambulance services; and

(c) To the extent they are applicable, the County has complied with ORS 682.062(2)(3) and 682.063 and existing local ordinances and rules.

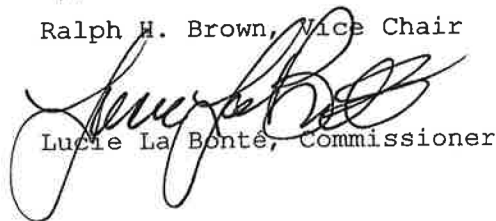
DATED this 18<sup>th</sup> day of October, 2004.

BOARD OF CURRY COUNTY COMMISSIONERS

  
Marilyn Schaefer, Chair

Absent

Ralph H. Brown, Vice Chair

  
Lucie La Bonté, Commissioner

## II. OVERVIEW OF CURRY COUNTY

Curry County is located in the southwest corner of the state and is bordered by Coos County to the north, Douglas and Josephine Counties to the east, Del Norte County, California to the south and the Pacific Ocean to the West. The county covers approximately 1648 square miles of largely sloping terrain indented with costal and river valleys. The elevation of the county seat - Gold Beach - is 60 feet.

The county is characterized by an overall average January temperature of 47 degrees F and an average July temperature of 59 degrees F with an average annual precipitation of 82.67 inches.

The population of the county as of January 2003 was approximately 22,000. The Cities of Brookings with a population of 5,400, Gold Beach - 2,115 and Port Orford -1,050 are the county's largest cities and are located on U.S. Highway 101 that runs north and south adjacent to the Pacific Ocean through the county. Most of the inhabitants reside in or around the three incorporated cities located in the county. Lumber, agriculture, commercial and sport fishing, recreation and tourism provide the basis of the county's economy.

Curry County is divided into three separate ambulance service areas. The ambulance service providers may offer basic, intermediate and advanced life support emergency medical care and transportation. The three ambulance service providers that serve Curry County, their boundaries and other general information are described in this ASA Plan. A current set of maps are on file in the Curry County Office of Emergency Services. These maps depict current boundaries for ambulance service areas, fire districts, response times and the location of the PSAPS.

### III. DEFINITIONS

1. "Administrator" means the person designated by order of the Board of Commissioners to administer the ASA Ordinance and the duly authorized deputy or assistant of such person.
2. "ALS" means Advanced Life Support
3. "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability.
4. "Ambulance Service" has the meaning given that term by ORS 682.043.
5. "Ambulance Service Area (ASA)" means a geographic area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
6. "Ambulance Service Plan" means a written document, which outlines a process for establishing a county emergency medical services system. A plan addresses the need for and coordination of ambulance services by establishing ambulance service areas for the entire county and by meeting the other requirements of these rules. Approval of a plan will not depend upon whether it maintains an existing system of providers or changes the system. For example, a plan may substitute franchising for an open-market system.
7. "ASA Advisory Committee (Committee)" means a committee formed to review standards, make recommendations to or set new standards for the Board of County Commissioners for all matters regarding EMS and to review and make recommendations regarding soundness of the ASA.
8. "BLS" means Basic Life Support.
9. "Communication System" means two-way radio communications between ambulances, dispatchers, hospitals and other agencies as needed. A two-channel multi-frequency capacity is minimally required.
10. "Curry County Board of Commissioners (Board)" means the elected officials that have jurisdiction over the Curry County ASA Plan.
11. "Department" means the Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section, (DHS-EMS), and its authorized representatives.

12. "Effective Provision of Ambulance Services" means ambulance services provided in compliance with the county ambulance service plan provisions for boundaries, coordination and system elements.
13. "Efficient Provision of Ambulance Services" means effective ambulance services provided in compliance with the county ambulance service plan provisions for provider selection.
14. "Emergency" means any non-hospital occurrence or situation involving illness, injury or disability requiring immediate medical or psychiatric services, wherein delay in the provision of such services is likely to aggravate the condition and endanger personal health or safety.
15. "Emergency Medical Service (EMS)" means those pre-hospital functions and services whose purpose is to prepare for and respond to medical emergencies, including rescue and ambulance services, patient care, communications and evaluation.
16. "Emergency Medical Technician-Basic (EMT-Basic)" means a person certified by DHS-EMS as defined in OAR 333-265-0000(10).
17. "Emergency Medical Technician-Intermediate (EMT-Intermediate)" means a person certified by DHS-EMS as defined in OAR 333-265-0000(11).
18. "Emergency Medical Technician-Paramedic (EMT-Paramedic)" means a person certified by DHS-EMS as defined in OAR 333-265-0000(12).
19. "Emergency Services Coordinator" means the person primarily responsible for disaster planning, and for coordination of emergency services throughout the county in the event of a large scale emergency or disaster.
20. "First Responder" means a person certified by DHS-EMS as defined in ORS 682.025(7)(a)(b).
21. "ILS" means Intermediate Life Support.
22. "License" means those documents issued by DHS-EMS to the owner of an ambulance service and ambulance, when the service and ambulance are found to be in compliance with ORS 682.017 to 682.991 and OAR 333-250-0000 through 333-250-0100 and 333-255-0000 through 333-255-0079.
23. "Move Up" means the process of moving other response resources in to cover a response territory when the primary responder is engaged in providing services and cannot respond to additional calls for service.
24. "Notification Time" means the length of time between the initial receipt of the request for emergency medical service by either a provider or a PSAP, and the notification of all

responding emergency medical service personnel.

25. "Owner" means the person having all the incidents of ownership in an ambulance service or an ambulance vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of an ambulance vehicle or operation of an ambulance service under a security agreement or a lease for a term of 10 or more successive days.
26. "Patient" means an ill, injured, or disabled person who may be transported in an ambulance.
27. "Provider" means any public, private or volunteer entity providing EMS.
28. "Provider Selection Process" means the process established by the county for selecting an ambulance service provider or providers.
29. "Public Service Answering Point (PSAP)" means a 24 hour communications facility established as an answering location for 9-1-1 calls originating within a given service area.
30. "Quick Response Team (QRT)" means an agency that provides initial response and basic life support care without transportation capabilities by certified First Responders.
31. "Response Time" means the length of time between the notification of each provider and the arrival of each provider's emergency medical service unit(s) at the incident scene.
32. "Supervising Physician" has the meaning of a supervising physician as provided in ORS 682.025(18). The term "Medical Director" shall also mean supervising physician.
33. "System Response Time" means the elapsed time from when the PSAP receives the call until the arrival of the appropriate provider unit(s) on the scene.

#### IV. BOUNDARIES

Curry County consists of three ASAs. The three ASAs are described in the ASA narrative description below.

Maps depicting boundaries for the ASAs, Appendix #1; PSAP location and 9-1-1 coverage, Appendix #2; fire districts, Appendix #3 and incorporated cities, Appendix #4 are a part of this plan. Larger and more detailed maps are on file in the Curry County Offices of Emergency Services.

#### ASA NARRATIVE DESCRIPTION

The boundaries for each of the three (3) ambulance service areas are as follows:

##### ASA #1 (Northern Curry County):

Beginning at the Pacific Ocean and the Curry County - Coos County line; Thence easterly along the Curry County - Coos County line; Thence southeasterly and southerly along the Curry County - Coos County line to the southern edge of Sec. 21 T33S R12WWM; Thence westerly to the southwest corner of Sec. 21 T33S R12WWM; Thence southerly along the section lines to the southwest corner of Sec. 33 T33S R12WWM; Thence westerly along the section lines to the northwest corner of Sec. 2 T34S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 10 T34S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 10 T34S R13WWM; Thence southerly along the section line to the southeast corner of Sec. 16 T34S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 16 T34S R13WWM; Thence southerly along the section line to the southeast corner of Sec. 20 T34S R13WWM; Thence westerly along the section lines to the southwest corner of Sec. 19 T34S R13WWM; Thence south along the section line to the southwest corner of Sec. 30 T34S R13WWM; Thence westerly along the section lines to the Pacific Ocean.

##### ASA #2 (Central Curry County):

Beginning at the Pacific Ocean and the southerly section line of Sec. 30 T34S R14WWM; Thence easterly along the section lines to the southeast corner of Sec. 25 T34S R14WWM; Thence north along the section line to the northeast corner of Sec. 25 T34S R14WWM; Thence easterly along the section lines to southeast corner of Sec. 20 T34S R13WWM; Thence north along the section line to the northeast corner of Sec. 20 T34S R13WWM; Thence east along the section line to the southeast corner of Sec. 16 T34S R13WWM; Thence north along the section line to the northeast corner of Sec. 16 T34S R13WWM; Thence east along the section line to the southeast corner of Sec. 10 T34S R13WWM; Thence north along the section lines to the northwest corner of Sec. 2 T34S R13WWM; Thence east along the section lines to the southeast corner of Sec. 32 T33S R12WWM; Thence north along the section lines to the southwest corner of Sec. 21 T33S R12WWM; Thence east to the Curry County - Coos County line; Thence south and east along the Curry County - Coos County line to the junction of the Curry County - Coos County - Douglas County line; Thence along the Curry County - Douglas County line to the junction of the Curry County - Douglas County - Josephine County line;

Thence southwesterly along the Curry County - Josephine County line to the southeast corner of Sec. 12 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 13 T37S R12WWM; Thence west along the section line to the southwest corner of Sec. 13 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 26 T37S R12WWM; Thence west along the section lines to the southwest corner of Sec. 27 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 33 T37S R12WWM; Thence west along the section lines to the northwest corner of Sec. 27 T37½S R12WWM; Thence south along the section line to the southwest corner of Sec. 27 T37½S R12WWM; Thence westerly along the section lines to the northwest corner of Sec. 11 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 15 T38S R13WWM; Thence westerly along the section lines to the southeast corner of Sec. 16 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 33 T38S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 32 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 7 T39D R13WWM; Thence westerly along the section lines to the Pacific Ocean.

#### **ASA #3 (Southern Curry County):**

Beginning at the Pacific Ocean and the north section line of Sec. 16 T39S R14WWM; Thence easterly along the section lines to the southeast corner of Sec. 7 T39S R13WWM; Thence northerly along the section lines to the southwest corner of Sec. 32 T38S R13WWM; Thence easterly along the section line to the southeast corner of Sec. 33 T38S R13WWM; Thence northerly along the section lines to the southeast corner of Sec. 16 T38S R13WWM; Thence easterly along the section lines to the southeast corner of Sec. 15 T38S R13WWM; Thence northerly along the section lines to the northwest corner of Sec. 11 T38S R13WWM; Thence easterly along the section lines to the southwest corner of Sec. 27 T37½S R12WWM; Thence northerly along the section line to the northwest corner of Sec. 27 T37½S R12WWM; Thence easterly along the section lines to the southeast corner of Sec. 33 T37S R12WWM; Thence northerly along the section lines to the southwest corner of Sec. 27 T37S R12WWM; Thence easterly along the section lines to the southeast corner of Sec. 26 T37S R12WWM; Thence northerly along the section lines to the southwest corner of Sec. 13 T37S R12WWM; Thence easterly along the section line to the southeast corner of Sec. 13 T37S R12WWM; Thence northerly along the section line to the northeast to the corner of Sec. 13 T37S R12WWM at the Curry County - Josephine County line; Thence southeasterly and southerly along the Curry County - Josephine County line to the Oregon - California border; Thence westerly along the Oregon - California border to the Pacific Ocean.

#### **ASA Maps (See Appendix #1)**

These maps represent the ASA's as designated in the Ambulance Service Area plan.

#### **9-1-1 Map (See Appendix #2)**

#### **Fire District Boundaries (See Appendix #3)**

## **Incorporated Cities (See Appendix #4)**

### **Alternatives To Reduce Response Times**

Heavily forested, mountainous terrain and severe winter weather conditions present difficult access and long response time to ground ambulances. In those situations, when an urgent response is indicated, the PSAP may elect to call the nearest appropriate rotary-wing air ambulance or Curry County Search and Rescue.

In addition, a tiered response system is used to provide the best available patient care while maximizing the available resources.

In some instances, for various reasons, an ambulance service provider from an adjoining county's ASA could respond quicker to an incident. This would be covered under a signed Mutual Aid Agreement.

## **V. SYSTEM ELEMENTS**

**9-1-1 Dispatched Calls**—all calls received by the local 9-1-1 center(s) shall be dispatched to the appropriate provider within a two-minute time period. The call for service shall be dispatched to the provider that is assigned the franchise for the area of the location of the emergency, unless other arrangements have been made due to extenuating circumstances.

Pre-arranged non-emergency transports will normally not be dispatched by 9-1-1. These calls should be handled by the EMS agency directly.

Emergency transfers, and inter-facility transfers of an emergency nature shall be handled by the 9-1-1 dispatch center as any other emergency call for service.

### **Notification/Response Times (See Appendix #5)**

The Curry County ASA system response times shall be as depicted on the Curry County time zone map 90% of the time, barring inclement weather or other extraordinary conditions.

Notification Times for ambulances shall be within two (2) minutes 90% of the calls.

Provider Response Time shall be as listed as follows for 90% of the calls: Urban - 6 min.; Suburban - 13 min.; Rural - 43 min.; and Frontier - 4 hours and 28 min.

System Response Time shall be as listed as follows for 90% of the calls: Urban - 8 min.; Suburban - 15 min.; Rural - 45 min.; and Frontier - 4 hours and 30 min.

Monitoring of notification and response times shall be accomplished by the following:

1. Information received from the public, dispatch center, prehospital care providers, hospitals, or county EMS administration.
2. Types of information received are written or verbal complaints, patient care report forms, radio transmission tapes, notification and response time incident cards, trauma registry forms, etc.

### **Level of Care**

An ambulance operating in Curry County and providing basic life support level care must consist of a qualified driver and one certified EMT-Basic or above. The EMT must always be with the patient in the patient compartment of the ambulance.

An ambulance operating in Curry County and providing intermediate life support level care must consist of one certified EMT-Basic and one certified EMT-Intermediate. The EMT-Intermediate must

always be with the patient in the patient compartment of the ambulance when intermediate level care is required or rendered.

An ambulance operating in Curry County and providing advanced life support level care must consist of at least an EMT-Basic and an EMT-Paramedic. The EMT-Paramedic must always be with the patient in the patient compartment of the ambulance when ALS care is required or being rendered.

### **Personnel**

When operating an ambulance in Curry County, all personnel must meet the requirements of ORS 682.017 to 682.991 and OAR 333-250-0048. The practice of staffing an ambulance on a part-time basis with EMTs certified to a higher level of care than is possible at other times does not construe a requirement that the ambulance provide the same level of care on a regular basis.

### **Medical Supervision**

Each EMS agency utilizing EMTs shall be supervised by a physician licensed under ORS 677, actively registered and in good standing with the Board of Medical Examiners as a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO). The physician must also be approved by the Board of Medical Examiners as a medical director.

Each EMS agency or ambulance service may have its own medical director. The medical director shall:

- a. comply with the requirements listed in OAR 847-035-0025;
- b. hold at least one meeting a year with the EMTs affiliated with the respective ambulance services;
- c. designate an EMT coordinator who shall conduct case reviews in the physician's absence and send summaries of the reviews and problems identified and proposed problem resolution to the physician; and
- d. provide or authorize at least one case review meeting for all EMTs quarterly.

Sutter Coast Hospital in Crescent City, California and Bay Area Hospital in Coos Bay, Oregon shall be the Medical Resource Hospitals.

## **Patient Care Equipment**

Patient care equipment must meet or exceed the Department of Human Resources, Emergency Medical Services and Trauma Systems Section (DHS-EMS) requirements as specified in ORS 682.017 to 682.991 and OAR 333-255-0070, 333-255-0071, and 333-255-0072. The ambulance service provider shall maintain a list of equipment for their ambulances, which shall be furnished to the Board upon their request.

## **Vehicles**

All ambulances must be a Type I, II, or III and be licensed by DHS-EMS. All ambulances must meet or exceed the requirements as set forth in ORS 682.017 to 682.991 and OAR 333-255-0060. An up-to-date list of each provider's ambulances shall be furnished to the Board upon their request.

## **Training**

Southwestern Oregon Community College located in Coos Bay, Gold Beach, and Brookings, Oregon is the primary institution of learning to provide EMT training. If Southwestern Oregon Community College does not offer a particular level of training, it may require an individual to obtain that level of training at another teaching institute, which would be further away.

Whenever possible, the ambulance service provider shall provide assistance (tuition, textbooks, exam fees, etc.) for prospective ambulance personnel taking initial BLS training.

Each EMS provider in Curry County shall provide continuing medical education, which meets recertification standards as specified by DHS-EMS. EMT recertification and continuing medical education shall be obtained through in-house training programs and seminars that are sponsored by local EMS agencies or teaching institutions. When classes are not available within the county, it may require individuals to augment their continuing education by attending classes, workshops and conferences outside of the ASA and/or county. When possible, the ambulance service provider shall provide assistance with registration, lodging, meals, fuel costs, etc. for their EMTs.

## **Quality Assurance**

In order to ensure the delivery of efficient and effective pre-hospital emergency medical care, an EMS Quality Assurance Program is hereby established.

## **Structure**

"Curry County Ambulance Service Area Advisory Committee (Committee)", shall be formed by ordinance and be composed of nine members:

- (i) One (1) physician with emergency care experience
- (ii) One (1) EMT or paramedic;
- (iii) One (1) hospital administrator;
- (iv) One (1) registered nurse with emergency medical care experience
- (v) One (1) law enforcement officer;
- (vi) One (1) representative of a fire department
- (vii) One (1) representative of a dispatch center
- (viii) Two (2) members of the public who are not included in categories specified by subsections 1-7.

Appointments shall be for staggered terms on the initial Committee for a term not to exceed three (3) years. Subsequent appointments shall be for three (3) year terms. The principal function of the Committee shall be to monitor the EMS system within Curry County.

### **Process**

The Board, in order to ensure the delivery of the most efficient and effective pre-hospital emergency care possible with the available resources, has directed that the ASA Advisory Committee be established.

Quality assurance in Curry County shall be accomplished through frequent case review, peer review, and periodic review by the medical directors and/or ambulance governing bodies (see respective Provider Profiles for definitions of governing bodies). Complaints regarding violation of this ASA Plan, or questions involving pre-hospital care provided, shall be submitted in writing to the Board who shall forward it to the Administrator, who may call a meeting of the Committee. The Administrator, and/or the Committee shall then review the matter and make recommendations or changes on such complaints or questions to the Board. The Board shall also resolve any problems involving system operations (changing protocols to address recurring problems, etc.). Ongoing input may be provided by consumers, providers or the medical community to any individual on the Board, the Administrator, or members of the Committee. This individual, in turn, will present the complaint, concern, idea or suggestion (in writing) to the full Board for consideration.

### **Problem Resolution**

Problems involving protocol deviation by EMTs or dispatchers shall be referred to the respective medical director or dispatch supervisor. Problems involving a non-compliant

provider shall be referred to the Board. The Board may seek background data and recommendations from the Committee in such instances. However, any member of the Committee who may have a conflict of interest in the matter shall declare such conflict and follow the law as outlined in Chapter 244.

#### **Sanctions for Non-Compliant Personnel or Providers**

See Section 2.01.160, and Article Ten of the County Code for information regarding sanctions for non-compliant personnel or providers.

#### **Penalties**

See Section 2.01.180, and Article Ten of the County Code for information regarding penalties.

#### **Nuisance**

In addition to the penalties provided in this plan, violations of any of the provisions of this plan and ordinance is declared to be a nuisance and may be regarded as such in all actions, suits, or proceedings.

## **VI. COORDINATION**

### **Authority For Ambulance Service Area Assignments:**

The Board has the authority to assign an ASA within Curry County in compliance with ORS 682.017 to 682.991. Applications by new providers and requests for assignment change or revocation will be considered for approval if they will improve efficient service delivery and benefit public health, safety and welfare. Cities have the authority to develop and apply ambulance licensing ordinances within their jurisdictional boundaries, and nothing in this plan is intended to obviate that authority.

Future updates to this plan and proposals for assignment changes will be the responsibility of the Board. The Board shall receive all requests for changes, present those requests to the Committee for their review and recommendations. Upon completing its review, the Committee shall present recommendations to the Board. In addition, the Board has the authority to review service providers records and initiate an assignment change or service area revocation. For the purpose of this plan, the Board shall recognize the Committee as an advisory group.

The Curry County ASA Plan was prepared with a great deal of input from all county pre-hospital care providers. The Plan requires that the ambulance services providers maintain service records in order that the County can carry out its ASA Plan responsibilities.

### **Entity That Will Administer the ASA Plan**

The Curry County ASA Committee is hereby established with the adoption of this Plan. The Committee shall serve as the principal entity to administer and accept written proposals for amendments to this ASA Plan.

The Committee may be called upon at any time a concern is submitted, in writing, to the Board, or when deemed appropriate by the Administrator, the Chairperson, or two or more members of the Committee.

This Committee, as with any governmental body, will be subject to the Oregon Open Meeting Law (ORS Chapter 192), but may temper its activities, within legal limits, according to the sensitivity of the EMS matter involved. Appeals from the Board, in any case where the Board would otherwise have the final decision at the county level shall be directed to the appropriate state regulatory agency, or a Circuit Court, as appropriate.

The Committee shall submit a brief written report of its activities or recommendations periodically to the Board.

Existence of this committee will:

- a. prevent needless attention of state regulatory agencies to problems that can be resolved locally;

- b. increase local awareness of potential problems that may exist; and
- c. increase the awareness of ambulance medical directors regarding area concerns and activities.

### **Complaint Review Process**

Complaints regarding violation of this ASA Plan, or questions involving pre-hospital care provided, shall be submitted in writing to the Board. The Board shall then forward the complaint to the Administrator, who may call a meeting of the Committee for its review and recommendations or changes on such complaints or questions. The Committee shall make recommendations to the Board to resolve any problems involving system operations (changing protocols to address recurring problems, etc.).

Ongoing input may be provided by consumers, providers or the medical community to any individual on the Committee, the Administrator, or members of the Board. This individual, in turn, will present the complaint, concern, idea or suggestion (in writing) to the full Board for consideration.

### **Mutual Aid Agreements (See Appendix #6)**

Each ambulance service provider shall sign a mutual aid agreement with the other providers in the County and with other providers in adjoining counties to respond with needed personnel and equipment in accordance with the agreement.

All requests for mutual aid shall be made through the appropriate PSAP.

All mutual aid agreements will be reviewed annually and modified as needed by mutual consent of all parties.

### **Disaster Response**

The Committee shall coordinate the EMS medical function of disaster planning with any formal disaster management plan developed by the Curry County Emergency Services Coordinator or other appropriate county authorities.

As an interim goal, until an Emergency Services Plan is implemented, ambulance provider personnel faced with a multiple-casualty incident shall examine the situation in terms of its potential or actual magnitude of disaster, and request any appropriate additional resources that may be available.

### **County Resources Other Than Ambulances**

When resources other than ambulances are required for the provision of emergency medical services

during a disaster, a request for additional resources shall be made through the appropriate PSAP to the County Emergency Management Office.

The Emergency Services Coordinator shall be responsible for coordinating all county EMS resources any time that the MCI Plan is implemented.

The Emergency Services Coordinator shall work directly with local agencies, departments and governments to coordinate necessary resources during any implementation of the MCI Plan.

### **Out of County Resources**

When resources from outside Curry County are required for the provision of emergency medical services during a disaster, a request for those resources shall be made through the appropriate PSAP to the County Emergency Management Office.

The Curry County Emergency Services Coordinator shall be responsible for coordination of all out of county resources any time the MCI Plan is implemented.

### **Mass Casualty Incident (MCI) Management Plan**

The Mass Casualty Incident Management Plan is located in an annex to the Curry County Emergency Operations Plan titled "MCI."

The purpose of the MCI plan is to provide guidance to EMS response personnel in the coordination of response activities relating to mass casualty incidents in Curry County.

The plan is intended for use when any single incident or combination of incidents depletes the resources of any single provider or providers during the normal course of daily operations or at the request of the Emergency Services Coordinator.

The plan shall identify the responsibility of the provider concerning:

- a. coordination;
- b. communication;
- c. move up;
- d. triage; and
- e. transportation.

The Committee will periodically review the medical component MCI plan and revise it to meet the county's need. Following the review and changes the Emergency Services Coordinator will be asked to append the changes to the medical component of the County Emergency Management Plan and the modified MCI plan will be promulgated.

#### Coordination:

- a. The highest ranking officer of the fire or police agency in whose jurisdiction the incident occurs shall be the incident-commander.
- b. The senior/highest certified EMT at the scene will have overall responsibility for patient care (triage officer); he/she shall work closely with the incident-commander.
- c. The on-scene command frequency and staging area will be determined by the incident-commander. Dispatch center will advise responding units as to location of the staging area.

#### EMS Responder Guidelines:

- a. The senior EMT on the first EMS unit to arrive at the scene shall become the triage officer and shall:
  - (1) Assess nature and severity of the incident;
  - (2) Advise the appropriate PSAP of the situation;
  - (3) Request appropriate fire and police services, if not already at the scene;
  - (4) Request initiation of EMS mutual aid if needed;
  - (5) Alert area hospital(s) of the situation; and
  - (6) Establish and organize the transportation of all injured or ill patients.
- b. Additional EMS units arriving at the scene shall:
  - (1) Check-in with Incident-Commander;
  - (2) Effect needed rescue, if trained and equipped to do;
  - (3) Provide emergency medical care and transport patient(s) to the appropriate hospital(s).

**Response to Terrorism—response to a terrorism incident will share many of the elements of any other disaster response. The exception will be that the terrorism incident is a crime scene, and**

coordination of patient care with the law enforcement personnel in charge will be required. There is also a very high likelihood that there is a hazardous materials component to the response, so coordination with ranking fire/hazmat officials may also be required. This coordination is especially critical to ensure the safety of EMS personnel and equipment.

### Personnel and Equipment Resources

The following additional personnel and equipment resources are available to support the ambulance service provider. The current telephone numbers are:

3. Additional Ambulances:

a. Rotary-wing air ambulances:

- (1) U.S. Coast Guard (Coos Bay, Oregon)  
(541) 756-4141

b. Fixed-wing air ambulances:

- (1) Cal-Ore Life Flight (Crescent City, California)  
(707) 951-7534 , (707) 464-8000
- (2) Bay Cities Ambulance Service (Coos Bay, Oregon)  
(541) 269-1155
- (3) Mercy Flights (Medford, Oregon)  
(541) 779-6552

c. Ground ambulances:

- (1) Bay Cities Ambulance Service (Coos Bay, Oregon)  
(541) 269-1155 or (541) 347-3973
- (2) Del Norte Ambulance Service (Crescent City, California)  
(707) 464-9551

4. The following additional personnel and equipment resources are available to support the ambulance service provider. The current telephone numbers are:

- a. Hazardous Materials: State Hazardous Materials Response Team, located in Coos Bay, Oregon (call OERS, below, to activate).

(1) O.E.R.S. ~ (provides notification and activation of state agencies, federal agencies, and some private agencies.)  
1-800-452-0311

(2) CHEMTREC ~ 1-800-424-9300

b. Search and Rescue and Specialized Rescue:

(1) Curry County Sheriff's Office ~ 9-1-1 or (541) 247- 3242

(2) Oregon Civil Air Patrol ~ 1-800-452-0311

(4) U.S. Coast Guard, since the Pacific Ocean falls under the jurisdiction of the U.S. Coast Guard, they will provide specialized aircraft and watercraft for rescue operations. These units shall respond from North Bend, Oregon ~ (541) 756-4141.

The majority of search and rescue within Curry County is provided by Curry County Search and Rescue, through the Sheriff's Office. It is on call and available on a 24-hour basis. In many instances, Search and Rescue will act as First Responders in remote areas that are inaccessible to conventional ambulance. Search and Rescue shall either transport to the nearest ambulance or at its discretion, or use the services of U.S. Coast Guard or others, whichever is medically appropriate. Search and Rescue teams have direct radio contact with all local ambulances, hospitals, and the 9-1-1 Centers. In winter months, Search and Rescue will respond to remote areas covered with snow and not accessible by the usual ambulance service. When advanced life support is called for, Search and Rescue may transport the ambulance crews to the patient.

c. Extrication:

(1) Brookings Fire and Rescue Department ~ 9-1-1

(2) Gold Beach Fire Department ~ 9-1-1

(3) Port Orford Fire Department ~ 9-1-1

(4) Harbor Fire Department ~ 9-1-1

(5) Langlois Fire Department 911

(6) Curry County Road Dept ~ heavy equipment ~ (541) 247-7097

d. Towing of Vehicles weighing over 2½ Tons:

(1) Ev's High Tech Auto & Towing & Chevron ~ (541) 247-7525

(2) Coast Auto Center ~ (541) 469-5321

## Emergency Communications and Systems Access

### Telephone Access:

There are two 9-1-1 Centers located in Curry County. The first center is located in the Curry County Sheriff's Office in Gold Beach, Oregon which serves the telephone prefixes of 247, 332 and 348. The second center is located in Brookings City Hall in Brookings, Oregon, which serves the telephone prefix of 469 and 412. These centers shall receive all emergency service requests in Curry County. Persons having access to telephone service will have access to the Curry County Communications Centers by dialing 9-1-1. Upon receipt of a request, all emergency service providers in Curry County, including fire and ambulance, are dispatched by one of the two Curry County 9-1-1 Centers.

### Dispatch Procedures:

- a. The appropriate personnel shall be notified by the dispatcher via radio-pagers within two (2) minutes of receipt of a life threatening call.
- b. The dispatcher will obtain from the caller, and relay to the first responders the following:
  - (1) Location of the incident;
  - (2) Nature of the incident; and
  - (3) Any specific instructions or information that may be pertinent to the incident.
- c. EMS personnel shall inform the dispatch center by radio when any of the following occurs:
  - (1) In-service;
  - (2) Enroute to scene or destination and type or response;
  - (3) Arrival on scene or destination;

- (4) Transporting patient(s) to hospital or medical facility, the number of patients, and name of facility; and
- (5) Arrival at receiving facility.
- d. Ambulance personnel shall inform the receiving hospital by radio at the earliest possible time of the following:
  - (1) Unit identification number;
  - (2) Age and sex of each patient;
  - (3) Condition and chief complaint of the each patient;
  - (4) Vital signs of each patient;
  - (5) Treatment rendered; and
  - (6) Estimated time of arrival

**Radio System:**

- a. The PSAP shall:
  - (1) Restrict access to authorized personnel only;
  - (2) Meet state fire marshal standards;
  - (3) Maintain radio consoles capable of communication directly with all first response agencies dispatched by them via the following frequencies; primary 155.220; and secondary 155.340 (HEAR system);
  - (4) Maintain radio logs which contain all information required by the Federal Communications Commission and Oregon Revised Statutes;
  - (5) Utilize plain English or 12-code; and
  - (6) Be equipped with a back-up power source capable of maintaining all functions of the center.
- b. The ambulance service provider shall equip and maintain 50 watt or greater, multi-channel radios in each ambulance that allows for the transmission and reception on 155.220 and 155.340 (HEAR). Each ambulance crew shall have one five (5) watt, portable

hand-held radio with a minimum of two (2) channel capability. All ambulances in County shall be equipped to communicate on the following frequencies Curry: 155.340 (HEAR), and 155.220 (Med Net). In most instances, once an ambulance crew has been summoned by the dispatcher, there is further capability of radio communications between the ambulance and the dispatcher via mobile or hand-held radios. Requests for mutual aid, other resources or agencies, etc., generally must be arranged with the third-party assistance of the dispatch center (via radio).

Providers are dispatched by either of the two Curry County 9-1-1 Center by radio pagers. Unless specifically determined by the nature of the call (i.e., non-emergency patient transfer, etc.) the highest level of ambulance staffing available at that time shall be dispatched. Other resources (police, fire) will be dispatched as deemed appropriate.

#### **Emergency Medical Services Dispatcher Training:**

- a. Curry County EMS dispatchers must successfully complete an Emergency Medical Dispatch (EMD) training course as approved by the Oregon Emergency Management Division and the Department of Public Safety Standards and Training.
- b. All EMS dispatchers are encouraged to attend any class, course or program, which will enhance their dispatching abilities and skills.

## **VI. PROVIDER SELECTION**

### **Reassignment of an ASA**

In the event that a reassignment of an ASA is necessary, the Committee shall make a written recommendation to the Board. The committee shall develop appropriate criteria, utilizing the selection process described in this plan to be presented to the Board for consideration and/or action by the Board.

### **Application Process for Applying for an ASA**

See County Ordinance Section 2.01.090 regarding application process for applying for an ASA.

### **Notification of Vacating an ASA**

In the event that an ASA provider wishes to vacate its ASA, the provider shall provide at least sixty (60) days written notice to the Board. The ASA provider must provide notification in accordance with the

provisions of the initial service agreement or contract.

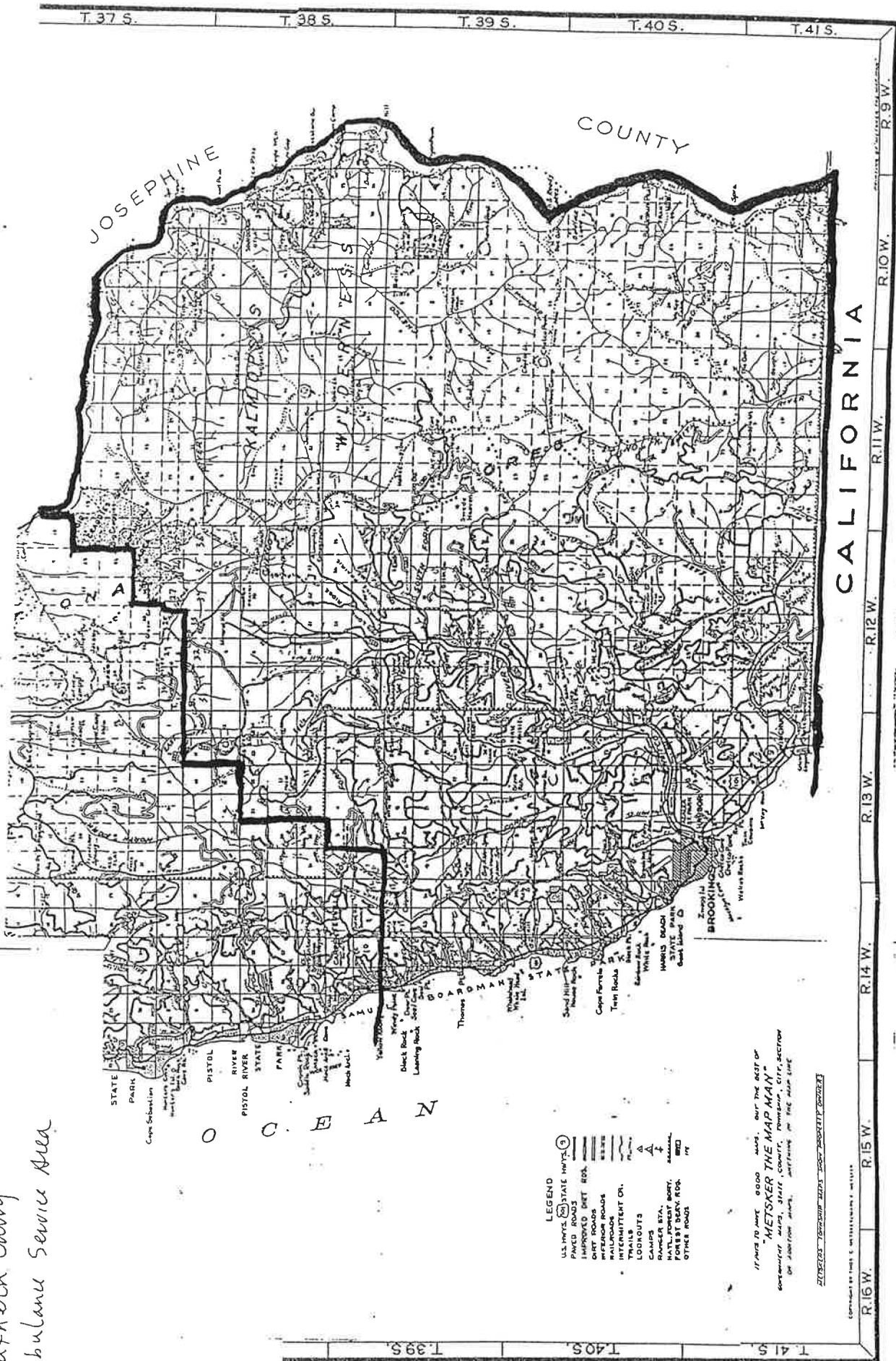
### **Maintenance of Level of Service**

In the event that an ASA provider is unable to comply with the standards promulgated for the ASA by this Plan, the provider will notify the Board in writing of its inability to comply and identify which standards are involved. The Board will determine if other qualified providers are available for the ASA who can comply with the standards. If the Board determines no other qualified providers are available it will apply to the Department of Human Resources, Emergency Medical Services and Trauma Systems Section under ORS 682.079 for a variance from the standards so that continuous ambulance service may be maintained, by the existing provider, in the ASA.

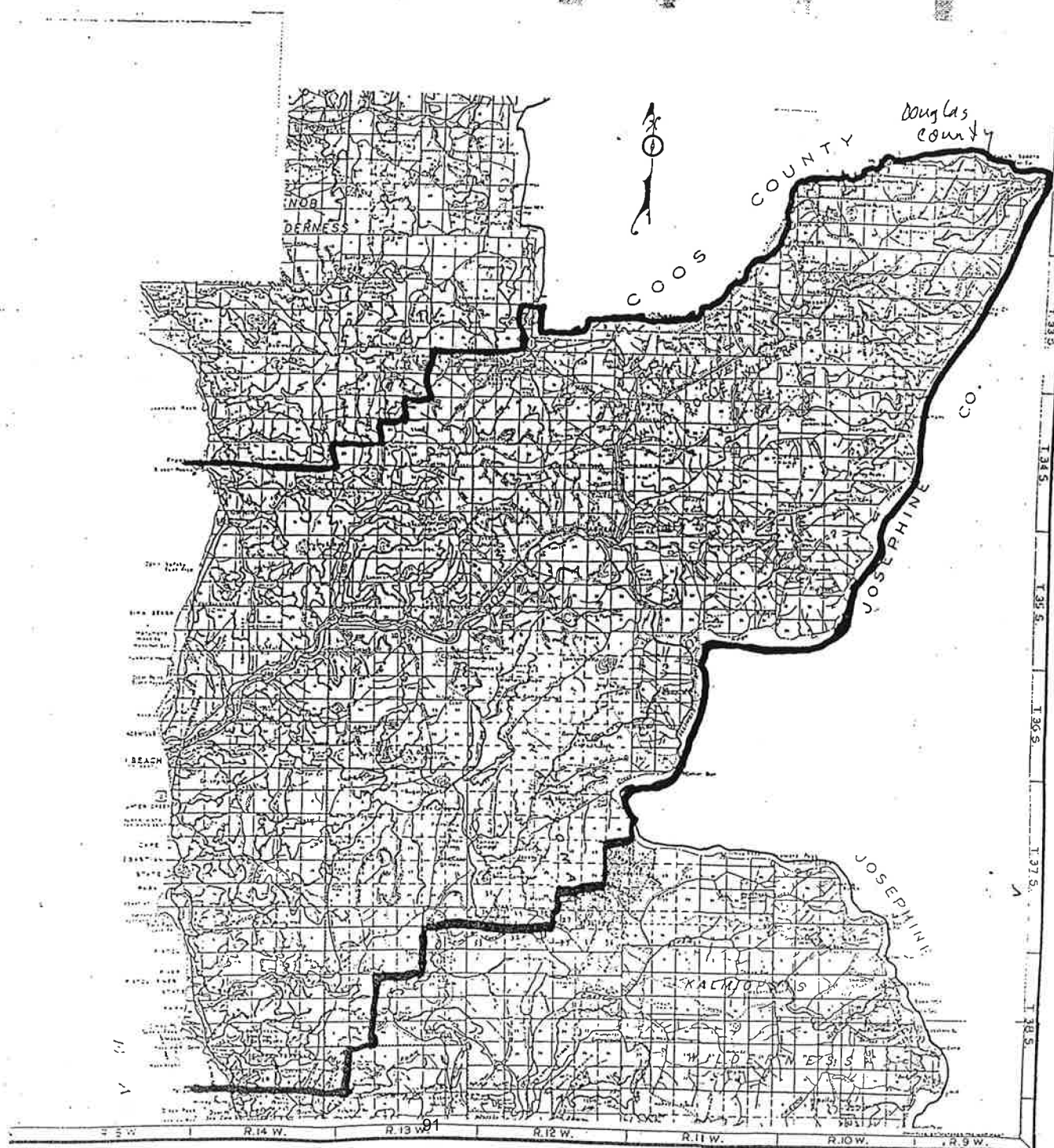
### **CURRY COUNTY ORDINANCE**

The Curry County Board of Commissioners shall adopt a county emergency medical services ordinance. The ordinance shall include criteria for administering the Curry County Ambulance Service Area Plan; limiting ambulance services that may operate in the county; establishing an application process; ambulance franchise terms; enforcement; preventing interruption of service; appeals, abatement and penalties; duties of the franchisee; and establishing membership and duties of the advisory committee. (See Appendix # 7)

Southern Curry  
Ambulance Service Area



Central County  
Ambulance Service Area



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Appendix #2

PACIFIC

T. 30 S.

R. 30 S.

R. 2 S.

ORFORD REEF  
Rock  
Best Rock  
OREGON ISLANDS  
NAT'L WILDLIFE REFUGE  
West Arch Rock

PARADISE POINT  
OCPORT  
ORFORD  
R.F.P.D.

Klooaquah Rock  
The Heads  
Nellies Point  
Tichenor Rock

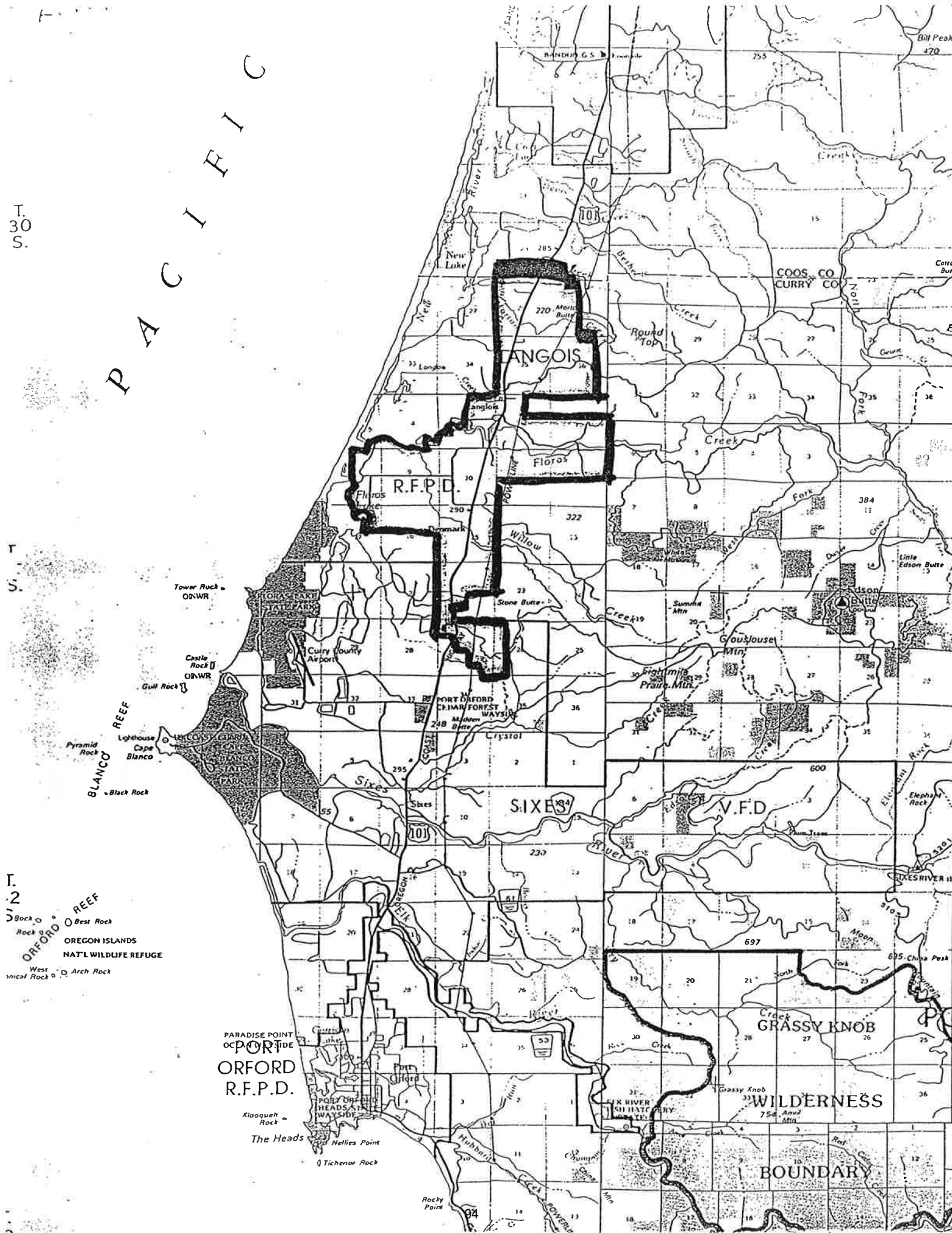
Floros R.F.P.D.

SIXES

V.F.D.

GRASSY KNOB  
WILDERNESS  
BOUNDARY

Appendix #



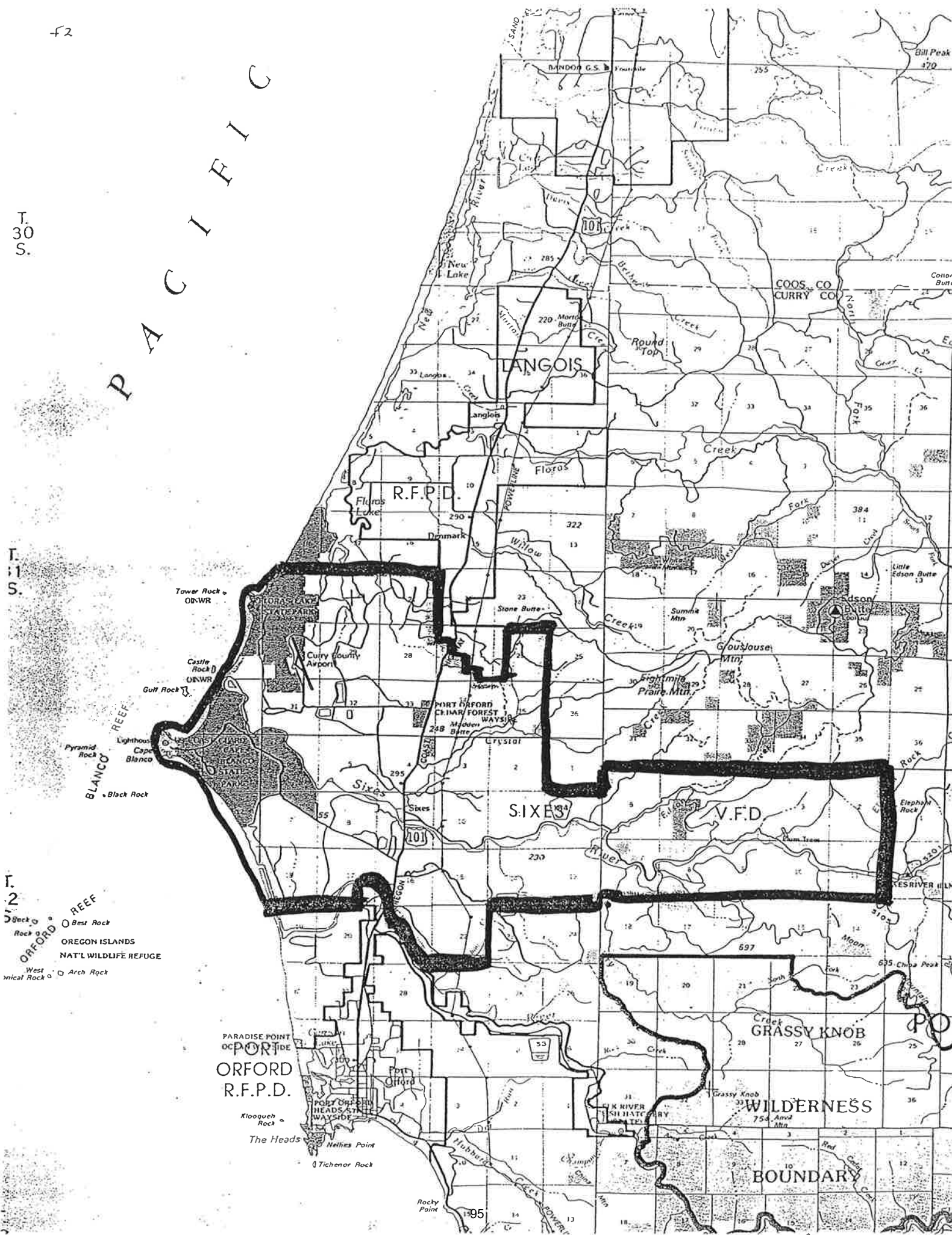
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ORFORD REEF  
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West Arch Rock



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OREGON ISLANDS  
NAT'L WILDLIFE REFUGE  
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Initial Rock

PARADISE POINT  
ORFORD  
R.F.P.D.

The Head

Chenar Rock

Rocky Point

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GRASSY KNOB

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Elephant  
Rock

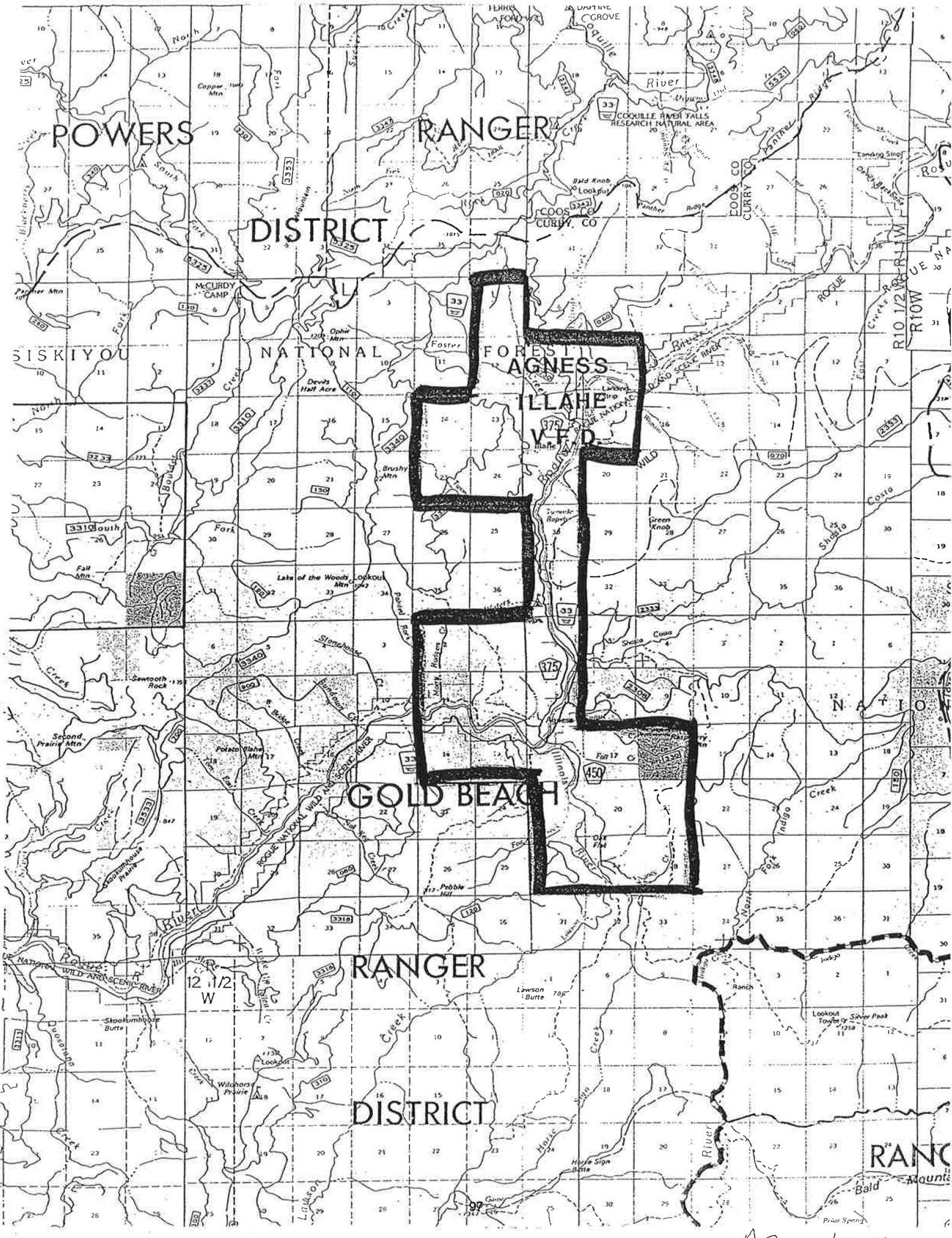
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Appendix #



POWERS

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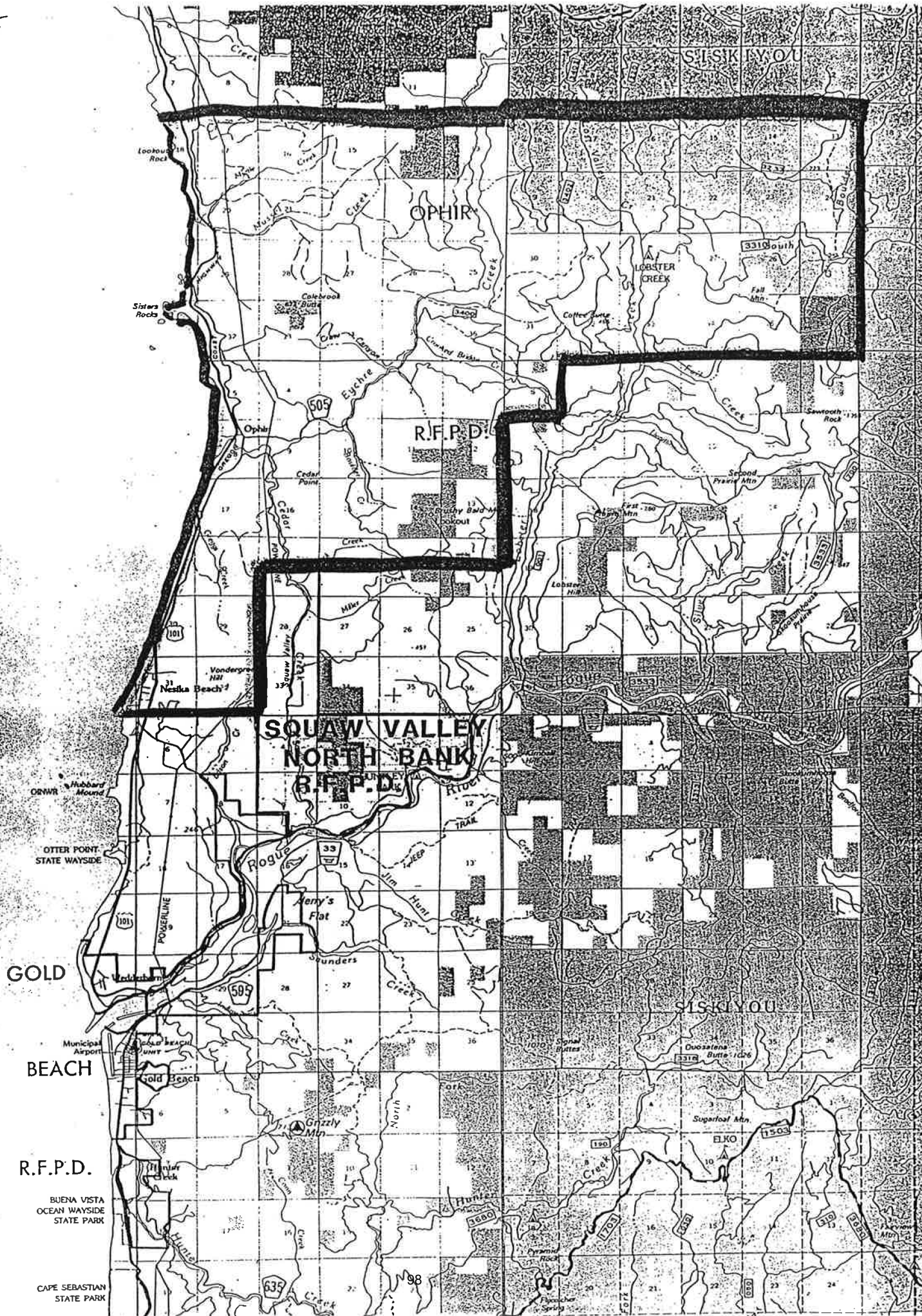
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GOLD BEACH

RANGER

DISTRICT

RANGE



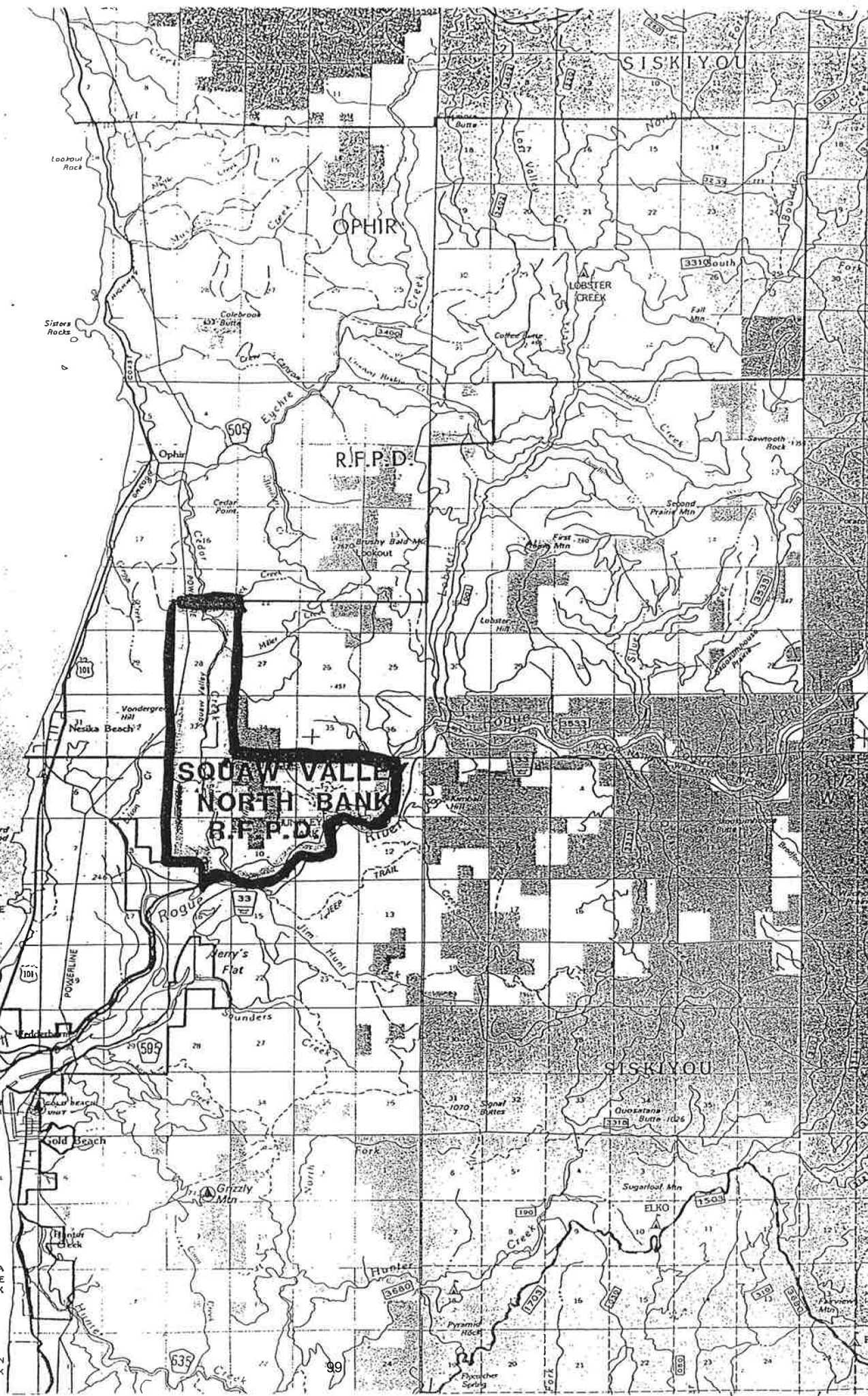
GOLD

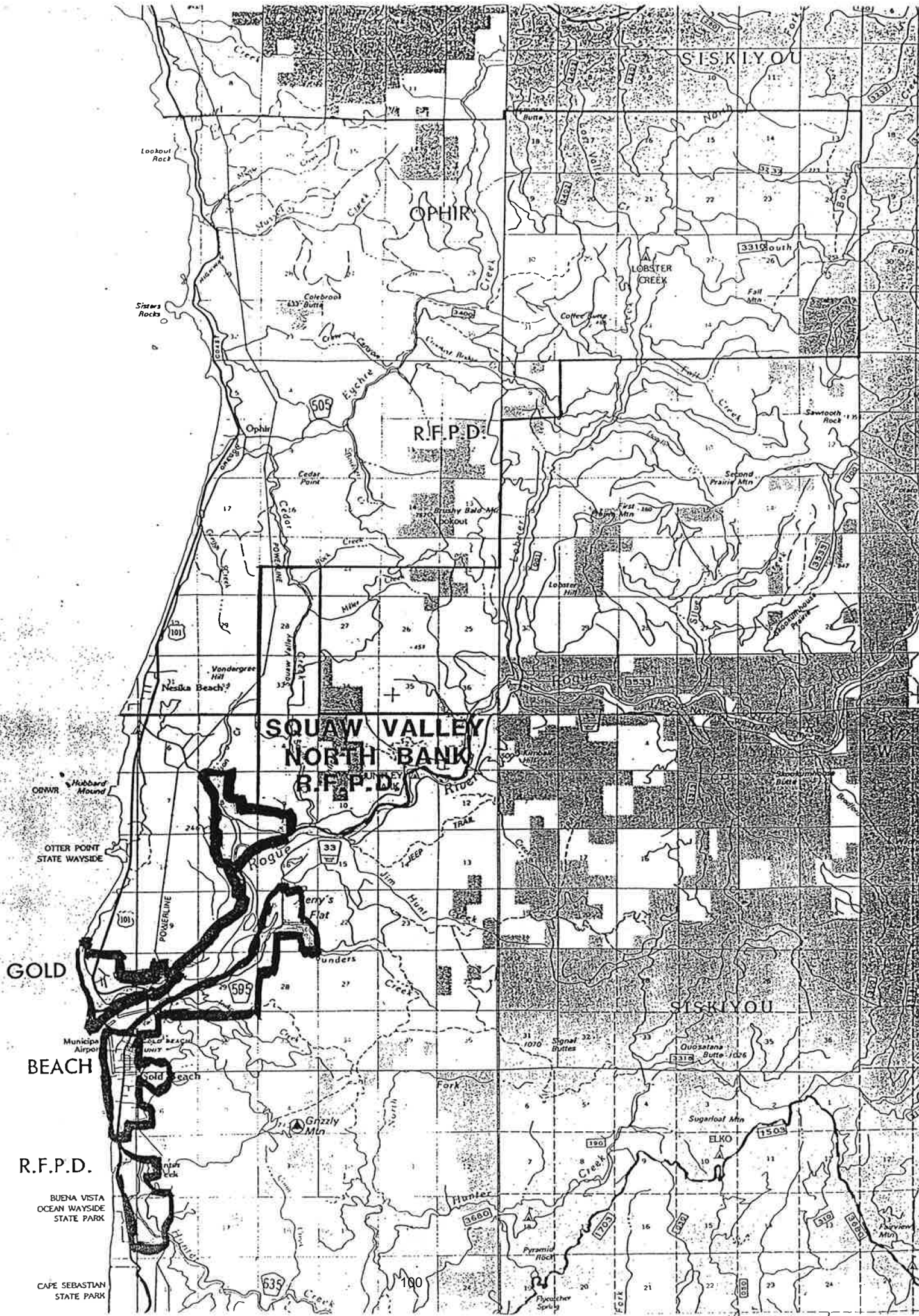
BEACH

R.F.P.D.

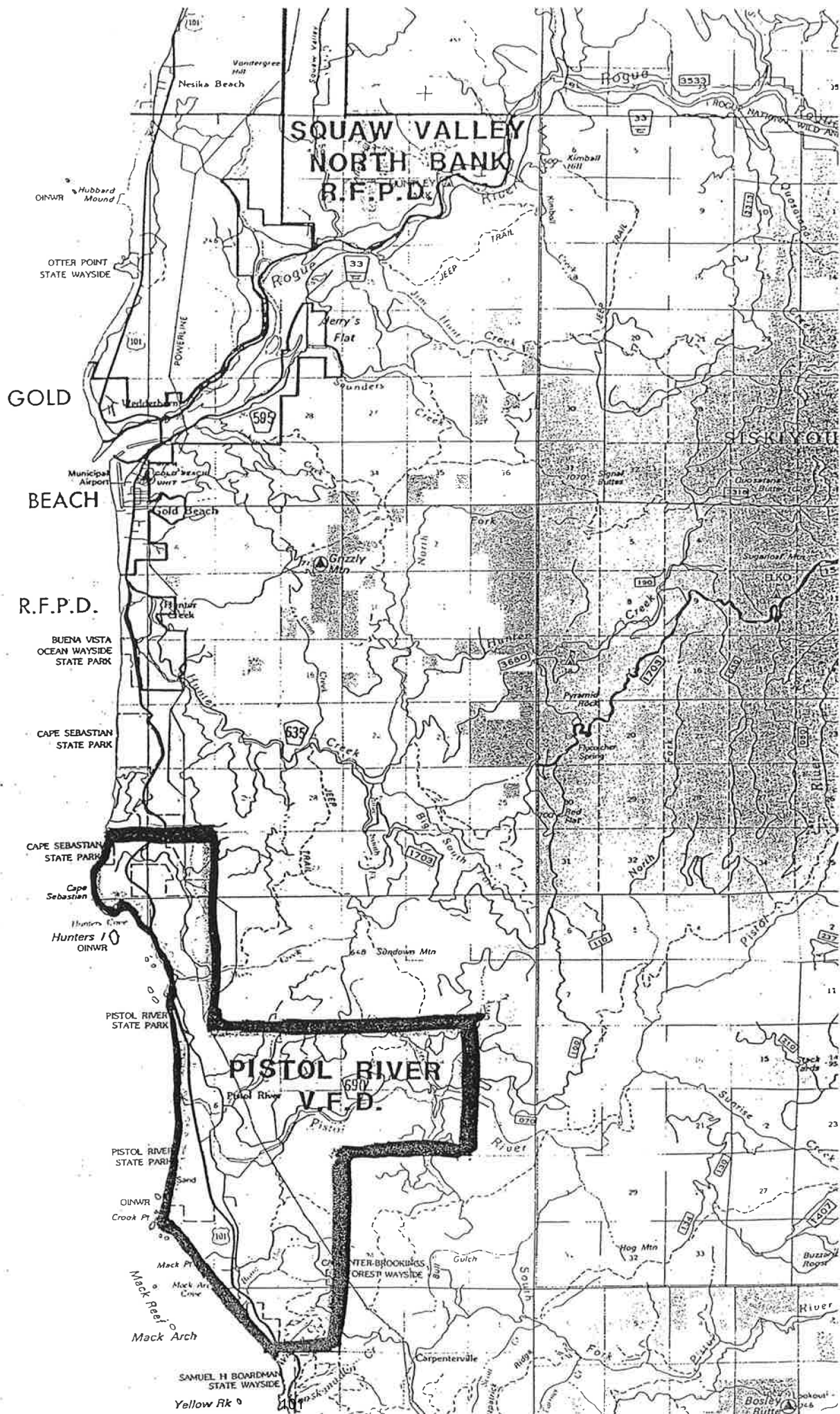
BUENA VISTA  
OCEAN WAYSIDE  
STATE PARK

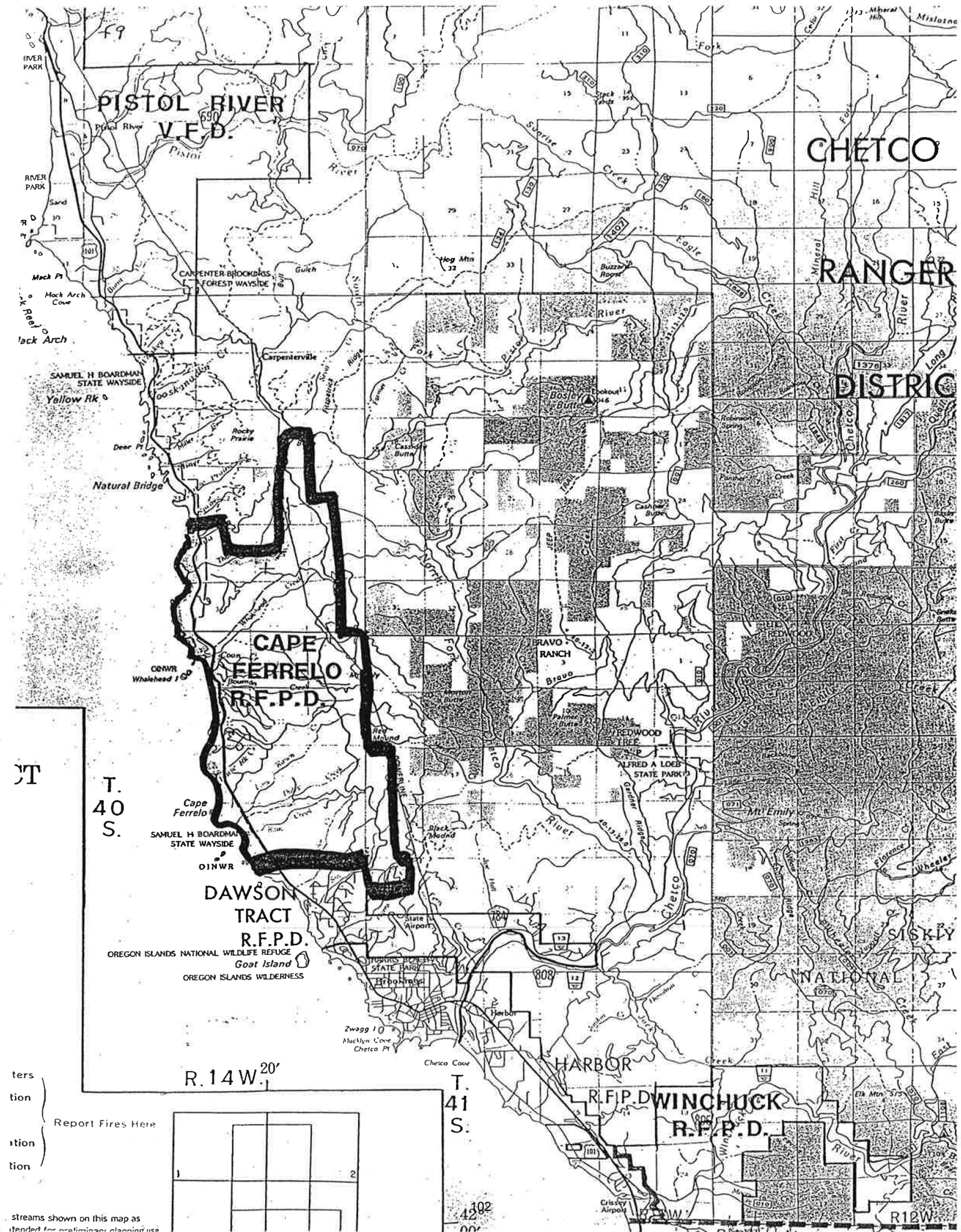
CAPE SEBASTIAN  
STATE PARK





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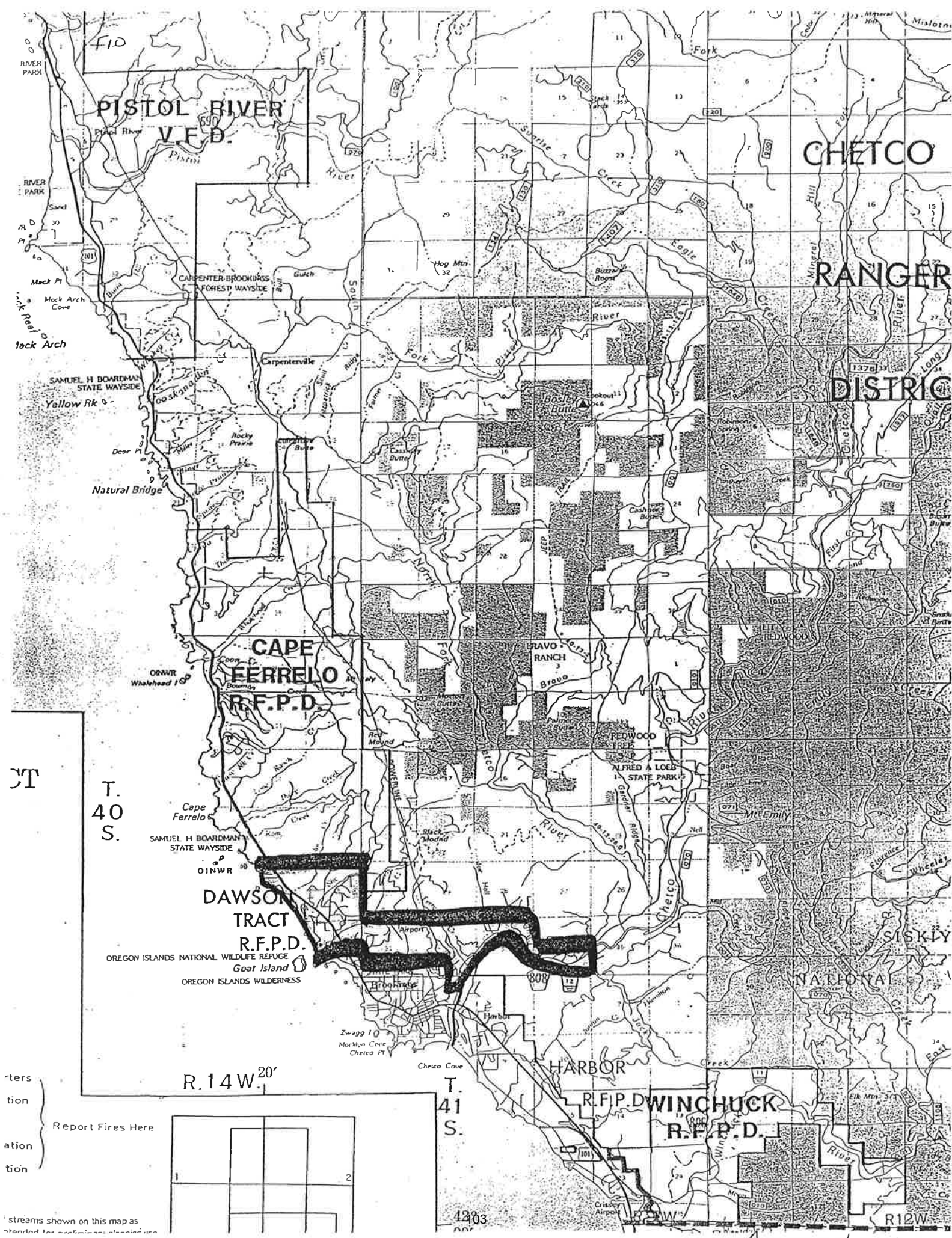




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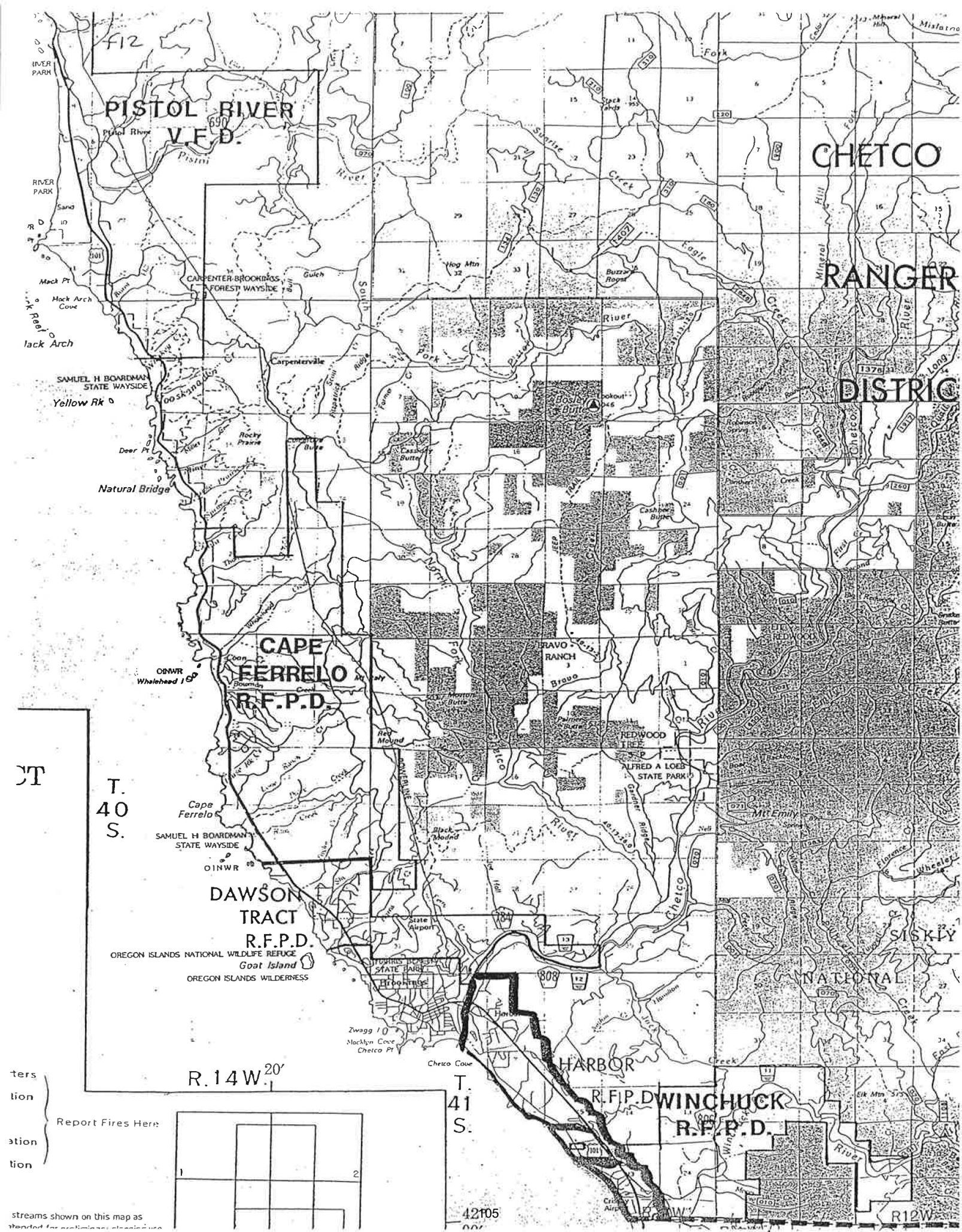


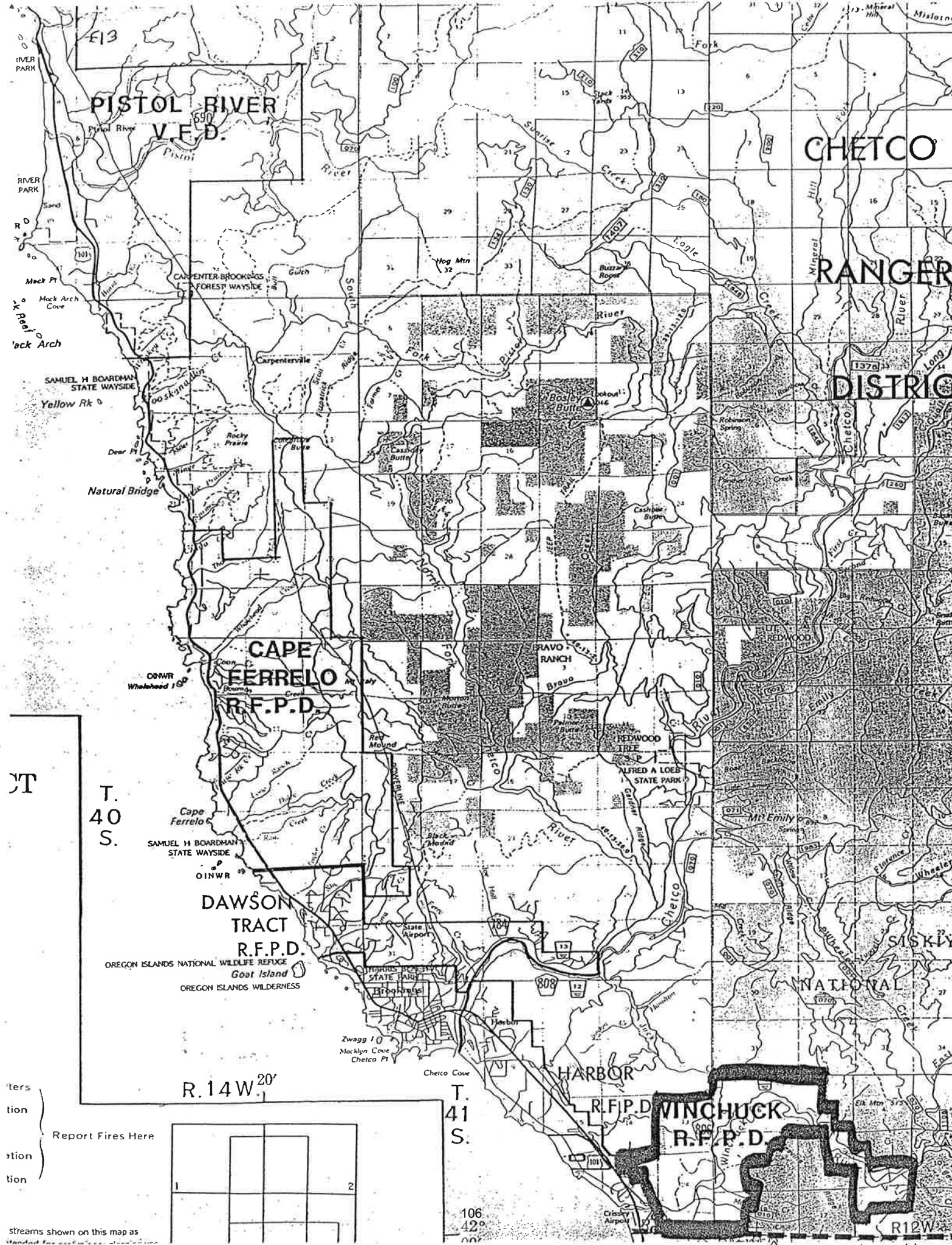


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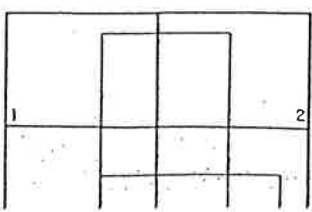
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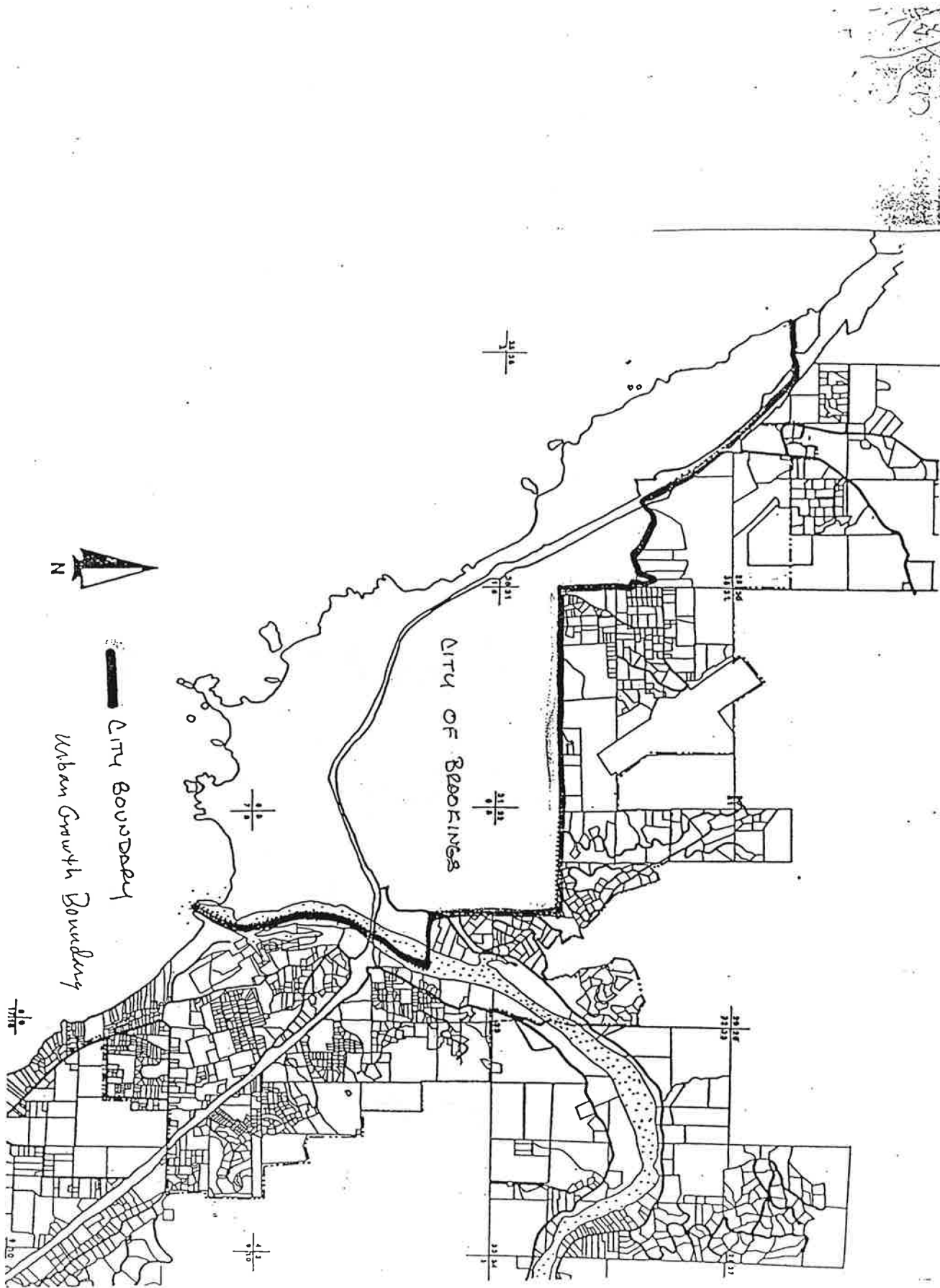
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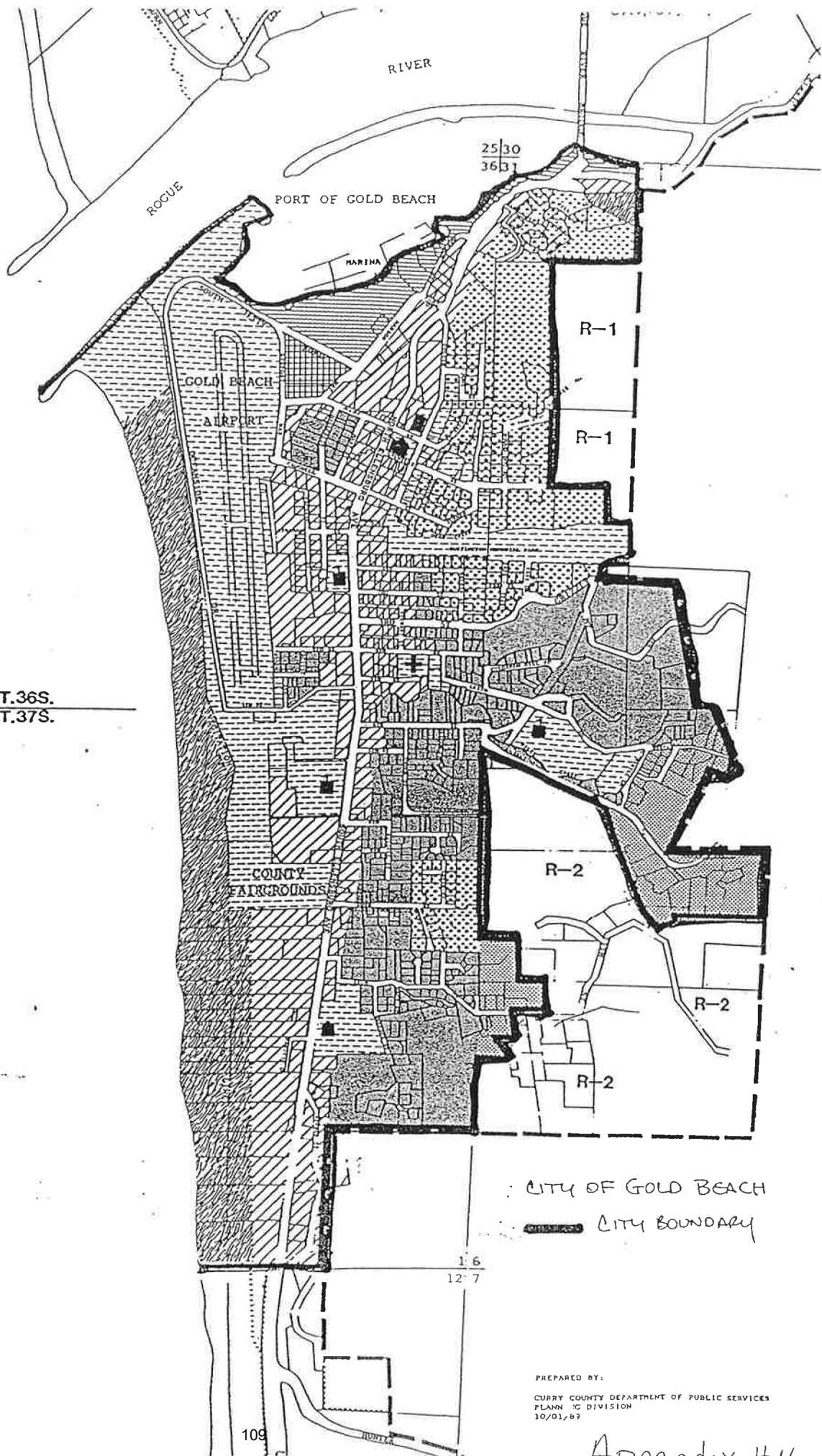


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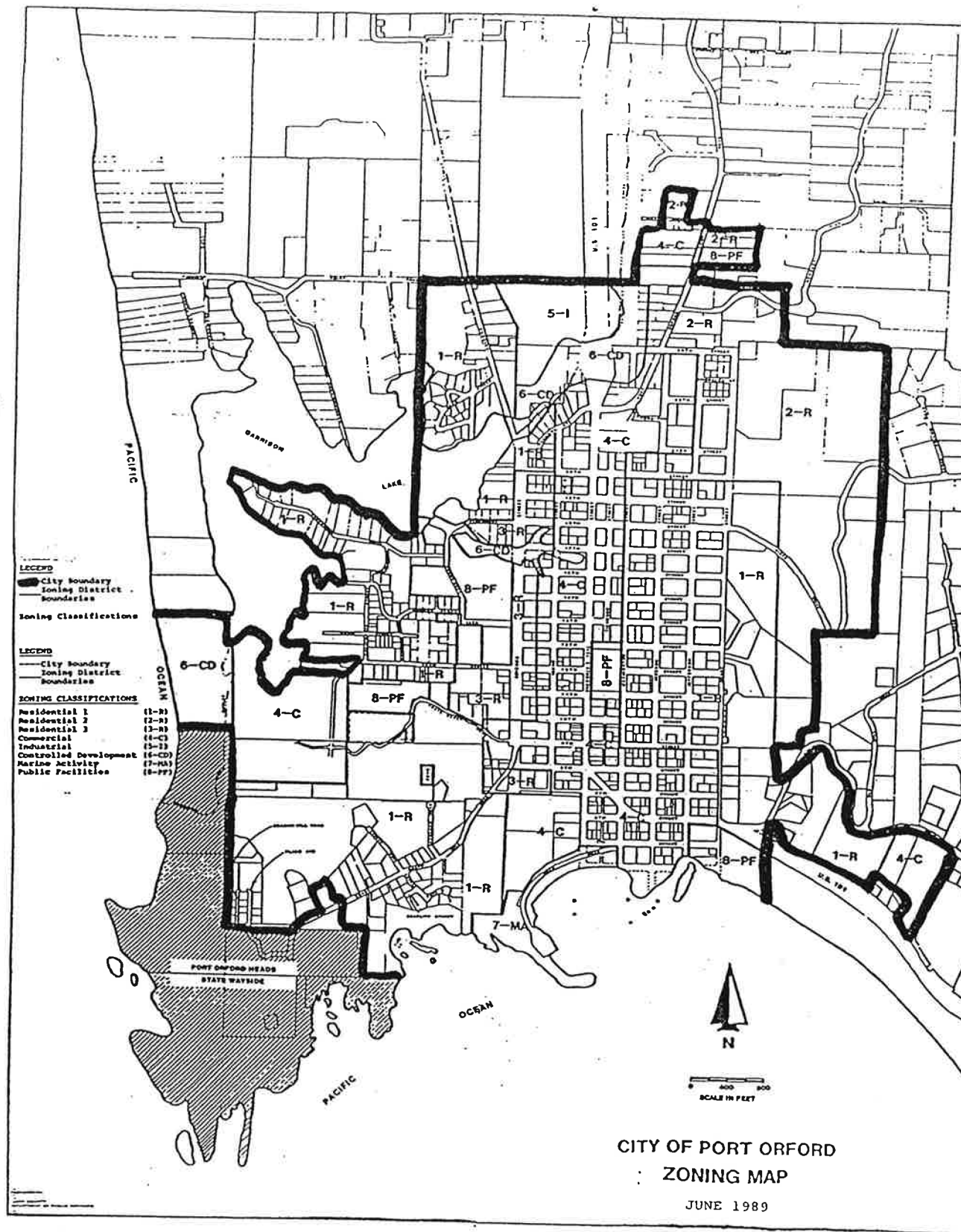
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PREPARED BY:  
CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES  
PLANNING DIVISION  
10/01/87

Appendix #4



# SOUTHERN CURRY AMBULANCE SERVICE AREA

## RESPONSE TIMES

EMT's respond to 911 dispatch within 5 minutes, with addition of 5 minutes added to calls lengthened by traffic, weather, and road conditions.

8 minutes with city limits of Brookings	90%
15 minutes out of city within UGB	90%
45 minutes Rural	90%
4.5 hours Frontier Roaded Areas	90%
24 hours Frontier Roadless Areas	90%

Inside city limits, on scene	8 minutes
Deer Park Road-North	
Checto River Bridge-South	
East Harris Heights	
Hampton Road	
Brooke Lane	
Meadow Lane	
Marina Heights to the fork	
North Bank Chetco Road - Worlton Place	
West - the Pacific Ocean shoreline	

North on 101, on scene	22 minutes
------------------------	------------

Whales Head R.V. Park	10 minutes
Martin Ranch Road	15 minutes
Thomas Creek Bridge	15 minutes
Burnt Hill Salmon Ranch	18 minutes
Pistol River Flat	22 minutes
Cape Ferrelo Road	8 minutes
Cape Ferrelo Road - Homestead Market	12 minutes
Cape Ferrelo Road - Carpenterville Road	15 minutes
Carpenterville Road - South Coast Lumber	8 minutes
DeMoss Road	10 minutes
Duley Creek Road	12 minutes
Blandau's Ranch	20 minutes

East, on scene	4.5 hours
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North Bank Chetco River Road	
Thomspon Road	10 minutes
Mountain View Drive to end	15 minutes
Riverside Market	12 minutes
Gardner Ridge Road	15 minutes
Gardner Ridge Road to end	45 minutes
Lobe State Park	15 minutes
Second Bridge	20 minutes
Little Redwood	25 minutes
South Fork Bridge	30 minutes

Valcan Lake Trail Head	3 hours
Windy Valley Trail Head	3 hours
South Bank Chetco River Road	
River Bend R.V. Park	10 minutes
Jacks Creek Bridge	12 minutes
Mt. Emily Road	15 minutes
Fallert's Ranch	20 minutes
South, on scene	35 minutes
Harbor Shopping Center	8 minutes
Southcoast Shopping Center	8 minutes
West/East Benham Lane	10 minutes
Pedrolli Drive	15 minutes
Port of Brookings Harbor	8 minutes
Oceanview Drive - North end	15 minutes
Oceanview Drive - South end	20 minutes
South Bank Winchuck - Stateline Road	15 minutes
Del-Cur Supply	10 minutes
Lucky "L" Ranch	25 minutes
North Bank Winchuck Road	10 minutes
Lawrence Lane	15 minutes
Grover's Place	20 minutes
Ludlem House	35 minutes
Winchuck Campground	25 minutes
Donnelly Place	30 minutes

Southern Curry  
Ambulance Service Area



# CENTRAL CURRY AMBULANCE SERVICE AREAS

## RESPONSE TIMES

EMT's respond to 911 dispatch within 5 minutes, with addition of 5 minutes added to calls lengthened by traffic, weather, and road conditions.

10 minutes in City of Gold Beach	90%
20 minutes out of City	90%
35 minutes Rural	90%
4.5 hours Frontier Roaded Areas	90%
24 hours Frontier Roadless Areas	90%

Gold Beach North	
101 Frankport North Service Area	30 minutes
Ophir	25 minutes
Squaw Valley Road - Miller Creek	30 minutes
Nesika Beach	20 minutes
Otter Point - Hubbard Mound	15 minutes

Gold Beach North Bank Rogue River	
Squaw Valley Road Junction	20 minutes
Lobster Creek	30 minutes

Gold Beach Jerry's Flat - Agness Road	
Champion Mill Site	20 minutes
Lobster Creek Bridge	25 minutes
Quosatana Creek	30 minutes
Copper Canyon	45 minutes
Agness	55 minutes

Gold Beach South	
Hunter Creek	15 minutes
Cape Sebastian	20 minutes
Pistol River	25 minutes
Boardman State Park South Service Area	
Boundary	30 minutes
Carpenterville Area	30 minutes

Frontier Area East of Hwy 101	
To end of Drivable Forest Roads	6 hours
Roaded Areas Accessible from Coos, Douglas, or Josephine Counties	8 hours

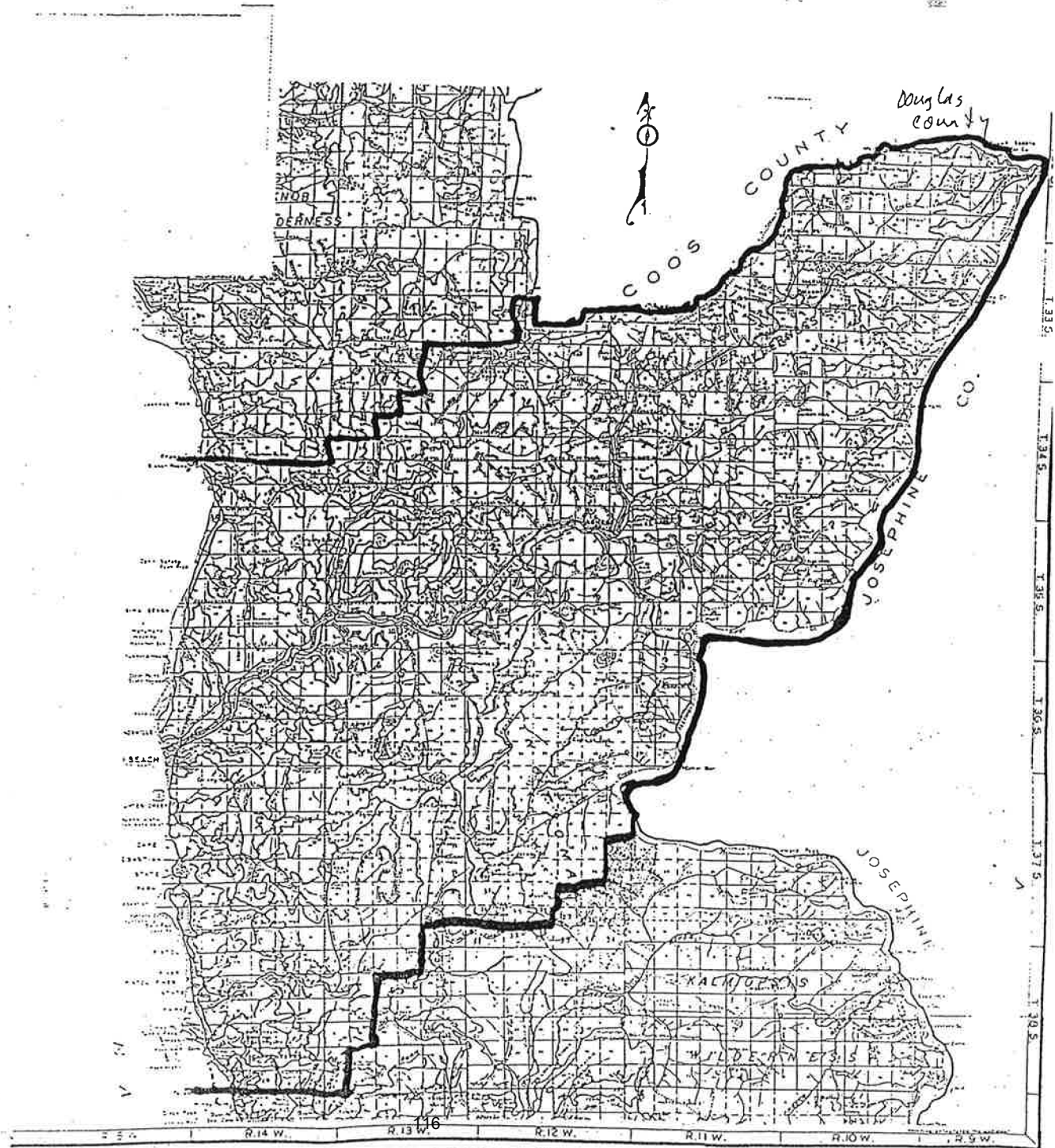
Roadless Areas	
by Helicopter (subject to weather, availability and permission to land by governing agency)	5 hours
by foot or horseback	24 hours

# AGNESS RESCUE SQUAD RESPONSE TIMES

EMT's respond to 911 Dispatch within 7 minutes, one EMT in 3 minutes, and one EMT in 5 minutes, with the addition of 5 minutes due to road, weather, and traffic conditions.

15 Minutes Within Agness Area	90%
45 Minutes North Top of Agness, Powers Pass	90%
45 Minutes East Agness, Josephine County Line, Bear Camp	90%
45 Minutes West Agness, Lake of The Woods, Lookout Junction	90%
3 Hours Upper River Area, Foster Bar to Paradise Bar	90%
4.5 Hours Frontier Roaded Areas	90%
24 Hours Frontier Roadless Areas	90%
South Agness to Lucas Lodge	14 Minutes
South Agness to Spnd Road and Residents	20 Minutes
South Agness to Gold Beach	50 Minutes
North Agness To Illahe Area, Big Bend, Foster Creek	8 Minutes
North Agness to Top of Agness, Powers Pass	45 Minutes
West Agness to End of Sundown Road	14 Minutes
West Agness to Lake of the Woods, Lookout Junction	45 Minutes
East Agness to Oak Flat	20 Minutes
East Agness to Josephine County Line, Bear Camp	45 Minutes
East Agness to Top of Snout Creek Road	50 Minutes
Upper Rogue River Area Foster Bar to Paradise Bar	3 Hours
Frontier Roaded Areas	
To End of Drivable Forest Roads	6 Hours
Roaded Areas Accesible From Coos, Douglas or Josephine Counties	8 Hours
Roadless Areas	
by Helicopter (subject to weather, availability and permission to land by governing agency)	5 Hours
by Foot or Horseback	24 Hours

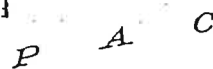
Central Curry  
Habitat Service Area



NORTH CURRY AMBULANCE SERVICE AREA  
RESPONSE TIMES

EMT's respond to 911 dispatch within 5 minutes, with addition of 5 minutes added to calls lengthened by traffic, weather and road construction.

8	minutes in City of Port Orford	90%
15	minutes out of City	90%
45	minutes rural	90%
4.5	hours Frontier roaded areas	90%
24	hours Frontier roadless areas	90%
Port Orford to Coos County line	25 minutes	
Port Orford to Langlois	20 minutes	
101 Langlois Mountain (average mph off 101 - 20-30 mph)		
John Guynup 6 1/2 miles up	15 minutes from 101	
McClouds (North on Langlois Mt.)	30 minutes from 101	
Kalina (South on Langlois Mt.)	30 minutes from 101	
Port Orford North		
Florals Creek Road	15 minutes	
North end of Florals Lake (West)	12 minutes	
South end of Florals Lake (West)	10 minutes	
(Average mph off 101 20-30 mph)		
Denmark	12 minutes	
Pacific High School	10 minutes	
Sixes Store	8 minutes	
Sixes to Plumtree (up Sixes Road)	15 minutes	
(Average 20-30 mph)		
Cape Blanco and 101	8 minutes	
101 to end of Cape Blanco Road	15 minutes	
Elk River Road and 101	6 minutes	
6 miles up Elk River from 101	18 minutes	
Port Orford South		
Hubbards Creek	8 minutes	
Humbug Mt.	10 minutes	
Brush Creek	15 minutes	
Muscle Creek		
(Traffic and Weather factor)	30 minutes	
Frontier Area East of Hwy 101		
To end of Drivable Forest Roads	6 hours	
Roaded Areas Accessible from		
Coos County	8 hours	
Roadless Areas		
by Helicopter (subject to weather, availability and permission to land by governing agency)	5 hours	
by foot or horseback	24 hours	



Appendix # 6  
CURRY COUNTY  
AMBULANCE SERVICE AREA  
MUTUAL AID AGREEMENT

WHEREAS the Parties hereto maintain and operate Emergency Medical Services for the purpose of necessary lifesaving services within their respective service areas; and

WHEREAS the parties recognize the possibility that numerous medical responses and/or disaster conditions in one Party's area could create insufficient resources to allow for effective operation of Emergency Medical Services in that area; and to accommodate those times when one Party is in need of emergency assistance; and

WHEREAS the parties recognize that one Party may be more advantageously placed to provide effective Emergency Medical Services in the other Party's service area due to distance, road, or weather conditions;

NOW THEREFORE, it is agreed as follows:

1. Both parties agree to furnish personnel and equipment to the other Party when requested by competent authority, provided the assisting Party has available adequate personnel and equipment to reasonably provide assistance,
2. The Parties agree to maintain compatible radio communication capabilities with each other.
3. It is mutually agreed and understood that this agreement shall not relieve either Party of the responsibility for Emergency Medical Services within its own district, nor does this agreement create any right in, or obligation to, third parties by either Party which would not exist in the absence of this agreement. It is the intent of this agreement to provide reasonable assistance only, and not primary responsibility.
4. It is agreed that this agreement for mutual aid shall constitute the sole consideration for the performance hereof, and that neither Party shall be obligated to reimburse the other for use of equipment or personnel. During the course of rendering aid, the personnel and equipment of each party shall be at risk of that Party. Each Party shall protect its personnel performing under this agreement by adequate worker's compensation insurance. Each Party shall obtain and maintain in full force and effect adequate public liability and property damage insurance to cover claims for injury to persons or damage to property arising from such Party's performance of this agreement, and all right and subrogation right against each other, and against the agents and employees of each other for liability and damages covered, unless to do so would void such insurance coverage.
5. This agreement shall be and remain in full force and effect from and after the date of execution set opposite the signature of each Party until terminated or modified. This agreement may be modified at any time by mutual consent of the Parties, and terminated

## **Appendix #7**

### **SECTION 2.01.010 TITLE**

This Division shall be known as the Curry County Ambulance Service Ordinance, and may be so cited and pled.

### **SECTION 2.01.020 AUTHORITY**

This Ordinance is enacted pursuant to ORS 682.035, 682.062, 682.063, 682.275 and ORS 203.035, and other applicable law.

### **SECTION 2.01.030 POLICY AND PURPOSE**

The Curry County Board of Commissioners finds:

- (1) That ORS 682.062 requires Curry County to develop and adopt a plan for the county relating to the need for a coordination of emergency ambulance services and to establish Ambulance Service Areas (ASAs) consistent with the plan to provide efficient and effective emergency ambulance services.
- (2) That this Ordinance, which establishes ASAs, methods for selecting an emergency ambulance provider for an ASA, and the Ambulance Service Area Advisory Committee, together with the document known as the Curry County Ambulance Service Area Plan (ASA Plan), attached hereto, and incorporated herein by this reference, make up the complete plan for emergency ambulance services for Curry County.
- (3) That the provisions of ORS 221.485 and 221.495, 478.260(3), and 682.025 through 682.065 requires Curry County to develop and adopt a plan for emergency ambulance services that recognizes the authority of cities and rural fire protection districts to operate and regulate emergency ambulance services within their own territories subject to the ASA Plan. That the provision of effective and efficient emergency ambulance services pursuant to the Curry County ASA Plan within cities and rural fire protection districts must be accomplished primarily on a cooperative basis. Curry County will employ formal sanctions and litigation to enforce the provisions of the Curry County ASA Plan when voluntary compliance cannot be obtained.
- (4) The board recognizes that in April of 2001, the Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section amended its rules to allow for the county designation of one or more non-emergency ambulance providers in each ASA, OAR 333-260-0070(3). In compliance with the rule, the board has and will designate

by either Party upon reasonable notice.

6. In the event of a Presidential Disaster Declaration, or the Conflagration Act being invoked, this agreement shall not preclude or bar providers from claim for, or collection of, any type of reimbursement, payment, or restitution.

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed on the day set opposite the respective signature of each; said execution having been heretofore first authorized in accordance with law.

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Signature	Title	Date
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Signature	Title	Date
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only one emergency ambulance provider for each ASA. Each of these designated emergency ambulance providers are also authorized to provide non-emergency ambulance service. However, at this time the Board elects to not require county designation for additional non-emergency providers, acknowledging that any such providers must meet the licensing and regulatory requirements imposed under state law as implemented by the Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section.

## **SECTION 2.01.040     DEFINITIONS**

The words and phrases in this Ordinance shall have the meaning provided in ORS Chapter 682 and OAR Chapter 333, Divisions 250, 255, 260, and 265, unless specifically defined herein to have a different meaning.

- (1) "Administrator" means a person designated by order of the Board to administer this Ordinance and the duly authorized deputy or assistant of such person.
- (2) "Ambulance" or "Ambulance Vehicle" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability.
- (3) "Ambulance Service Area (ASA)" means a geographical area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
- (4) "Ambulance Service Area Advisory Committee (Committee)" means the committee that will advise the Board as it pertains to the ASA Plan.
- (5) "Board" means the Curry County Board of Commissioners for Curry County, Oregon.
- (6) "DHS-EMS" means Oregon State Department of Human Resources, Emergency Medical Services and Trauma Systems Section.
- (7) "Franchise" means a franchise to provide emergency ambulance service issued by the Board pursuant to this Ordinance.

- (8) "Persons" means and includes individuals, corporations, associations, firms, partnerships, joint stock companies, cities, rural fire protection districts, and special service districts formed and existing pursuant to the Oregon Revised Statutes.

#### **SECTION 2.01.050     EXEMPTIONS**

This Ordinance shall not apply to:

- (1) Vehicles owned or operated under the control of the United States Government, the State of Oregon, Curry County, and the cities of Port Orford, Gold Beach, and Brookings;
- (2) Vehicles and aircraft being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident;
- (3) Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved;
- (4) Vehicles operated by lumber industries solely for the transportation of lumber industry employees.
- (5) Private vehicles not used for hire;
- (6) Ambulances or vehicles transporting patients from outside the county to a health care facility within the county, or which are passing through without a destination in the county;
- (7) Any person who drives or who attends an ill, injured or disabled person transported in a vehicle mentioned in Sections 1-6 of this Section;
- (8) Any person who otherwise by license is authorized to attend patients.

#### **SECTION 2.01.055     PROHIBITED ACTIVITIES**

- (1) No applicant or franchisee, applicant's or franchisee's employee, or any other person doing business as defined herein shall:
  - (A) Make a false statement of a material fact, or omit disclosure of a material fact, in an application for a franchise, or during a duly authorized investigation by the

Administrator and/or his designee

(B) Monitor or intercept emergency medical services communications for profit or gain.

(C) Charge for services not performed or make duplicate charges for the same service.

(D) Perform services of an EMT or EMT trainee unless authorized by state law.

(2) Except as provided for in this ordinance, it shall be unlawful to provide emergency transport by any vehicle other than a BLS or ALS ambulance. This prohibition shall include stretcher cars, which are defined as motor vehicles for hire constructed and equipped or regularly provided for non-emergency transportation of persons in a supine or recumbent position for reasons related to health conditions.

#### **SECTION 2.01.060     ADMINISTRATION**

The administrator, under the supervision of the Board and with the assistance of the Committee, shall be responsible for the administration of this Ordinance. In order to carry out the duties imposed by this Ordinance, the administrator, or persons authorized by the administrator, are hereby authorized to enter on the premises of any person regulated by this Ordinance at reasonable times and in a reasonable manner to determine compliance with this Ordinance and regulations promulgated pursuant thereto. The administrator shall also have access to records pertaining to ambulance service operations of any person regulated by this Ordinance. These records shall be made available within five (5) working days to the administrator at the person's place of business, or copies made and provided as requested by the administrator.

#### **SECTION 2.01.070     AMBULANCE SERVICE AREAS**

For the efficient and effective provision of emergency ambulance services in accordance with the ASA Plan, the ASA shown on the map attached hereto as Appendix #1, and incorporated herein by this reference, are hereby adopted as the ASA for Curry County. The Board, after notice to the affected ASA provider and by the adoption of an order, may adjust the boundaries of an ASA from time to time as necessary to provide efficient and effective emergency ambulance services.

#### **SECTION 2.01.080     AMBULANCE SERVICE PROVIDERS REGULATED**

Effective July 1, 1994, no person shall provide emergency ambulance services in Curry County, Oregon, unless such person is franchised in accordance with the applicable provisions of this Ordinance.

#### **SECTION 2.01.090     APPLICATION FOR AMBULANCE SERVICE FRANCHISE**

- (1) Any person desiring to provide ambulance service within Curry County shall submit an application to be assigned an ASA. The application shall be submitted to the Administrator.
- (2) Applications for franchises shall be on forms provided by the Board. In addition to information required on the forms, the Board may require additional information it deems necessary to insure compliance with this Ordinance.
- (3) The applicant shall provide the following information:
  - (a) The name and address of the person or agency applying.
  - (b) The ASA the person desires to serve, the location(s) from which ambulance services will be provided, and the level of service to be provided.
  - (c) A statement as to whether or not the person will subcontract for any service to be provided. If some service will be provided by subcontract, a copy of that subcontract shall be provided.
  - (d) A list of vehicles to be used in providing emergency ambulance services including year, make and model, and verification that each vehicle is licensed as a basic and/or advance life support ambulance by DHS-EMS.
  - (e) A statement that all equipment and supplies in each ambulance conforms to DHS-EMS standards.
  - (f) A list of personnel to be used in providing emergency ambulance service and their current Emergency Medical Technician level and certificate number, or other appropriate certification.
  - (g) Proof of financial ability to operate, including an operating budget for public bodies or financial statement for private entities, references and/or statement of past ambulance service. Appropriate financial information, such as income, tax returns, or reports by governmental authorities shall also be submitted upon request. Public bodies must provide information regarding the sources and amounts of funding for emergency ambulance services.
  - (h) Proof of public liability insurance in the amount of not less than the limits of claims made under the Oregon Tort Claims Act shall be provided. The minimum coverage shall be \$500,000 per occurrence (combined single limit for bodily injury and property damage claims) or \$500,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage.

- (i) A statement of experience in providing emergency ambulance service of a comparable quality and quantity to insure compliance with this Ordinance, regulations promulgated thereunder, any franchise issued, and the ASA Plan.
- (j) Proof of ability to comply with the terms and conditions of the ASA Plan and applicable county ordinances, in the form of a narrative summary.
- (k) A description of any prepaid ambulance service plan, including number of members, number of years of operation, funding and term.
- (l) If requested, information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials that may be requested.
- (m) In the case of an application to transfer or take over an already assigned franchise:
  - (i) A detailed summary of how the proposed change will improve emergency ambulance response time, and the quality and level of services to the ASA. It shall include an assessment of how the proposed change will impact the existing first response system.
  - (ii) Evidence that the call volume in the ASA is sufficient to financially or otherwise justify the change in service.
  - (iii) If requested, information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials that may be requested.
- (4) The Board may from time to time, by order, adopt fees to defray the actual reasonable costs incurred by Curry County in processing applications, and adopt annual franchise fees to defray the reasonable costs of Curry County in administering this Ordinance.
- (5) The applications shall be reviewed by the Committee, which shall recommend the assignment of the ASAs to the Board. The assignment of an ASA shall be made by an Order of the Board. The recommendation and order is to be based upon the proposal(s) which are the most functionally practical and likely to deliver the best quality of service.

#### **SECTION 2.01.110 REVIEW OF APPLICATION FOR FRANCHISE**

- (1) Applications shall be reviewed by the Committee, who shall make such investigation as it deems appropriate, and who may request assistance of other persons as necessary.
- (2) The administrator shall notify the holder of a franchise for providing emergency ambulance service to an ASA of any applications by another person to take over that franchise.
- (3) Unless the time is extended by the Board for good cause, the Committee shall make its recommendation to the Board to grant, deny, modify or attach appropriate conditions to the application. The Committee shall transmit its recommendation within sixty (60) days after the application and any required supplemental information has been received.

#### **SECTION 2.01.120 BOARD ACTION ON APPLICATION FOR FRANCHISE**

Upon receipt of the Committee's recommendation, the Board:

- (1) Shall publish notice of its intent to hold a public hearing on the application and recommendations at least ten (10) days, but not later than thirty (30) days following publication of notice.
- (2) May require additional investigation by the Committee if it finds that there is insufficient information on which to base its action.
- (3) Shall, upon the basis of the application, the Committee's recommendation, such other information as is permitted by this Ordinance, and such information as is presented to the Board at the public hearing make an order granting, denying or modifying the application or attaching conditions thereto.
- (4) Shall not make an order adverse to the applicant or to the holder of, or applicant for, another franchise effective less than 30 days after the date of such order and shall notify such persons in writing of the order. The Board may suspend operation of this subsection and enter an emergency order if it finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.
- (5) After the Board makes an order granting an emergency ambulance service franchise, with or without conditions, and the franchisee finds he/she is unable to provide a particular service, the Board may permit the franchisee to subcontract such service to another person if the Board finds that the quality and extent of the service would not be jeopardized. The Board may require the filing of such information as it deems necessary.

#### **SECTION 2.01.130 FRANCHISE TERMS AND RENEWALS**

- (1) Thereafter, unless the Board finds that a longer or shorter term is required in the public

interest, the term of an emergency ambulance service franchise shall be five (5) years, beginning on July 1 of a year and ending June 30 five (5) years later.

- (2) Unless grounds exist for refusal to renew a franchise under provisions for suspension or revocation as set forth in Section 2.01.160, or unless the franchise is to be given to a new person, franchises shall be renewable. Application for renewal shall be made on forms provided by the Board.
- (3) This subsection describes the procedures for processing a formal request for a franchise renewal. Not more than one hundred eighty (180) days and not less than one hundred twenty (120) days prior to the expiration of the franchise, a franchisee wanting to renew the franchise and any person desiring to take over the franchise shall submit an application to the administrator. Review of all applications for renewal or take over of a franchise shall be conducted in the same manner as for an application pursuant to Sections 2.01.090, 2.01.110 and 2.01.120 of this Ordinance.
- (4) This subsection describes the procedure for processing an informal request for a franchise renewal. This is an alternative method available (instead of subsection 3 above) for applying for a franchise renewal. A franchisee may apply on a written form provided by the county for a renewal by the end of the third year of an original five-year franchise. Following receipt of the application, the ASA Committee may recommend a franchise renewal. The Board has the discretion to renew the current franchise agreement for an additional five-year term without invoking the RFP process so long as the present franchisee is in compliance with the criteria described in this ordinance and the franchise agreement. Under this subsection, only one renewal may be allowed following each term of a franchise that is awarded under subsection 4 above.

#### **SECTION 2.01.140 EARLY DISCONTINUANCE OF SERVICE BY FRANCHISEE**

- (1) If a franchisee discontinues service before the expiration of his/her franchise, the Board shall set a time by which applications must be submitted for a new franchise in the ASA.
- (2) The administrator shall recommend to the committee appropriate temporary franchisee(s) to provide services within the ASA until a permanent replacement franchisee can be assigned.
- (3) The Committee shall develop an interim plan for coverage of the ASA, using existing franchisees and/or other available resources until the ASA can be reassigned.
- (4) The Board shall endeavor to select temporary franchisee(s), and shall issue a temporary certificate, valid for a stated period not to exceed six (6) months, entitling the selected temporary franchisee(s) to provide emergency ambulance service in all or part of the ASA.

ASA. The Board may renew a temporary certificate for one additional six (6) month period.

#### **SECTION 2.01.150 TRANSFER OF FRANCHISES**

A franchisee may transfer his/her franchise to another person only upon written notice to and approval by the Board. Review of an application for transfer of a franchise shall be conducted in the same manner as for an application pursuant to Sections 2.01.090, 2.01.110, and 2.01.120 of this Ordinance.

#### **SECTION 2.01.160 ENFORCEMENT OF FRANCHISE PROVISIONS**

- (1) Subject to the policies stated in Section 2.01.030, and in addition to the remedy provided in Section 2.01.170, and penalties provided elsewhere in this Ordinance, the administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke or refuse to renew a franchise as provided in this Subsection.

If in the judgment of the Board, there is sufficient evidence to constitute a violation of applicable local, state or federal law, this Ordinance, ORS Chapter 682 or the Rules promulgated thereunder, the ASA Plan, or if the franchisee has materially misrepresented facts or information given in the application for the franchise, the Board shall notify the franchisee in writing, by certified mail, return receipt requested, or by personal service, as is provided by law for the service of a summons, of the violation and what steps he/she must take to cure the violation. The Board shall send a copy of the notice to the Committee.

Ten (10) days following the receipt of notice of violation, the Board may enter its order of revocation, modification, suspension or non-renewal, and may thereby revoke, modify, suspend, or not renew the franchise, unless prior thereto the franchisee shall file with the Board his/her request for a hearing on the Board's notice of violation. If said request is timely filed, or if the Board so moves on its own, revocation, modification, suspension, or non-renewal will be stayed until the Board can, at its earliest convenience, hold a public hearing thereon. Notice of said hearing shall be given to the franchisee by mail and to all others by publication in a newspaper of general circulation in the county or the ASA at least ten (10) days prior to such hearing. The burden of proof at the hearing held hereunder shall be upon the franchisee.

- (2) In lieu of the suspension or revocation of the franchise, the Board may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided by mail to the franchisee. The notice shall specify the violation, the action necessary

to correct the violation, and the date by which the action must be taken. The franchisee shall notify the Board of the corrective action taken. If the franchisee fails to take corrective action within the time required, the Board shall notify the franchisee by certified mail, return receipt requested, or by personal service that the franchise is suspended or revoked upon service of the notice.

- (3) The Board may also execute a compliance agreement with the franchisee, stating the violation(s) and the corrective action necessary to correct the violation(s). Failure of the franchisee to make the agreed upon corrections will result in possible suspension or revocation according to subsection (2) above.
- (4) Should the franchisee fail to comply with the Board's order, then the Board may take any steps authorized by law to enforce its order.

#### **SECTION 2.01.170 PREVENTING INTERRUPTION OF SERVICE**

Whenever the Board finds that the failure of service or threatened failure of service would adversely impact the health, safety or welfare of the residents of this county, the Board shall, after reasonable notice, but not less than twenty-four (24) hours notice to the franchisee, hold a public hearing. Upon appropriate findings after the hearing, the Board shall have the right to authorize another franchisee or other person to provide services.

#### **SECTION 2.01.180 APPEALS, ABATEMENT AND PENALTIES**

- (1) All the decisions of the Board under this Ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of Curry, only by way of writ of review.
- (2) The provision of emergency ambulance service by any person in violation of this Ordinance, or regulations promulgated thereunder, is a nuisance and the Court may, in addition to other remedies provided by law or by this Ordinance, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such emergency ambulance service.
- (3) Any person who violates any of the provisions of this Ordinance is guilty of a violation. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision. Violations are subject to Article Ten (10) of the Curry County Code.

#### **SECTION 2.01.190 DUTIES OF AMBULANCE SERVICE FRANCHISEE**

The Franchisee:

- (1) Shall conduct its operation in compliance with all applicable state and federal laws, rules

and regulations, the terms of this Ordinance and the Curry County ASA Plan;

- (2) Shall not fail or refuse to respond to an emergency call for service when an ambulance is available for service;
- (3) Shall not respond to a medical emergency located outside its assigned ASA except:
  - (a) When a request for specific emergency ambulance service is made by the person calling for the ambulance and the call does not dictate an emergency response;
  - (b) When the franchisee assigned to the ASA is unavailable to respond and the franchisee is requested by another franchisee or 9-1-1 dispatch to respond; or
  - (c) When the response is for supplemental assistance or mutual aid.
- (4) Shall not voluntarily discontinue service to his/her assigned ASA until he/she has:
  - (a) Given sixty (60) days written notice to the administrator, or
  - (b) Obtained written approval of the Board.
- (5) Subsection 4 of this Section shall not apply to:
  - (a) Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction; or
  - (b) Transfer of franchises pursuant to Section 2.01.150 of this Ordinance.
- (6) Each franchisee shall send a representative to all ASA committee meetings. Such representative shall present a report to the committee concerning franchisee activities, ambulance runs, and any other information deemed appropriate, since the last ASA committee meeting.

#### **SECTION 2.01.200 AMBULANCE SERVICE AREA (ASA) ADVISORY COMMITTEE**

- (1) There is hereby created an Ambulance Service Area (ASA) Advisory Committee.
  - (a) The committee shall consist of nine members.
    - 1. One physician with emergency medical care experience.
    - 2. One EMT or Paramedic.
    - 3. One hospital administrator.
    - 4. One registered nurse with emergency medical care experience.
    - 5. One law enforcement officer.
    - 6. One representative of a fire department.
    - 7. One representative of a dispatch center.

8. Two members of the public who are not included in categories specified by subsections a1-7.

- (b) The administrator and other Curry County staff as the Board deems appropriate shall be ex-officio members of the Committee.
- (2) Members shall be appointed by and serve at the pleasure of the Board. The Board may appoint additional persons to the Committee to serve as ex-officio members or advisors. The Board may appoint or approve designation of alternates to serve in the absence of persons appointed to the Committee.
- (3) Except for the ASA administrator and other Curry County staff, appointments shall be for staggered terms on the initial Committee for a term not to exceed three (3) years. Subsequent appointments shall be for three (3) year terms. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term. Persons may be appointed to successive terms.
- (4) The Committee shall elect a chairperson. The Committee shall meet at such times as it deems necessary or as called by the Administrator or the Chairperson. The Administrator, chairperson, or any two members of the Committee may call a special meeting.
- (5) The Committee shall elect a secretary. The secretary shall be responsible for taking detailed minutes of committee meetings, and for distributing the minutes to the administrator, and to the other members of the committee.
- (6) Five (5) members constitute a quorum for the transaction of business. A majority vote of the total members is required to pass motions.
- (7) In addition to other duties prescribed by this Ordinance the Committee shall:
  - (a) Review and make recommendations to the administrator regarding the selection criteria for determining a franchise to provide ambulance service.
  - (b) Regularly provide information to the Board from prehospital care consumers, providers and the medical community.
  - (c) Periodically review the ASA Plan and make recommendations to the Board including, but not limited to:
    - (i) Review the standards established in the Plan and make recommendations regarding improvement of or new standards as required by OAR 333-260-0050;

- (ii) Monitor the coordination between emergency medical service resources;
  - (iii) Review dispatch procedures and compliance; and
  - (iv) Review the effectiveness and efficiency of the ASA boundaries.
- (d) Implement the quality assurance program outlined in the ASA Plan to insure compliance with the ASA Plan.
- (e) Perform such other duties as directed by the Board.
- (8) Committee members shall comply with ORS Chapter 244 regarding conflict of interest.

#### **SECTION 2.01.210 REGULATIONS OF AMBULANCE SERVICE**

Upon its own motion or upon a recommendation of the Committee, the Board may adopt ordinances, resolutions or orders regulating emergency ambulance service or implementing this Ordinance. Such regulations shall not conflict with ORS 682 and rules promulgated pursuant thereto.

#### **SECTION 2.01.220 INITIAL RESPONDER**

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an emergency ambulance service provider.

#### **SECTION 2.01.230 MISCELLANEOUS MATTERS**

1. Any judgment or declaration by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other portion of this Ordinance.
2. Upon recommendation of the Committee or upon its own motion, the Board may from time to time amend the provisions of this Ordinance. Amendments shall be made only after a public hearing before the Board with such advance notice of the hearing as deemed appropriate by the Board or as generally provided by ordinance, regulation or order of the Board.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

In the Matter of an Amendment )  
to the Curry County Code )  
Regarding Article Two Division )  
One-the Curry County Ambulance )  
Service Ordinance )

ORDINANCE NO. 09-02

The Board of Curry County Commissioners ordains as follows:

**SECTION I     TITLE**

This ordinance shall be known as Ordinance 09-02, an ordinance amending the Curry County Code.

**SECTION II     AUTHORITY**

This ordinance is enacted pursuant to ORS 203.035 and ORS 682.031.

**SECTION III     FINDINGS**

- A. On October 29, 2008, the Curry County ASA Committee recommended that Curry County grant to Cal-Ore Life Flight and to Port Orford Ambulance Association, Inc. a five year extension to their franchises which expire on June 30, 2012.
- B. A principal reason for the recommendation by the ASA Committee to extend the franchises is to allow the ambulance providers a better opportunity to secure loans.

- C. Under Section 2.01.130 of County Ordinance 04-13, only one extension for informally processing a franchise renewal is allowed, and that has already been granted to Cal-Ore Life Flight and to Port Orford Ambulance Association, Inc. The Board of Curry County Commissioners is amenable to allowing an application under the informal process for an additional franchise extension of five years, which will require an amendment to the Curry County Ambulance Service Ordinance.

#### **SECTION IV REPEALER**

The current subsection 2.01.130(4) as found in Ordinance No. 04-13 and the Curry County Code (Ordinance 96-7, as amended) is repealed.

#### **SECTION V ADOPTION**

Attachment "A", the new Section 2.01.130(4) is adopted as an amendment to Ordinance 04-13 and the Curry County Code (Ordinance 96-7, as amended).

This amendment shall be incorporated by reference into the Curry County Ambulance Service Plan which in turn contains a copy of the Curry County Ambulance Service Ordinance.

#### **SECTION VI SEVERANCE CLAUSE**

If any section, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of the Ordinance. It is expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.


DATED this 18<sup>th</sup> day of May, 2009.

BOARD OF CURRY COUNTY COMMISSIONERS

*Bill Waddle*

Bill Waddle, Chair

  
George Rhodes, Vice Chair

  
Georgia Yee Nowlin, Commissioner

**Attest:**

  
Recording Secretary

**Approved as to Form:**

  
M. Gerard Herbage  
Curry County Legal Counsel

First Reading: May 4, 2009  
Second Reading: May 18, 2009  
Emergency Adoption: NO  
Effective Date: August 16, 2009

## **ATTACHMENT "A"**

### **SECTION 2.01.130(4)**

**This subsection describes the procedure for processing an informal request for a franchise renewal. This is an alternative method (Instead of subsection 3 above) for applying for a franchise renewal. A franchisee may apply on a written form provided by the County for a renewal after the end of the second year and before the end of the fourth year of a five-year franchise. Following receipt of the application, the ASA Committee may recommend a franchise renewal. The Board has the discretion to renew the current franchise agreement for an additional five-year term without invoking the RFP process so long as the present franchisee is in compliance with the criteria described in this ordinance and the franchise agreement. Under this subsection, only two renewals (one five year term at a time) may be allowed following each term of a franchise that is awarded under subsection 4 above.**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

In the Matter of a Resolution     )  
Approving a Proposed Exception   )  
from OAR 333-255-0071(1)(b)     )  
and 333-255-0072(1)(b) for Port   )  
Orford Community Ambulance     )

**RESOLUTION**

WHEREAS, pursuant to OAR 333-255-0079, Port Orford Community Ambulance, an ambulance licensee in the State of Oregon, and the County of Curry, requested an exception to Oregon Administrative Rules 333-255-0071(1)(b) and 333-255-0072(1)(b); and

WHEREAS, pursuant to Oregon Administrative Rule 333-255-0079(2)(a), the ambulance licensee has presented its request for an exception to the county governing body, the Board of Curry County Commissioners; and

WHEREAS, the ambulance licensee believes that compliance with Oregon Administrative Rule 333-255-0071(1)(b) and 333-255-0072(1)(b) is inappropriate because of special circumstances which would render compliance unreasonable, burdensome, or impractical due to special conditions or causes, or because compliance would result in substantial curtailment of necessary ambulance service and the Board of Curry County Commissioners so concurs;

WHEREAS, the County had previously passed a resolution on August 17, 2011, granting a variance to the Port Orford Community Ambulance which is due to expire December, 2013.

**NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS  
RESOLVES AS FOLLOWS:**

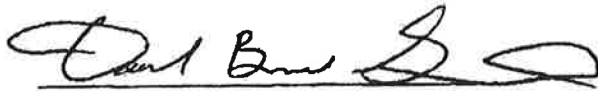
- 1) That the Curry County Board of Commissioners approves this request for the proposed exception pursuant to OAR 333-255-0079 from Oregon Administrative

Rules 333-255-0071(1)(b) and 333-255-0072(1)(b) for Port Orford Community Ambulance.

- 2) That the Curry County Board of Commissioners encourages the State of Oregon to approve the request for the proposed exception.

DATED this 5<sup>th</sup> day of December, 2013.

BOARD OF CURRY COUNTY COMMISSIONERS



David Brock Smith, Chair

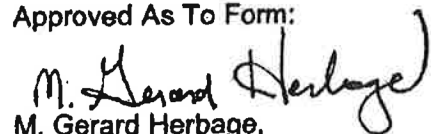


Susan Brown, Vice-Chair



David G. Itzen, Commissioner

Approved As To Form:



M. Gerard Herbage,  
Curry County Legal Counsel

## Chapter 244 — Government Ethics

### 2013 EDITION GOVERNMENT ETHICS

#### PUBLIC OFFICERS AND EMPLOYEES

##### GENERAL PROVISIONS

- 244.010 Policy
- 244.020 Definitions
- 244.025 Gift limit
- 244.040 Prohibited use of official position or office; exceptions; other prohibited actions
- 244.042 Honoraria
- 244.045 Regulation of subsequent employment of public officials; lobbying by former members of Legislative Assembly
- 244.047 Financial interest in public contract

##### REPORTING

- 244.050 Persons required to file statement of economic interest; filing deadline
- 244.055 Additional reporting requirements for State Treasury; review; confidentiality
- 244.060 Form of statement of economic interest; contents
- 244.070 Additional statement of economic interest
- 244.090 Report on association with compensated lobbyist
- 244.100 Statements of expenses or honoraria provided to public official
- 244.110 Statements subject to penalty for false swearing
- 244.115 Filing required for member of Congress or candidate; filing date

##### CONFLICTS OF INTEREST

- 244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards
- 244.130 Recording of notice of conflict; effect of failure to disclose conflict
- 244.135 Method of handling conflicts by planning commission members

##### APPLICATION OF CHAPTER

- 244.160 Filing of statement of economic interest by public official of political subdivision other than city or county
- 244.162 Information provided to persons required to file statement of economic interest
- 244.165 Rules or policies of state agency or association of public bodies; commission approval; effect

##### NEPOTISM

- 244.175 Definitions for ORS 244.177 and 244.179
- 244.177 Employment of relative or member of household; exceptions
- 244.179 Supervision of relative or member of household; exceptions

##### LEGAL EXPENSE TRUST FUND244.205 Legal expense trust fund; establishment; eligible legal expenses

- 244.207 Use of fund proceeds
- 244.209 Application to establish fund; commission review and authorization
- 244.211 Duties of trustee
- 244.213 Contributions to fund
- 244.215 Fund account
- 244.217 Statement of contributions received and expenditures made
- 244.218 Quarterly filing of statements
- 244.219 Termination of fund
- 244.221 Disposition of moneys in terminated fund; distribution of award of attorney fees, costs or money judgment

##### COMMISSION

- 244.250 Oregon Government Ethics Commission; appointment; term; quorum; compensation; legal counsel
- 244.255 Commission funding; rules
- 244.260 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action
- 244.270 Findings as grounds for removal; notice to public bodies

- 244.280 Commission advisory opinions; effect of reliance on opinion
- 244.282 Executive director and staff advisory opinions; effect of reliance on opinion
- 244.284 Staff advice; effect of reliance on advice
- 244.290 General duties of commission; rules
- 244.300 Status of records
- 244.310 Executive director
- 244.320 Manual on government ethics; effect of reliance on manual; revision
- 244.330 Distribution of manual on government ethics
- 244.340 Continuing education program
- 244.345 Oregon Government Ethics Commission Account

#### ENFORCEMENT

- 244.350 Civil penalties; letter of reprimand or explanation
- 244.355 Failure to file trading statement
- 244.360 Additional civil penalty equal to twice amount of financial benefit
- 244.370 Civil penalty procedure; disposition of penalties
- 244.390 Status of penalties and sanctions; consideration of other penalties imposed
- 244.400 Attorney fees for person prevailing in contested case

#### GENERAL PROVISIONS

**244.010 Policy.** (1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

(2) The Legislative Assembly recognizes and values the work of all public officials, whether elected or appointed.

(3) The Legislative Assembly recognizes that many public officials are volunteers and serve without compensation.

(4) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation.

(5) The Legislative Assembly recognizes that public officials should put loyalty to the highest ethical standards above loyalty to government, persons, political party or private enterprise.

(6) The Legislative Assembly recognizes that public officials should not make private promises that are binding upon the duties of a public official, because a public official has no private word that can be binding on public duty.

(7) The Legislative Assembly recognizes that public officials should expose corruption wherever discovered.

(8) The Legislative Assembly recognizes that public officials should uphold the principles described in this section, ever conscious of the public's trust. [1974 c.72 §51,1a; 1987 c.566 §7; 2005 c.22 §185; 2007 c.865 §28; 2009 c.68 §1]

**244.020 Definitions.** As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

(3) "Business with which the person is associated" means:

(a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year;

(b) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;

(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or  
(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

(4) "Candidate" means an individual for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed or whose name is printed on a ballot or is expected to be or has been presented, with the individual's consent, for nomination or election to public office.

(5) "Development commission" means any entity that has the authority to purchase, develop, improve or lease land or the authority to operate or direct the use of land. This authority must be more than ministerial.

(6)(a) "Gift" means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

(b) "Gift" does not mean:

(A) Contributions as defined in ORS 260.005.

(B) Gifts from relatives or members of the household of the public official or candidate.

(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.

(D) Informational or program material, publications or subscriptions related to the recipient's performance of official duties.

(E) Admission provided to or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(G) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

(I) Food or beverage consumed by a public official acting in an official capacity:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

(J) Waiver or discount of registration expenses or materials provided to a public official or candidate at a continuing education event that the public official or candidate may attend to satisfy a professional licensing requirement.

(K) Expenses provided by one public official to another public official for travel inside this state to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity.

(L) Food or beverage consumed by a public official or candidate at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

(M) Entertainment provided to a public official or candidate or a relative or member of the household of the public official or candidate that is incidental to the main purpose of another event.

(N) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

(O) Anything of economic value offered to or solicited or received by a public official or candidate, or a relative or member of the household of the public official or candidate:

(i) As part of the usual and customary practice of the person's private business, or the person's employment or position as a volunteer with a private business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or other legal entity operated for economic value; and

(ii) That bears no relationship to the public official's or candidate's holding of, or candidacy for, the official position or public office.

(P) Reasonable expenses paid to a public school employee for accompanying students on an educational trip.

(7) "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

(8) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, or anything of economic value.

(9) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.

(10) "Member of the household" means any person who resides with the public official or candidate.

(11) "Planning commission" means a county planning commission created under ORS chapter 215 or a city planning commission created under ORS chapter 227.

(12) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

(13) "Public office" has the meaning given that term in ORS 260.005.

(14) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

(15) "Relative" means:

(a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;

(b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;

(c) Any individual for whom the public official or candidate has a legal support obligation;

(d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or

(e) Any individual from whom the candidate receives benefits arising from that individual's employment.

(16) "Statement of economic interest" means a statement as described by ORS 244.060 or 244.070.

(17) "Zoning commission" means an entity to which is delegated at least some of the discretionary authority of a planning commission or governing body relating to zoning and land use matters. [1974 c.72 §2; 1975 c.543 §1; 1977 c.588 §2; 1979 c.666 §5; 1987 c.566 §8; 1989 c.340 §2; 1991 c.73 §1; 1991 c.770 §5; 1993 c.743 §8; 1995 c.79 §85; 1997 c.249 §75; 2001 c.200 §1; 2003 c.14 §115; 2005 c.574 §1; 2007 c.865 §8; 2007 c.877 §16a; 2009 c.68 §2; 2009 c.689 §§1,2; 2013 c.42 §1]

**244.025 Gift limit.** (1) During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

(2) During a calendar year, a person who has a legislative or administrative interest may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

(3) During a calendar year, a person who has a legislative or administrative interest may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

(4) This section does not apply to public officials subject to the *Oregon Code of Judicial Conduct*. [2007 c.877 §18; 2009 c.68 §3]

**244.030** [1974 c.72 §24; repealed by 2007 c.865 §41]

**244.040 Prohibited use of official position or office; exceptions; other prohibited actions.** (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.

(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(3) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

(4) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

(5) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.

(6) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.

(7) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120. [1974 c.72 §3; 1975 c.543 §2; 1987 c.566 §9; 1989 c.340 §3; 1991 c.146 §1; 1991 c.770 §6; 1991 c.911 §4; 1993 c.743 §9; 2007 c.877 §17; 2009 c.68 §4]

**244.042 Honoraria.** (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

(2) Except as provided in subsection (3) of this section, a candidate may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

(3) This section does not prohibit:

(a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or

(b) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate. [2007 c.877 §24; 2009 c.68 §21]

**244.045 Regulation of subsequent employment of public officials; lobbying by former members of Legislative Assembly.** (1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not:

(a) Within one year after the public official ceases to hold the position become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer engaged in the activity, occupation or industry over which the former public official had authority; or

(b) Within two years after the public official ceases to hold the position:

(A) Be a lobbyist for or appear as a representative before the agency over which the person exercised authority as a public official;

(B) Influence or try to influence the actions of the agency; or

(C) Disclose any confidential information gained as a public official.

(2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

(3) A person who has been the State Treasurer or the Deputy State Treasurer shall not, within one year after ceasing to hold office:

(a) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract providing for payment by the state of at least \$25,000 in any single year during the term of office of the treasurer;

(b) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in any single year during the term of office of the treasurer; or

(c) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.

(4) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

(a) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;

(b) Influence or try to influence the agency, board or commission; or

(c) Disclose any confidential information gained as a public official.

(5)(a) A person who has been a member of the Department of State Police, who has held a position with the department with the responsibility for supervising, directing or administering programs relating to gaming by a Native American tribe or the Oregon State Lottery and who has been designated by the Superintendent of State Police by rule shall not, within one year after the member of the Department of State Police ceases to hold the position:

(A) Accept employment from or be retained by or receive any financial gain related to gaming from the Oregon State Lottery or any Native American tribe;

(B) Accept employment from or be retained by or receive any financial gain from any private employer selling or offering to sell gaming products or services;

(C) Influence or try to influence the actions of the Department of State Police; or

(D) Disclose any confidential information gained as a member of the Department of State Police.

(b) This subsection does not apply to:

(A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a Tribal Gaming Commissioner or regulatory agent thereof;

(B) Contracting with the Oregon State Lottery as a lottery game retailer;

(C) Financial gain received from personal gaming activities conducted as a private citizen; or

(D) Subsequent employment in any capacity by the Department of State Police.

(c) As used in this subsection, "Native American tribe" means any recognized Native American tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

(6) A person who has been a member of the Legislative Assembly may not receive money or any other consideration for lobbying as defined in ORS 171.725 performed during the period beginning on the date the person ceases to be a member of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly that begins after the date the person ceases to be a member of the Legislative Assembly. [1987 c.360 §1; 1993 c.743 §10; 1995 c.79 §86; 1997 c.750 §1; 2007 c.877 §15; 2011 c.68 §3]

**244.047 Financial interest in public contract.** (1) As used in this section:

(a) "Public body" has the meaning given that term in ORS 174.109.

(b) "Public contract" has the meaning given that term in ORS 279A.010.

(2) Except as provided in subsection (4) of this section, a person who ceases to hold a position as a public official may not have a direct beneficial financial interest in a public contract described in subsection (3) of this section for two years after the date the contract was authorized.

(3) Subsection (2) of this section applies to a public contract that was authorized by:

(a) The person acting in the capacity of a public official; or

(b) A board, commission, council, bureau, committee or other governing body of a public body of which the person was a member when the contract was authorized.

(4) Subsection (2) of this section does not apply to a person who was a member of a board, commission, council, bureau, committee or other governing body of a public body when the contract was authorized, but who did not participate in the authorization of the contract. [2007 c.877 §23a; 2009 c.689 §4a]

## REPORTING

**244.050 Persons required to file statement of economic interest; filing deadline.** (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

- (H) State Forester.
- (I) State Geologist.
- (J) Director of Human Services.
- (K) Director of the Department of Consumer and Business Services.
- (L) Director of the Department of State Lands.
- (M) State Librarian.
- (N) Administrator of Oregon Liquor Control Commission.
- (O) Superintendent of State Police.
- (P) Director of the Public Employees Retirement System.
- (Q) Director of Department of Revenue.
- (R) Director of Transportation.
- (S) Public Utility Commissioner.
- (T) Director of Veterans' Affairs.
- (U) Executive director of Oregon Government Ethics Commission.
- (V) Director of the State Department of Energy.
- (W) Director and each assistant director of the Oregon State Lottery.
- (X) Director of the Department of Corrections.
- (Y) Director of the Oregon Department of Aviation.
- (Z) Executive director of the Oregon Criminal Justice Commission.
- (AA) Director of the Oregon Business Development Department.
- (BB) Director of the Office of Emergency Management.
- (CC) Director of the Employment Department.
- (DD) Chief of staff for the Governor.
- (EE) Administrator of the Office for Oregon Health Policy and Research.
- (FF) Director of the Housing and Community Services Department.
- (GG) State Court Administrator.
- (HH) Director of the Department of Land Conservation and Development.
- (II) Board chairperson of the Land Use Board of Appeals.
- (JJ) State Marine Director.
- (KK) Executive director of the Oregon Racing Commission.
- (LL) State Parks and Recreation Director.
- (MM) Public defense services executive director.
- (NN) Chairperson of the Public Employees' Benefit Board.
- (OO) Director of the Department of Public Safety Standards and Training.
- (PP) Executive director of the Higher Education Coordinating Commission.
- (QQ) Executive director of the Oregon Watershed Enhancement Board.
- (RR) Director of the Oregon Youth Authority.
- (SS) Director of the Oregon Health Authority.
- (TT) Deputy Superintendent of Public Instruction.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
  - (A) Board of Geologic and Mineral Industries.

- (B) Oregon Business Development Commission.
- (C) State Board of Education.
- (D) Environmental Quality Commission.
- (E) Fish and Wildlife Commission of the State of Oregon.
- (F) State Board of Forestry.
- (G) Oregon Government Ethics Commission.
- (H) Oregon Health Policy Board.
- (I) State Board of Higher Education.
- (J) Oregon Investment Council.
- (K) Land Conservation and Development Commission.
- (L) Oregon Liquor Control Commission.
- (M) Oregon Short Term Fund Board.
- (N) State Marine Board.
- (O) Mass transit district boards.
- (P) Energy Facility Siting Council.
- (Q) Board of Commissioners of the Port of Portland.
- (R) Employment Relations Board.
- (S) Public Employees Retirement Board.
- (T) Oregon Racing Commission.
- (U) Oregon Transportation Commission.
- (V) Water Resources Commission.
- (W) Workers' Compensation Board.
- (X) Oregon Facilities Authority.
- (Y) Oregon State Lottery Commission.
- (Z) Pacific Northwest Electric Power and Conservation Planning Council.
- (AA) Columbia River Gorge Commission.
- (BB) Oregon Health and Science University Board of Directors.
- (CC) Capitol Planning Commission.
- (DD) Higher Education Coordinating Commission.
- (EE) Oregon Growth Board.
- (FF) Early Learning Council.
- (q) The following officers of the State Treasurer:
  - (A) Deputy State Treasurer.
  - (B) Chief of staff for the office of the State Treasurer.
  - (C) Director of the Investment Division.

(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.

(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(t) Every member of a governing board of a public university with a governing board listed in ORS 352.054.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350. [1974 c.72 §54,4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1; 1979 c.829 §9b; 1987 c.373 §26; 1987 c.414 §148; 1987 c.566 §10; 1991 c.73 §2; 1991 c.160 §1; 1991 c.163 §1; 1991 c.470 §13; 1991 c.614 §2; 1993 c.500 §10; 1993 c.743 §11; 1995 c.79 §87; 1995 c.712 §94; 1997 c.652 §16; 1997 c.833 §22; 1999 c.59 §62; 1999 c.291 §28; 2001 c.104 §77; 2003 c.214 §1; 2003 c.784 §13; 2005 c.157 §6; 2005 c.217 §23; 2005 c.777 §14; 2007 c.813 §2; 2007 c.865 §17; 2007 c.877 §13; 2009 c.68 §5; 2009 c.595 §192; 2009 c.896 §10; 2011 c.68 §4; 2011 c.637 §§81,81a; 2011 c.731 §9; 2012 c.90 §59,9a,29; 2013 c.296 §§15,16; 2013 c.732 §6; 2013 c.747 §§31,32; 2013 c.768 §118]

**Note:** The amendments to 244.050 by sections 31 and 32, chapter 747, Oregon Laws 2013, and section 118, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by sections 9, 9a and 29, chapter 90, Oregon Laws 2012, sections 15 and 16, chapter 296, Oregon Laws 2013, and section 6, chapter 732, Oregon Laws 2013, is set forth for the user's convenience.

**244.050.** (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

- (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.
- (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.
- (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.
- (d) The Deputy Attorney General.
- (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.
- (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.
- (g) The following state officers:
  - (A) Adjutant General.
  - (B) Director of Agriculture.
  - (C) Manager of State Accident Insurance Fund Corporation.
  - (D) Water Resources Director.
  - (E) Director of Department of Environmental Quality.
  - (F) Director of Oregon Department of Administrative Services.
  - (G) State Fish and Wildlife Director.
  - (H) State Forester.
  - (I) State Geologist.
  - (J) Director of Human Services.
  - (K) Director of the Department of Consumer and Business Services.
  - (L) Director of the Department of State Lands.
  - (M) State Librarian.
  - (N) Administrator of Oregon Liquor Control Commission.
  - (O) Superintendent of State Police.
  - (P) Director of the Public Employees Retirement System.
  - (Q) Director of Department of Revenue.
  - (R) Director of Transportation.
  - (S) Public Utility Commissioner.
  - (T) Director of Veterans' Affairs.
  - (U) Executive director of Oregon Government Ethics Commission.
  - (V) Director of the State Department of Energy.

- (W) Director and each assistant director of the Oregon State Lottery.
- (X) Director of the Department of Corrections.
- (Y) Director of the Oregon Department of Aviation.
- (Z) Executive director of the Oregon Criminal Justice Commission.
- (AA) Director of the Oregon Business Development Department.
- (BB) Director of the Office of Emergency Management.
- (CC) Director of the Employment Department.
- (DD) Chief of staff for the Governor.
- (EE) Administrator of the Office for Oregon Health Policy and Research.
- (FF) Director of the Housing and Community Services Department.
- (GG) State Court Administrator.
- (HH) Director of the Department of Land Conservation and Development.
- (II) Board chairperson of the Land Use Board of Appeals.
- (JJ) State Marine Director.
- (KK) Executive director of the Oregon Racing Commission.
- (LL) State Parks and Recreation Director.
- (MM) Public defense services executive director.
- (NN) Chairperson of the Public Employees' Benefit Board.
- (OO) Director of the Department of Public Safety Standards and Training.
- (PP) Chairperson of the Oregon Student Access Commission.
- (QQ) Executive director of the Oregon Watershed Enhancement Board.
- (RR) Director of the Oregon Youth Authority.
- (SS) Director of the Oregon Health Authority.
- (TT) Deputy Superintendent of Public Instruction.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
  - (A) Board of Geologic and Mineral Industries.
  - (B) Oregon Business Development Commission.
  - (C) State Board of Education.
  - (D) Environmental Quality Commission.
  - (E) Fish and Wildlife Commission of the State of Oregon.
  - (F) State Board of Forestry.
  - (G) Oregon Government Ethics Commission.
  - (H) Oregon Health Policy Board.
  - (I) State Board of Higher Education.
  - (J) Oregon Investment Council.
  - (K) Land Conservation and Development Commission.
  - (L) Oregon Liquor Control Commission.
  - (M) Oregon Short Term Fund Board.
  - (N) State Marine Board.
  - (O) Mass transit district boards.
  - (P) Energy Facility Siting Council.

- (Q) Board of Commissioners of the Port of Portland.
- (R) Employment Relations Board.
- (S) Public Employees Retirement Board.
- (T) Oregon Racing Commission.
- (U) Oregon Transportation Commission.
- (V) Water Resources Commission.
- (W) Workers' Compensation Board.
- (X) Oregon Facilities Authority.
- (Y) Oregon State Lottery Commission.
- (Z) Pacific Northwest Electric Power and Conservation Planning Council.
- (AA) Columbia River Gorge Commission.
- (BB) Oregon Health and Science University Board of Directors.
- (CC) Capitol Planning Commission.
- (DD) Higher Education Coordinating Commission.
- (EE) Oregon Growth Board.

(q) The following officers of the State Treasurer:

- (A) Deputy State Treasurer.
- (B) Chief of staff for the office of the State Treasurer.
- (C) Director of the Investment Division.

(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.

(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

**244.055 Additional reporting requirements for State Treasury; review; confidentiality.** (1) In addition to the statement required by ORS 244.050, the State Treasurer and any person listed under ORS 244.050 (1)(q) and this subsection shall file quarterly at a time fixed by the State Treasurer a trading statement listing all stocks, bonds and other types of securities purchased or sold during the preceding quarter:

- (a) Directors of the Cash Management Division and the Debt Management Division.
- (b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and mortgage real estate investment officers and assistant investment officers.
- (c) Fixed income and short term fund investment analysts.

(2) The statement required by subsection (1) of this section shall be filed for review with the State Treasurer, the Attorney General and the Division of Audits of the office of the Secretary of State. The content of the statement is confidential.

(3) If the State Treasurer or the Deputy State Treasurer determines that a conflict of interest exists for an officer or employee, the State Treasurer shall subject the person to appropriate discipline, including dismissal or termination of the contract, or both,

pursuant to rule. If the State Treasurer has cause to believe that a violation of this chapter has occurred, the State Treasurer shall file a complaint with the Oregon Government Ethics Commission under ORS 244.260.

(4) If the State Treasurer fails to act on an apparent conflict of interest under subsection (3) of this section or if the statement of the State Treasurer or the Deputy State Treasurer appears to contain a conflict of interest, the Director of the Division of Audits shall report the failure or apparent conflict to the Attorney General, who may file a complaint with the commission. [1993 c.743 §26; 2007 c.865 §29; 2011 c.68 §5]

**244.060 Form of statement of economic interest; contents.** The statement of economic interest filed under ORS 244.050 shall be on a form prescribed by the Oregon Government Ethics Commission. The public official or candidate filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The names of all positions as officer of a business and business directorships held by the public official or candidate or a member of the household of the public official or candidate during the preceding calendar year, and the principal address and a brief description of each business.

(2) All names under which the public official or candidate and members of the household of the public official or candidate do business and the principal address and a brief description of each business.

(3) The names, principal addresses and brief descriptions of the sources of income received during the preceding calendar year by the public official or candidate or a member of the household of the public official or candidate that produce 10 percent or more of the total annual household income.

(4)(a) A list of all real property in which the public official or candidate or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(5) All expenses with an aggregate value exceeding \$50 received by the public official during the preceding calendar year when participating in a convention, mission, trip or other meeting described in ORS 244.020 (6)(b)(F), including the name and address of the organization, unit of government, tribe or corporation paying the expenses, the nature of the event and the date and amount of the expense.

(6) All expenses with an aggregate value exceeding \$50 received by the public official during the preceding calendar year when participating in a mission, negotiations or economic development activities described in ORS 244.020 (6)(b)(H), including the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

(7) All honoraria and other items allowed under ORS 244.042 with a value exceeding \$15 that are received by the public official, candidate or member of the household of the public official or candidate during the preceding calendar year, the provider of each honorarium or item and the date and time of the event for which the honorarium or item was received.

(8) The name, principal address and brief description of each source of income exceeding an aggregate amount of \$1,000, whether or not taxable, received by the public official or candidate, or a member of the household of the public official or candidate, during the preceding calendar year, if the source of that income is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority. [1974 c.72 §5; 1975 c.543 §4; 1987 c.566 §11; 1991 c.770 §7; 1993 c.743 §12; 2003 c.14 §116; 2007 c.877 §19; 2009 c.68 §6]

**244.070 Additional statement of economic interest.** A public official or candidate shall report the following additional economic interest for the preceding calendar year only if the source of that interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority:

(1) Each person to whom the public official or candidate or a member of the household of the public official or candidate owes or has owed money in excess of \$1,000, the interest rate on money owed and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(2) The name, principal address and brief description of the nature of each business in which the public official or candidate or a member of the household of the public official or candidate has or has had a personal, beneficial interest or investment, including stocks or other securities, in excess of \$1,000, except for individual items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

(3) Each person for whom the public official or candidate has performed services for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 c.72 §6; 1975 c.543 §5; 1987 c.566 §12; 2007 c.877 §20; 2009 c.68 §7]

**244.080** [Subsection (1) enacted as 1974 c.72 §8; subsection (2) enacted as 1975 c.543 §7(1); 1977 c.588 §4; 1987 c.566 §13; repealed by 2007 c.865 §41]

**244.090 Report on association with compensated lobbyist.** (1) Each public official or candidate required to file a statement of economic interest under this chapter shall include on the statement the name of any compensated lobbyist who, during the preceding calendar year, was associated with a business with which the public official or candidate or a member of the household of the public official or candidate was also associated.

(2) Subsection (1) of this section does not apply if the only relationship between the public official or candidate and the lobbyist is that the public official or candidate and lobbyist hold stock in the same publicly traded corporation.

(3) As used in this section, "lobbyist" has the meaning given that term in ORS 171.725. [1974 c.72 §7; 1975 c.543 §6; 1987 c.566 §14; 2007 c.865 §32]

**244.100 Statements of expenses or honoraria provided to public official.** (1) Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020 (6)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

(2) Any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received. [1975 c.543 §11; 1991 c.677 §1; 2007 c.865 §6; 2007 c.877 §21a; 2009 c.68 §8]

**244.105** [2007 c.877 §23; 2009 c.68 §9; renumbered 244.218 in 2009]

**244.110 Statements subject to penalty for false swearing.** (1) Each statement of economic interest required to be filed under ORS 244.050, 244.060, 244.070 or 244.090, or by rule under ORS 244.290, and each trading statement required to be filed under ORS 244.055 shall be signed and certified as true by the person required to file it and shall contain a written declaration that the statement is made under the penalties of false swearing.

(2) A person may not sign and certify a statement under subsection (1) of this section if the person knows that the statement contains information that is false.

(3) Violation of subsection (2) of this section is punishable as false swearing under ORS 162.075. [1974 c.72 §22; 1977 c.588 §5; 2007 c.865 §7; 2009 c.68 §10]

**244.115 Filing required for member of Congress or candidate; filing date.** (1) Each member of Congress from this state and each candidate for nomination or election to the office of United States Representative in Congress or United States Senator from this state shall file with the Oregon Government Ethics Commission a copy of the federal ethics filing required under federal law or by congressional rule.

(2) The member or candidate shall file the information required under subsection (1) of this section not later than 30 days after the filing date required under federal law or congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies of the filing and indicate on the filing that the filing was not made with the commission by the member or candidate.

(3) All filings made under this section are public records available for public inspection. [1991 c.160 §7; 2007 c.865 §33]

## CONFLICTS OF INTEREST

**244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.** (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

**244.130 Recording of notice of conflict; effect of failure to disclose conflict.** (1) When a public official gives notice of an actual or potential conflict of interest, the public body as defined in ORS 174.109 that the public official serves shall record the actual or potential conflict in the official records of the public body. In addition, a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided to the Oregon Government Ethics Commission within a reasonable period of time.

(2) A decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [1974 c.72 §11; 1975 c.543 §8; 1993 c.743 §16; 2007 c.865 §9]

**244.135 Method of handling conflicts by planning commission members.** (1) A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

(a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

(b) Any business in which the member is then serving or has served within the previous two years; or

(c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]

## APPLICATION OF CHAPTER

**244.160 Filing of statement of economic interest by public official of political subdivision other than city or county.** (1) Any political subdivision in this state, other than a city or county, by resolution may require any public official of the subdivision to file a verified statement of economic interest with the Oregon Government Ethics Commission.

(2) The political subdivision shall file a copy of the resolution with the commission. [1974 c.72 §9; 2007 c.865 §34]

**244.162 Information provided to persons required to file statement of economic interest.** (1) A person designated by a public body as defined in ORS 174.109 shall provide information explaining the requirements of ORS 244.050, 244.060, 244.070 and 244.090 to each newly elected or appointed public official serving the public body who is required to file a verified statement of economic interest under ORS 244.050. The information must be received by the public official either at the first meeting attended by the public official or before the public official takes the oath of office, whichever occurs first.

(2) At the time of fulfilling duties under subsection (1) of this section, the person designated by the public body shall provide to each newly elected or appointed public official serving the public body a copy of the statements and explanation provided to the public body under subsection (3) of this section.

(3) The Oregon Government Ethics Commission shall provide copies of the statements described in ORS 244.060, 244.070 and 244.090 and an explanation of the requirements of the law relating to the statements to each public body that is served by a public official who is required to file a statement described in ORS 244.060, 244.070 or 244.090.

(4) A newly elected or appointed public official serving a public body who is not informed of the filing requirements under ORS 244.050, 244.060, 244.070 and 244.090 and provided with a copy of the statements and explanation as required under this section before attending the first meeting or taking the oath of office may resign that office within 90 days thereafter or before the next date specified in ORS 244.050 for the filing of a statement, whichever is later, without filing a verified statement of economic interest and without incurring a sanction or penalty that might otherwise be imposed for not filing. [Formerly 244.195]

**244.165 Rules or policies of state agency or association of public bodies; commission approval; effect.** (1) For the purpose of protecting against violations of the provisions of this chapter, a state agency, as defined in ORS 183.750, or a statewide association of public bodies, as defined in ORS 174.109, may adopt rules or policies interpreting the provisions of this chapter. The rules or policies must be consistent with the provisions of this chapter. A state agency or a statewide association of public bodies may submit rules or policies adopted under this subsection to the Oregon Government Ethics Commission for review.

(2) Upon receiving rules or policies submitted under subsection (1) of this section, the commission shall review the rules and policies to determine whether the rules and policies are consistent with the provisions of this chapter. The commission, by a vote of a majority of the members of the commission, shall approve or reject the rules or policies. The commission shall notify the state agency or statewide association of public bodies in writing of the commission's approval or rejection. A written notice of rejection shall explain the reasons for the rejection.

(3) Unless the applicable rule or policy is amended or repealed by the state agency or the statewide association of public bodies, the commission may not impose a penalty under ORS 244.350 or 244.360 on a public official for any good faith action the official takes in compliance with a rule or policy that was adopted by the state agency that the official serves, or by a statewide association of which the public body that the official serves is a member, and approved by the commission under subsection (2) of this section. [2007 c.865 §5; 2007 c.877 §39b]

**244.170** [1975 c.216 §1a; repealed by 2003 c.14 §117]

## NEPOTISM

**244.175 Definitions for ORS 244.177 and 244.179.** As used in ORS 244.177 and 244.179:

(1) "Governing body" has the meaning given that term in ORS 192.610.

(2) "Public body" has the meaning given that term in ORS 174.109. [2007 c.865 §26b; 2009 c.689 §3; 2013 c.42 §2]

**244.177 Employment of relative or member of household; exceptions.** (1) Except as provided in subsections (2) to (4) of this section:

(a) A public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of this chapter.

(b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, "participate" does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.

(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the public body that the public official serves or over which the public official exercises jurisdiction or control.

(b) Paragraph (a) of this subsection does not apply to the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household to a position as an unpaid member of a governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) This section does not prohibit a public body from appointing, employing, promoting, discharging, firing or demoting a person who is a relative or member of the household of a public official serving the public body. [2007 c.865 §26c]

**244.179 Supervision of relative or member of household; exceptions.** (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) to (4) of this section, a public official acting in an official capacity may not directly supervise a person who is a relative or member of the household.

(2) A member of the Legislative Assembly may directly supervise a person who:

(a) Is a relative or member of the household; and

(b) Serves as a public official in a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official acting in an official capacity may directly supervise a person who is a relative or member of the household if the person serves as an unpaid volunteer.

(b) Paragraph (a) of this subsection does not apply to service by a person in a position as an unpaid member of a governing body that a public official of whom the person is a relative or member of the household serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household serving as an unpaid volunteer described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) A public body may adopt policies specifying when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household. [2007 c.865 §26d]

**244.180** [1975 c.216 §2; 1987 c.566 §16; 2005 c.22 §186; repealed by 2007 c.865 §41]

**244.190** [1975 c.216 §3; 1987 c.566 §17; 2005 c.22 §187; repealed by 2007 c.865 §41]

**244.195** [1979 c.332 §2; 2007 c.865 §10; renumbered 244.162 in 2007]

**244.200** [1975 c.216 §5; repealed by 1983 c.350 §62 (244.201 enacted in lieu of 244.200 and 244.210)]

**244.201** [1983 c.350 §63 (enacted in lieu of 244.200 and 244.210); 1995 c.712 §95; repealed by 2007 c.865 §41]

## LEGAL EXPENSE TRUST FUND

**244.205 Legal expense trust fund; establishment; eligible legal expenses.** (1) Subject to the authorization of the Oregon Government Ethics Commission as described in ORS 244.209, a public official may establish a legal expense trust fund if the public official incurs or reasonably expects to incur legal expenses described in subsection (2) of this section.

(2) Proceeds from the trust fund may be used by the public official to defray legal expenses incurred by the public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. The legal expenses must be incurred in connection with:

- (a) The issuance of a court's stalking protective order under ORS 30.866 or 163.738;
  - (b) The issuance of a citation under ORS 163.735;
  - (c) A criminal prosecution under ORS 163.732;
  - (d) A civil action under ORS 30.866; or
  - (e) Defending the public official in a proceeding or investigation brought or maintained by a public body as defined in ORS 174.109.
- (3) Except as provided in subsection (2) of this section, a public official may not use proceeds from the trust fund for any personal use.

(4) A public official may not establish or maintain more than one legal expense trust fund at any one time.

(5) The provisions of ORS chapter 130 do not apply to a trust fund established under ORS 244.205 to 244.221. [2007 c.877 §29; 2009 c.505 §1]

**244.207 Use of fund proceeds.** (1) The proceeds of a legal expense trust fund may be used to:

- (a) Defray legal expenses described in ORS 244.205;
- (b) Defray costs reasonably incurred in administering the trust fund, including but not limited to costs incident to the solicitation of funds; and

(c) Discharge any tax liabilities incurred as a result of the creation, operation or administration of the trust fund.

(2) The proceeds of a trust fund may also be used to defray or discharge expenses, costs or liabilities incurred before the fund was established if the expenses, costs or liabilities are related to the legal proceeding for which the fund was established. [2007 c.877 §30]

**244.209 Application to establish fund; commission review and authorization.** (1) A public official may apply to establish a legal expense trust fund by filing an application with the Oregon Government Ethics Commission. The application must contain:

- (a) A copy of an executed trust agreement described in subsection (2) of this section;
- (b) A sworn affidavit described in subsection (3) of this section signed by the public official; and
- (c) A sworn affidavit described in subsection (4) of this section signed by the trustee.

(2) The trust agreement must contain the following:

- (a) A provision incorporating by reference the provisions of ORS 244.205 to 244.221; and
- (b) A designation of a trustee under ORS 244.211.

(3) The affidavit of the public official must state:

- (a) The nature of the legal proceeding that requires establishment of the trust fund;
- (b) That the public official will comply with the provisions of ORS 244.205 to 244.221; and
- (c) That the public official is responsible for the proper administration of the trust fund.

(4) The affidavit of the trustee must state that the trustee:

- (a) Has read and understands ORS 244.205 to 244.221; and
- (b) Consents to administer the trust fund in compliance with ORS 244.205 to 244.221.

(5) Upon receiving an application under this section, the commission shall review the trust agreement, the affidavits and any supporting documents or instruments filed to determine whether the application meets the requirements of ORS 244.205 to 244.221. If the commission determines that the application meets the requirements of ORS 244.205 to 244.221, the commission shall grant written authorization to the public official to establish the trust fund.

(6) The commission shall review the quarterly statements required under ORS 244.217 and shall monitor the activities of each trust fund to ensure continued compliance with ORS 244.205 to 244.221.

(7) Unless subject to the attorney-client privilege, all documents required to be filed relating to the creation and administration of a trust fund are public records subject to disclosure as provided in ORS 192.410 to 192.505.

(8) A public official may not establish a legal expense trust fund without receiving prior written authorization of the commission as described in this section.

(9) A public official may file an amendment to a trust agreement approved as part of a trust fund under this section. The commission shall approve the amendment if the commission determines the amendment meets the requirements of ORS 244.205 to 244.221. [2007 c.877 §31; 2009 c.505 §3]

**244.210** [1975 c.216 §4; repealed by 1983 c.350 §62 (244.201 enacted in lieu of 244.200 and 244.210)]

**244.211 Duties of trustee.** (1) The trustee of a legal expense trust fund is responsible for:

- (a) The receipt and deposit of contributions to the trust fund;
- (b) The authorization of expenditures and disbursements from the trust fund;
- (c) The filing of quarterly statements required under ORS 244.217; and
- (d) The performance of other tasks incident to the administration of the trust fund.

(2) The public official who establishes the trust fund may either serve as the public official's own trustee or may appoint and certify to the Oregon Government Ethics Commission the name and address of a trustee. Any default or violation by the trustee shall be conclusively considered a default or violation by the public official. [2007 c.877 §32; 2009 c.505 §2]

**244.213 Contributions to fund.** (1) Except as provided in subsection (3) of this section, any person may contribute to a legal expense trust fund established under ORS 244.205 to 244.221.

(2) A person may make contributions of moneys to a legal expense trust fund in unlimited amounts. Pro bono legal assistance and other in-kind assistance may also be provided without limit and is considered a contribution subject to the reporting requirements of ORS 244.217.

(3) A political committee as defined in ORS 260.005 that is a principal campaign committee may not contribute to a legal expense trust fund. [2007 c.877 §33]

**244.215 Fund account.** (1) A trustee of a legal expense trust fund shall establish a single exclusive account in a financial institution, as defined in ORS 706.008. The financial institution must be located in this state and must ordinarily conduct business with the general public in this state.

(2) The trustee shall maintain the account in the name of the trust fund.

(3) All expenditures made by the trustee shall be drawn from the account and:

- (a) Issued on a check signed by the trustee; or
- (b) Paid using a debit card or other form of electronic transaction.

(4) A contribution received by a trustee shall be deposited into the account not later than seven calendar days after the date the contribution is received. This subsection does not apply to in-kind contributions received.

(5) This section does not prohibit the transfer of any amount deposited in the account into a certificate of deposit, stock fund or other investment instrument.

(6) The account may not include any public or private moneys or any moneys of any other person, other than contributions received by the trustee.

(7) A trustee shall retain a copy of each financial institution account statement from the account described in this section for not less than two years after the date the statement is issued by the financial institution. [2007 c.877 §34]

**244.217 Statement of contributions received and expenditures made.** (1) The trustee of a legal expense trust fund shall, according to the schedule described in subsection (3) of this section, file with the Oregon Government Ethics Commission a statement for the applicable reporting period showing contributions received by the trustee and expenditures made from the trust fund account established under ORS 244.215.

(2) Each statement shall list:

(a) The name and address of each person who contributed an aggregate amount of more than \$75, and the total amount contributed by that person;

(b) The total amount of contributions not listed under paragraph (a) of this subsection as a single item, but shall specify how those contributions were obtained;

(c) The amount and purpose of each expenditure and the name and address of each payee; and

(d) The name and address of any person contributing pro bono legal assistance and the fair market value of the assistance provided by the person.

(3) Statements required to be filed with the commission under this section shall be filed according to the schedule described in ORS 244.218.

(4) If no contributions are received and no expenditures made during the reporting period, the trustee shall file a statement indicating that no contributions were deposited and no expenditures were made.

(5) The trustee may amend a statement filed under this section without penalty if the amendment is filed with the commission not later than 30 days after the deadline for filing the statement. [2007 c.877 §35]

**244.218 Quarterly filing of statements.** Statements required to be filed with the Oregon Government Ethics Commission under ORS 244.217 shall be filed in each calendar year:

(1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;

(2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;

(3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and

(4) Not later than January 15 of the following calendar year, for the accounting period beginning October 1 and ending December 31. [Formerly 244.105]

**Note:** 244.218 was added to and made a part of ORS chapter 244 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**244.219 Termination of fund.** (1) A legal expense trust fund established under ORS 244.205 to 244.221 may be terminated by:

(a) The public official who established the trust fund;

(b) Subject to subsection (2) of this section, the terms of the trust agreement; or

(c) The Oregon Government Ethics Commission following a determination by the commission that a violation of any provision of this chapter has occurred in connection with the trust fund.

(2) A trust agreement may provide that a legal expense trust fund is terminated not later than six months following the completion of the legal proceeding for which the fund was established. Upon application of the public official who established the trust fund, the commission may extend the existence of the trust fund to a specified date if the commission determines that the public official has incurred legal expenses that exceed the balance remaining in the fund. If the commission extends the existence of the trust fund, the trust fund terminates on the date the extension expires.

(3) Following termination of a legal expense trust fund, the trustee may not accept contributions to or make expenditures from the fund.

(4) Not later than 30 days after a trust fund is terminated, the trustee of the fund shall file with the commission a final report listing the totals of all contributions made to the fund and all expenditures made from the fund. [2007 c.877 §36]

**244.221 Disposition of moneys in terminated fund; distribution of award of attorney fees, costs or money judgment.** (1) Not later than 30 days after a legal expense trust fund is terminated, the trustee of the fund shall return any moneys remaining in the fund to contributors to the fund on a pro rata basis.

(2) If the legal proceeding for which the trust fund was established results in an award of attorney fees, costs or any other money judgment award to or in favor of the public official, amounts awarded shall be distributed in the following order:

(a) To pay outstanding legal expenses;

(b) To contributors to the trust fund on a pro rata basis; and

(c) To the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code. [2007 c.877 §37]

## COMMISSION

**244.250 Oregon Government Ethics Commission; appointment; term; quorum; compensation; legal counsel.** (1) The Oregon Government Ethics Commission is established, consisting of seven members. The appointment of a member of the commission is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Members shall be appointed in the following manner:

(a) The Governor shall appoint four members from among persons recommended, one each by the leadership of the Democratic and Republican parties in each house of the Legislative Assembly. If a person recommended by the leadership of the Democratic or Republican party is not approved by the Governor, the leadership shall recommend another person.

(b) The Governor shall appoint three members without leadership recommendation. No more than two members appointed under this paragraph may be members of the same major political party.

(2) A person who holds any public office listed in ORS 244.050 (1) except as a member of the commission may not be appointed to the commission. No more than four members may be members of the same political party.

(3) The term of office of a member is four years. A member is not eligible to be appointed to more than one full term but may serve out an unexpired term. Vacancies shall be filled by the appointing authority for the unexpired term.

(4) The commission shall elect a chairperson and vice chairperson for such terms and duties as the commission may require.

(5) A quorum consists of four members but a final decision may not be made without an affirmative vote of a majority of the members appointed to the commission.

(6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

(7) The commission may retain or appoint qualified legal counsel who must be a member of the Oregon State Bar and who is responsible to the commission. The appointment of legal counsel under this subsection may be made only when the commission finds it is inappropriate and contrary to the public interest for the office of the Attorney General to represent concurrently more than one public official or agency in any matter before the commission because the representation:

(a) Would create or tend to create a conflict of interest; and

(b) Is not subject to ORS 180.230 or 180.235.

(8) The Attorney General may not represent before the commission any state public official who is the subject of any complaint or action of the commission at the commission's own instigation. [1974 c.72 §12; 1977 c.588 §6; 1987 c.566 §18; 1991 c.770 §3; 1993 c.743 §17; 2007 c.865 §1]

**244.255 Commission funding; rules.** (1) The Oregon Government Ethics Commission shall estimate in advance the expenses that it will incur during a biennium in carrying out the provisions of ORS 171.725 to 171.785 and 171.992 and this chapter. The commission shall also determine what percentage of the expenses should be borne by the following two groups of public bodies:

(a) Public bodies in state government; and

(b) Local governments, local service districts and special government bodies that are subject to the Municipal Audit Law.

(2) The commission shall charge each public body for the public body's share of the expenses described in subsection (1) of this section for the biennium. The amount to be charged each public body shall be determined as follows:

(a) The commission shall determine the rate to be charged public bodies in state government. The same rate shall be applied to each public body described in this paragraph. To determine the amount of the charge for each public body, the commission shall multiply the rate determined under this paragraph by the number of public officials serving the public body.

(b) The commission shall set the charge for local governments, local service districts and special government bodies that are subject to the Municipal Audit Law so that each local government, local service district or special government body described in this paragraph pays an amount of the total expenses for the group that bears the same proportion to the total expenses that the amount charged to the local government, local service district or special government body for the municipal audit fee under ORS 297.485 bears to the total amount assessed for the municipal audit fee.

(3) Each public body shall pay to the credit of the commission the charge described in this section as an administrative expense from funds or appropriations available to the public body in the same manner as other claims against the public body are paid.

(4) All moneys received by the commission under this section shall be credited to the Oregon Government Ethics Commission Account established under ORS 244.345.

(5) The commission shall adopt rules specifying the methods for calculating and collecting the rates and charges described in this section.

(6) As used in this section:

- (a) "Local government" and "local service district" have the meanings given those terms in ORS 174.116.
- (b) "Public body" has the meaning given that term in ORS 174.109.
- (c) "Public official," notwithstanding ORS 244.020 (14), means any person who, on the date the commission charges the public body under this section, is serving the public body as an officer or employee.
- (d) "Special government body" has the meaning given that term in ORS 174.117.
- (e) "State government" has the meaning given that term in ORS 174.111. [2007 c.877 §2; 2009 c.68 §11]

**244.260 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action.** (1)(a) Any person may file with the Oregon Government Ethics Commission a signed written complaint alleging that there has been a violation of any provision of this chapter or of any rule adopted by the commission under this chapter. The complaint shall state the person's reason for believing that a violation occurred and include any evidence relating to the alleged violation.

(b) If at any time the commission has reason to believe that there has been a violation of a provision of this chapter or of a rule adopted by the commission under this chapter, the commission may proceed under this section on its own motion as if the commission had received a complaint.

(2)(a) Not later than two business days after receiving a complaint under this section, the commission shall notify the person who is the subject of the complaint.

(b) Before approving a motion to proceed under this section without a complaint, the commission shall provide notice to the person believed to have committed the violation of the time and place of the meeting at which the motion will be discussed. If the commission decides to proceed on its own motion, the commission shall give notice to the person not later than two business days after the motion is approved.

(c) The commission shall give notice of the complaint or motion under paragraph (a) or (b) of this subsection by mail and by telephone if the person can be reached by telephone. The notice must describe the nature of the alleged violation. The mailed notice must include copies of all materials submitted with a complaint. If the commission will consider a motion to proceed without a complaint, the notice must provide copies of all materials that the commission will consider at the hearing on the motion.

(d) Information that the commission considers before approving a motion to proceed on its own motion under this section and any correspondence regarding the motion or potential violation is confidential. Commission members and staff may not make any public comment or publicly disclose any materials relating to the motion pending the commission's approval to proceed. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(3) After receiving a complaint or deciding to proceed on its own motion, the commission shall undertake action in the Preliminary Review Phase to determine whether there is cause to undertake an investigation. If the person who is the subject of the action is a member of the Legislative Assembly, the commission shall determine whether the alleged violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

(4)(a) The Preliminary Review Phase begins on the date the complaint is filed or the date the commission decides to proceed on its own motion and ends on the date the commission determines there is cause to undertake an investigation, dismisses the complaint or rescinds its own motion. The Preliminary Review Phase may not exceed 135 days unless:

(A) A delay is stipulated to by both the person who is the subject of action under this section and the commission with the commission reserving a portion of the delay period to complete its actions; or

(B) A complaint is filed under this section with respect to a person who is a candidate for elective public office, the complaint is filed within 61 days before the date of an election at which the person is a candidate for nomination or election and a delay is requested in writing by the candidate. If the candidate makes a request under this subparagraph, the Preliminary Review Phase must be completed not later than 135 days after the date of the first meeting of the commission that is held after the date of the election.

(b) During the Preliminary Review Phase, the commission may seek, solicit or otherwise obtain any books, papers, records, memoranda or other additional information, administer oaths and take depositions necessary to determine whether there is cause to undertake an investigation or whether the alleged violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

(c) The Preliminary Review Phase is confidential. Commission members and staff may acknowledge receipt of a complaint but may not make any public comment or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person

aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(d) At the conclusion of the Preliminary Review Phase, the commission shall conduct its deliberations in executive session. All case related materials and proceedings shall be open to the public after the commission makes a finding of cause to undertake an investigation, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review Phase, the executive director of the commission shall prepare a statement of the facts determined during the phase, including appropriate legal citations and relevant authorities. Before presentation to the commission, the executive director's statement shall be reviewed by legal counsel to the commission.

(e) The time limit imposed in this subsection and the commission's inquiry are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its inquiry.

(5)(a) If the commission determines that there is not cause to undertake an investigation or that the alleged violation of this chapter involves conduct protected by section 9, Article IV of the Oregon Constitution, the commission shall dismiss the complaint or rescind its motion and formally enter the dismissal or rescission in its records. The commission shall notify the person who is the subject of action under this section of the dismissal or rescission. After dismissal or rescission, the commission may not take further action involving the person unless a new and different complaint is filed or action on the commission's own motion is undertaken based on different conduct.

(b) If the commission makes a finding of cause to undertake an investigation, the commission shall undertake action in the Investigatory Phase. The commission shall notify the person who is the subject of the investigation, identify the issues to be examined and confine the investigation to those issues. If the commission finds reason to expand the investigation, the commission shall move to do so, record in its minutes the issues to be examined before expanding the scope of its investigation and formally notify the complainant, if any, and the person who is the subject of the investigation of the expansion and the scope of the investigation.

(6)(a) The Investigatory Phase begins on the date the commission makes a finding of cause to undertake an investigation and ends on the date the commission dismisses the complaint, rescinds its own motion, issues a settlement order, moves to commence a contested case proceeding or takes other action justified by the findings. The Investigatory Phase may not exceed 180 days unless a delay is stipulated to by both the person who is the subject of action under this section and the commission with the commission reserving a portion of the delay period to complete its actions.

(b) During the Investigatory Phase, the commission may seek any additional information, administer oaths, take depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to complete the investigation. If any person fails to comply with any subpoena issued under this paragraph or refuses to testify on any matters on which the person may be lawfully interrogated, the commission shall follow the procedure described in ORS 183.440 to compel compliance.

(c) The time limit imposed in this subsection and the commission's investigation are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its investigation.

(d) At the end of the Investigatory Phase, the commission shall take action by order. The action may include:

(A) Dismissal, with or without comment;

(B) Continuation of the investigation for a period not to exceed 30 days for the purpose of additional fact-finding;

(C) Moving to a contested case proceeding;

(D) Entering into a negotiated settlement; or

(E) Taking other appropriate action if justified by the findings.

(e) The commission may move to a contested case proceeding if the commission determines that the information presented to the commission is sufficient to make a preliminary finding of a violation of any provision of this chapter or of any rule adopted by the commission under this chapter.

(7) A person conducting any inquiry or investigation under this section shall:

(a) Conduct the inquiry or investigation in an impartial and objective manner; and

(b) Provide to the commission all favorable and unfavorable information the person collects.

(8) The commission shall report the findings of any inquiry or investigation in an impartial manner. The commission shall report both favorable and unfavorable findings and shall make the findings available to:

- (a) The person who is the subject of the inquiry or investigation;
- (b) The appointing authority, if any;
- (c) The Attorney General, if the findings relate to a state public official;
- (d) The appropriate district attorney, if the findings relate to a local public official; and
- (e) The Commission on Judicial Fitness and Disability, if the findings relate to a judge.

(9) Hearings conducted under this chapter must be held before an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The procedure shall be that for a contested case under ORS chapter 183.

(10) The Oregon Government Ethics Commission may not inquire into or investigate any conduct that occurred more than four years before a complaint is filed or a motion is approved under subsection (1) of this section.

(11) This section does not prevent the commission and the person alleged to have violated any provision of this chapter or any rule adopted by the commission under this chapter from stipulating to a finding of fact concerning the violation and consenting to an appropriate penalty. The commission shall enter an order based on the stipulation and consent.

(12) At any time during proceedings conducted under this section, the commission may enter into a negotiated settlement with the person who is the subject of action under this section.

(13) As used in this section:

(a) "Cause" means that there is a substantial, objective basis for believing that an offense or violation may have been committed and the person who is the subject of an inquiry may have committed the offense or violation.

(b) "Pending" means that a prosecuting attorney is either actively investigating the factual basis of the alleged criminal conduct, is preparing to seek or is seeking an accusatory instrument, has obtained an accusatory instrument and is proceeding to trial or is in trial or in the process of negotiating a plea. [1974 c.72 §13; 1989 c.807 §1; 1991 c.272 §1; 1991 c.770 §1a; 1993 c.743 §18; 1999 c.849 §551,52; 1999 c.850 §1; 2003 c.75 §30; 2007 c.865 §23; 2009 c.163 §2]

**244.270 Findings as grounds for removal; notice to public bodies.** (1) If the Oregon Government Ethics Commission finds that an appointed public official has violated any provision of this chapter or any rule adopted under this chapter, the finding is prima facie evidence of unfitness where removal is authorized for cause either by law or pursuant to section 6, Article VII (Amended) of the Oregon Constitution.

(2) If the commission finds that a public official has violated any provision of this chapter or any rule adopted under this chapter, the commission shall notify the public body, as defined in ORS 174.109, that the public official serves. The notice shall describe the violation and any action taken by the commission. The commission shall provide the notice not later than 10 business days after the date the commission takes final action against the public official. [1974 c.72 §14; 1977 c.588 §7; 2007 c.865 §11]

**244.280 Commission advisory opinions; effect of reliance on opinion.** (1) Upon the written request of any person, or upon its own motion, the Oregon Government Ethics Commission, under signature of the chairperson, may issue and publish written commission advisory opinions on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance. A commission advisory opinion, and a decision by the commission to issue an advisory opinion on its own motion, must be approved by a majority of the members of the commission. Legal counsel to the commission shall review a proposed commission advisory opinion before the opinion is considered by the commission.

(2) Not later than 60 days after the date the commission receives the written request for a commission advisory opinion, the commission shall issue either the opinion or a written denial of the request. The written denial shall explain the reasons for the denial. The commission may ask the person requesting the advisory opinion to supply additional information the commission considers necessary to render the opinion. The commission, by vote of a majority of the members of the commission, may extend the 60-day deadline by one period not to exceed 60 days.

(3) Except as provided in this subsection, unless the commission advisory opinion is revised or revoked, the commission may not impose a penalty under ORS 244.350 or 244.360 on a person for any good faith action the person takes in reliance on an advisory opinion issued under this section. The commission may impose a penalty under ORS 244.350 or 244.360 on the person who requested the advisory opinion if the commission determines that the person omitted or misstated material facts in making the request. [1974 c.72 §15; 1975 c.543 §9; 1977 c.588 §8; 1987 c.566 §19; 1991 c.272 §2; 1993 c.743 §13; 2007 c.865 §12; 2007 c.877 §25a]

**244.282 Executive director and staff advisory opinions; effect of reliance on opinion.** (1) Upon the written request of any person, the executive director of the Oregon Government Ethics Commission may issue and publish written staff advisory opinions on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance.

(2) Not later than 30 days after the date the executive director receives the written request for a staff advisory opinion, the executive director shall issue either the opinion or a written denial of the request. The written denial shall explain the reasons for the denial. The executive director may ask the person requesting the advisory opinion to supply additional information the executive director considers necessary to render the opinion. The executive director may extend the 30-day deadline by one period not to exceed 30 days. The executive director shall clearly designate an opinion issued under this section as a staff advisory opinion.

(3)(a) Except as provided in paragraph (b) of this subsection, unless the staff advisory opinion is revised or revoked, the commission may only issue a written letter of reprimand, explanation or education for any good faith action a person takes in reliance on a staff advisory opinion issued under this section.

(b) The commission may impose, for an action that is subject to a penalty and that is taken in reliance on a staff advisory opinion issued under this section, a penalty under ORS 244.350 or 244.360 on the person who requested the opinion if the commission determines that the person omitted or misstated material facts in making the request.

(4) At each regular meeting of the commission, the executive director shall report to the commission on all staff advisory opinions issued since the last regular meeting of the commission. The commission on its own motion may issue a commission advisory opinion under ORS 244.280 on the same facts or circumstances that form the basis for any staff advisory opinion. [2007 c.865 §14; 2007 c.877 §39c; 2009 c.68 §12]

**244.284 Staff advice; effect of reliance on advice.** (1) Upon the written or oral request of any person, the executive director or other staff of the Oregon Government Ethics Commission may issue written or oral staff advice on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance. Any written advice not designated as a staff advisory opinion under ORS 244.282 is considered staff advice issued under this section.

(2) Before imposing any penalty under ORS 244.350 or 244.360, the commission may consider whether the action that may be subject to penalty was taken in reliance on staff advice issued under this section. [2007 c.865 §15; 2007 c.877 §39d]

**244.290 General duties of commission; rules.** (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Make advisory opinions issued by the commission or the executive director of the commission available to the public at no charge on the Internet.

(e) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(f) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;

(e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of "gift" in ORS 244.020;

(g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and

(h) Set criteria for determining the amount of civil penalties that the commission may impose.

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of "potential conflict of interest" under ORS 244.020;

(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;

(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.

(4) Not less frequently than once each calendar year, the commission shall:

(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and

(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

(5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.217 may be filed, without a fee, with the commission in an electronic format. The commission shall accept statements filed under ORS 244.050 and 244.217 in a format that is not electronic.

(6) The commission shall make statements filed under ORS 244.050 and 244.217, including statements that are not filed in an electronic format, available in a searchable format for review by the public using the Internet. [1974 c.72 §17; 1987 c.566 §20; 1993 c.743 §23; 2007 c.865 §3; 2007 c.877 §9c; 2009 c.68 §13]

**Note:** The amendments to 244.290 by section 9d, chapter 877, Oregon Laws 2007, become operative January 1, 2016. See section 9e, chapter 877, Oregon Laws 2007, as amended by section 25, chapter 68, Oregon Laws 2009, section 79, chapter 630, Oregon Laws 2011, and section 5, chapter 722, Oregon Laws 2013. The text that is operative on and after January 1, 2016, including amendments by section 14, chapter 68, Oregon Laws 2009, is set forth for the user's convenience.

**244.290.** (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Make advisory opinions issued by the commission or the executive director of the commission available to the public at no charge on the Internet.

(e) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(f) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;

- (e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;
  - (f) Describe the application of provisions exempting items from the definition of "gift" in ORS 244.020;
  - (g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and
  - (h) Set criteria for determining the amount of civil penalties that the commission may impose.
- (3) The commission may adopt rules that:
- (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of "potential conflict of interest" under ORS 244.020;
  - (b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;
  - (c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or
  - (d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.
- (4) Not less frequently than once each calendar year, the commission shall:
- (a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and
  - (b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.
- (5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.217 must be filed, without a fee, with the commission in an electronic format.
- (6) The commission shall make statements filed under ORS 244.050 and 244.217 available in a searchable format for review by the public using the Internet.

**244.300 Status of records.** (1) Records of the Oregon Government Ethics Commission are public records of this state.  
 (2) All information submitted to the commission in any statement required under this chapter is a public record. [1974 c.72 §18; 1977 c.588 §9; 2007 c.865 §35]

**244.310 Executive director.** (1) The Oregon Government Ethics Commission shall appoint an executive director to serve at the pleasure of the commission.  
 (2) The executive director is responsible for the administrative operations of the commission and shall perform such other duties as may be designated or assigned to the executive director from time to time by the commission.  
 (3) The commission may not delegate the power to adopt rules or issue commission advisory opinions to the executive director. The executive director may issue staff advisory opinions as provided in ORS 244.282. [1974 c.72 §16; 2007 c.865 §16]

**244.320 Manual on government ethics; effect of reliance on manual; revision.** (1) The Oregon Government Ethics Commission shall prepare and publish a manual on government ethics that explains in terms understandable to legislative and public officials and the public the requirements of this chapter and the commission's interpretation of those requirements whether stated by rule or in an opinion. The manual shall set forth recommended uniform reporting methods for use by persons filing statements under this chapter. The manual, and any updates to the manual made under subsection (3) of this section, must be approved by a vote of a majority of the members of the commission.

(2) In preparing the manual, the commission shall consider the format of the manual prepared by the Attorney General to guide public officials and the public in the requirements of ORS chapter 192.

(3) The commission shall update the manual as often as the commission believes necessary but no less frequently than once every four years.

(4) The commission shall make copies of the manual available in an electronic format on the Internet.

(5) The commission may not impose a penalty under ORS 244.350 or 244.360 on a public official or candidate for any good faith action the public official or candidate takes in reliance on the manual, or any update to the manual, approved by the commission under this section. [1991 c.522 §2; 2007 c.865 §36; 2009 c.68 §15]

**244.330 Distribution of manual on government ethics.** The Oregon Government Ethics Commission shall distribute, insofar as is practicable, copies of its ethics manual to every public official. The commission shall seek the assistance of professional associations that represent public officials in its efforts to comply with this section. [1993 c.714 §4]

**Note:** 244.330 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 244 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**244.340 Continuing education program.** The Oregon Government Ethics Commission shall prepare and present a program of continuing education for public officials. The commission may use its own staff or may contract for the preparation or presentation of the program of continuing education. [1993 c.714 §5; 2007 c.865 §37]

**244.345 Oregon Government Ethics Commission Account.** The Oregon Government Ethics Commission Account is established separate and distinct from the General Fund. All moneys received by the Oregon Government Ethics Commission, other than appropriations from the General Fund, shall be deposited into the account and are continuously appropriated to the commission to carry out the duties, functions and powers of the commission. [2001 c.716 §11; 2007 c.865 §40a]

#### ENFORCEMENT

**244.350 Civil penalties; letter of reprimand or explanation.** (1) The Oregon Government Ethics Commission may impose civil penalties not to exceed:

(a) Except as provided in paragraph (b) of this subsection, \$5,000 for violation of any provision of this chapter or any resolution adopted under ORS 244.160.

(b) \$25,000 for violation of ORS 244.045.

(2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil penalties not to exceed \$1,000 for violation of any provision of ORS 192.660.

(b) A civil penalty may not be imposed under this subsection if the violation occurred as a result of the governing body of the public body acting upon the advice of the public body's counsel.

(3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708. A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that may be imposed under subsection (1) of this section.

(4)(a) The commission may impose civil penalties on a person who fails to file the statement required under ORS 244.050 or 244.217. In enforcing this subsection, the commission is not required to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050 or 244.217 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 244.050 or 244.217.

(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement is late beyond the date set by law, or by the commission under ORS 244.050, and \$50 for each day thereafter. The maximum penalty that may be imposed under this subsection is \$5,000.

(5) In lieu of or in conjunction with finding a violation of law or any resolution or imposing a civil penalty under this section, the commission may issue a written letter of reprimand, explanation or education. [1974 c.72 §19; 1977 c.588 §10; 1987 c.360 §3; 1993 c.743 §29; 1993 c.747 §2; 1997 c.750 §2; 2005 c.179 §3; 2007 c.865 §18; 2007 c.877 §11a; 2009 c.68 §16; 2009 c.689 §4]

**244.355 Failure to file trading statement.** A person who intentionally fails to file a complete and accurate statement under ORS 244.055 commits a Class C felony. [2007 c.865 §31]

**244.360 Additional civil penalty equal to twice amount of financial benefit.** In addition to civil penalties imposed under ORS 244.350, if a public official has financially benefited the public official or any other person by violating any provision of this chapter, the Oregon Government Ethics Commission may impose upon the public official a civil penalty in an amount equal to twice the amount the public official or other person realized as a result of the violation. [1974 c.72 §20; 1987 c.566 §21; 2007 c.865 §19; 2007 c.877 §12a]

**244.370 Civil penalty procedure; disposition of penalties.** (1) Any civil penalty under ORS 244.350 or 244.360 shall be imposed in the manner prescribed by ORS 183.745.

(2) All penalties recovered under ORS 244.350 and 244.360 shall be paid into the State Treasury and credited to the General Fund. [1974 c.72 §21; 1977 c.588 §11; 1989 c.706 §10; 1991 c.734 §13; 2007 c.865 §25; 2013 c.43 §1]

**244.380** [1974 c.72 §23; 1975 c.543 §12; 1977 c.588 §12; 1987 c.566 §22; 1995 c.607 §69; 2007 c.865 §20; repealed by 2009 c.689 §7]

**244.390 Status of penalties and sanctions; consideration of other penalties imposed.** (1) A penalty or sanction imposed by the Oregon Government Ethics Commission under this chapter is in addition to and not in lieu of any other penalty or sanction that may be imposed according to law.

(2) Before making a finding that there is cause to undertake an investigation under ORS 244.260 and before imposing a civil penalty under ORS 244.350 or 244.360, the commission shall consider the public interest and any other penalty or sanction that has been or may be imposed on the public official as a result of the same conduct that is the subject of action by the commission under ORS 244.260.

(3) Nothing in this chapter is intended to affect:

(a) Any statute requiring disclosure of economic interest by any public official or candidate.

(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or candidate. [1974 c.72 §25; 2007 c.865 §2; 2007 c.877 §39a; 2009 c.68 §23]

**244.400 Attorney fees for person prevailing in contested case.** (1) A person who prevails following a contested case hearing under this chapter or ORS 171.778 shall be awarded reasonable attorney fees at the conclusion of the contested case or on appeal.

(2) Upon prevailing following a contested case hearing or lawsuit, the person may petition the Marion County Circuit Court for the purpose of determining the award of reasonable attorney fees. The Oregon Government Ethics Commission shall be named as a respondent in the petition. The petitioner and respondent shall follow the procedure provided in ORCP 68 for the determination of reasonable attorney fees. The court shall give precedence on its docket to petitions filed under this subsection as the circumstances may require.

(3) An appellate court shall award reasonable attorney fees to the person if the person prevails on appeal from any decision of the commission.

(4) Attorney fees to be awarded under this section shall be only those fees incurred by the person from the time the commission notifies the person that it has entered an order to move to a contested case proceeding.

(5) Any attorney fees awarded to the person pursuant to this section shall be paid by the commission from moneys appropriated or allocated to the commission from the General Fund. [1991 c.770 §9; 1993 c.743 §30; 2007 c.865 §26]

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment     )  
To the Curry County Code            )  
Regarding Article Two Division     )     ORDINANCE NO. 14-02  
One- The Curry County Ambulance   )  
Service Ordinance                    )

The Board of Curry County Commissioners ordains as follows:

Section 1     TITLE

This ordinance shall be known as Ordinance 14-02, an ordinance amending the Curry County Code.

Section 2     AUTHORITY

This ordinance is enacted pursuant to ORS 203.035 and ORS 682.031.

Section 3     FINDINGS

- A. Both CAL-ORE Life Flight (CAL-ORE) and the Port Orford Community Ambulance (POCA) have requested to Liaison Commissioner Susan Brown that the Board of Curry County Commissioners modify the Curry County Ambulance Service Ordinance to allow each entity another five year extension to their respective franchises, and to allow them exclusive rights to non-emergent ambulance transports as part of the ASA franchise.
- B. On January 15, 2014, the Ambulance Service Area Advisory Committee heard the above-referenced suggestions, and moved to recommend to the Board of Curry County Commissioners that it amend the Curry County Ambulance Service Ordinance to implement the suggestions.

**Section 4     ADOPTION**

Attachment "A" is adopted as an amendment to Ordinance 04-13 as amended, and becomes part of the Curry County Code (Ordinance 96-7, as amended.)

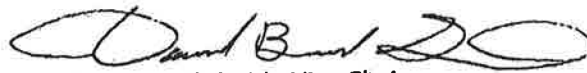
**Section 5     SEVERANCE CLAUSE**

If any section, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance. It is expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

DATED this 19 day of March, 2014.

**BOARD OF CURRY COUNTY COMMISSIONERS**

  
Susan Brown, Chair

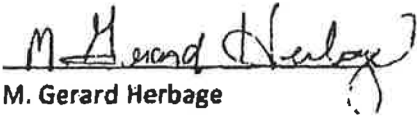
  
David Brock Smith, Vice Chair

  
David G. Itzen, Commissioner

Attest:

  
Recording Secretary

Approved as to Form:



M. Gerard Herbage  
Curry County Legal Counsel

First Reading: 3/5/14  
Second Reading: 3/19/14  
Emergency Adoption: NO  
Effective Date: 6/17/14

## ATTACHMENT "A"

Section 2.01.030(4) is amended to read:

Each of these designated emergency ambulance providers are also the only authorized non-emergency ambulance service providers.

Section 2.01.080 is amended to read:

Effective July 1, 1994, no person shall provide emergency ambulance service in Curry County, Oregon unless such person is franchised in accordance with the applicable provisions of this ordinance. Effective June 17, 2014, this section is also applicable to all non-emergency ambulance service providers.

Section 2.01.130 is amended to read:

This subsection describes the procedure for processing an informal request for a franchise renewal. This is an alternative method available (instead of subsection 3 above) for applying for a franchise renewal. A franchise may apply on a written form provided by the county for a renewal by the end of the third year of an original five-year franchise. Following receipt of the application, the ASA Committee may recommend a franchise renewal. The Board has the discretion to renew the current franchise agreement for an additional five-year term without invoking the RFP process so long as the present franchise is in compliance with the criteria described in this ordinance and the franchise agreement under this section, three consecutive renewals may be allowed following each term of a franchise that is awarded under subsection 4 above.

Section 2.01.180(2) is amended to read:

The provision of emergency or non-emergency ambulance services by any person in violation of this ordinance, or regulation promulgated thereunder, is a nuisance and the Court may, in addition to other remedies provided by law or by this ordinance, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such ambulance service.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment to )  
The Curry County Code and Ordinance )  
No. 04-13 regarding Ambulance )  
Service Area Plan for Curry County, )  
Oregon )

ORDINANCE NO. 14-11

State of Oregon }  
County of Curry } SS  
I hereby certify that the within is a  
true copy of the original record on  
file in my office and custody  
Dated 11/25/2014  
Renee Kolen, Curry County Clerk  
By Ross, Becky  
Deputy

The Board of Curry County Commissioners ordains as follows:

SECTION I: TITLE

This ordinance shall be known as Ordinance No. 14-11, an ordinance amending Ordinance No. 04-13, as amended, and the Curry County Code.

SECTION II: AUTHORITY

This ordinance is enacted pursuant to ORS 203.035 and ORS 682.062.

SECTION III: FINDINGS

- A. Curry County had not updated its Ambulance Service Area Plan (the Plan) since 2004.
- B. The State of Oregon through the Oregon Health Authority has asked that Curry County develop and submit to the State a new updated Plan.
- C. The Curry County Ambulance Service Area Advisory Committee met on a number of occasions including January 15, 2014, February 19, 2014, and April 16, 2014 to work on updating the Plan. Recently it completed a draft of the Plan.
- D. The Plan that is attached hereto and incorporated by reference has been sent to a State of Oregon Professional Standards Representative of the EMS and Trauma Systems Program. That Representative has written to the County stating that the Plan meets the requirements in the rule.

SECTION IV REPEALER

Exhibit "B", the Ambulance Service Area Plan for Curry County, Oregon, as found in Ordinance No. 04-13 which is part of the Curry County Code, Ordinance No. 96-7, as amended, is repealed in its entirety.

SECTION V ADOPTION


The new Exhibit "B" entitled "Ambulance Service Area Plan Curry County, Oregon 2014", which is attached hereto and incorporated by reference, is adopted to replace the former Exhibit "B" in Ordinance No. 04-13, which is part of the Curry County Code, Ordinance 96-7, as amended.

**SECTION VI      SEVERANCE CLAUSE**

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance. It is expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

ADOPTED this 5 day of November, 2014.

**BOARD OF CURRY COUNTY COMMISSIONERS**

  
Susan Brown, Chair

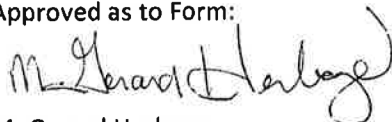
  
David Brock Smith, Vice Chair

  
David G. Itzen, Commissioner

Attest:

  
Recording Secretary

Approved as to Form:

  
M. Gerard Herbage  
Curry County Legal Counsel

First Reading: Oct 1, 2014

Second Reading: Nov 5, 2014

Emergency Adoption: No

Effective Date: Feb 3, 2015

# **AMBULANCE SERVICE AREA PLAN CURRY COUNTY, OREGON**



**2014**

## Table of Contents

I. Certification by Governing Body of Curry County ASA Plan .....	Page 4
II. Overview of Curry County .....	Page 5
III. Definitions.....	Page 6
IV. Boundaries	
Ambulance Service Area Narrative and Description.....	Page 7
Maps .....	Page 8
Alternatives to Reduce Response Times .....	Page 9
V. Systems Elements	
9-1-1 Dispatched Calls.....	Page 9
Pre-arranged Non-emergency transfers and Inter-facility transfers .....	Page 9
Notification/Response Times .....	Page 9
Level of Care .....	Page 10
Personnel .....	Page 10
Medical Supervision .....	Page 10
Patient Care Equipment.....	Page 11
Vehicles.....	Page 11
Training .....	Page 11
Quality Assurance .....	Page 11
Structure .....	Page 12
Process .....	Page 12
Problem Resolution .....	Page 12
Sanctions for Non-Compliant Personnel or Providers.....	Page 12
Penalties.....	Page 13
Nuisance.....	Page 13
VI. Coordination	
Authority for Ambulance Service Area Assignment.....	Page 13
Entity That Will Administer the ASA Plan.....	Page 13
Complaint Review Process .....	Page 14
Mutual Aid Agreements .....	Page 14
Disaster Response .....	Page 14
County Resources Other Than Ambulances.....	Page 14
Out of County Resources .....	Page 15
Mass Casualty Incident Plan .....	Page 15
EMS Responder Guidelines.....	Page 16
Response to Terrorism.....	Page 16
Personnel and Equipment Resources .....	Page 16
Additional Ambulances.....	Page 16
Non Transporting EMS Provider.....	Page 17
Hazardous Materials .....	Page 17
Search & Rescue and Specialized Rescue.....	Page 17
Extrication.....	Page 17
Towing of Vehicles Over 2 ½ Tons.....	Page 17
Emergency Communications and Systems Access.....	Page 18
Telephone Access.....	Page 18
Dispatch Procedures.....	Page 18
Radio System.....	Page 18

Emergency Medical Services Dispatcher Training .....	Page 19
VII. Provider Selection	
Initial Assignment of Existing Ambulance Service Providers.....	Page 19
Reassignment of an ASA .....	Page 20
Application Process for Applying for an ASA .....	Page 20
Notification of Vacating an ASA .....	Page 20
Maintenance of Level of Service .....	Page 20
VIII. County Ordinances and Rules.....	
Exceptions/Amendments to County Ambulance Ordinances/Rules.....	Page 20
Appendices	
ASA Maps & Fire District Boundaries (North, Central, South)	
911 Map	
Incorporated City Maps	
Notification and Response Times	
Copy of Mutual Aid Agreement (Example)	
Amendment to County Code, Article Two Division One, dated October 18, 2004 (Includes Exhibit "A" only)	
Amendment to County Code, Article Two Division One, dated May 18, 2009	
Amendment to County Code, Article Two Division One, dated March 19, 2014	
Port Orford Community Ambulance Resolution, dated December 5, 2013	
ORS Chapter 244	

**I. CERTIFICATION BY GOVERNING BODY OF COUNTY AMBULANCE SERVICE PLAN**

In accordance with OAR 333-260-0020(3) and 333-260-0030(2), the Curry County Board of Commissioners hereby certifies that:

- a) Each subject or item contained in the Curry County Ambulance Service Plan was addressed and considered in the adoption of this plan;
- b) In our judgment, the ambulance service areas (ASA's) established in this plan provide for the efficient and effective provision of ambulance services; and
- c) To the extent they are applicable, the County has complied with ORS 682.062(2) (3) and 682.063 and existing local ordinances and rules.

Dated this 5<sup>th</sup> day of November, 2014.

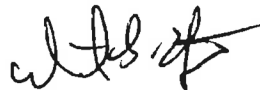
BOARD OF CURRY COUNTY COMMISSIONERS



Susan Brown, Chair



David Brock Smith, Vice Chair



David G. Itzen, Commissioner

## **II. OVERVIEW OF CURRY COUNTY**

Curry County is located in the southwest corner of the state and is bordered by Coos County to the north, Douglas and Josephine Counties to the east, Del Norte County, California to the south and the Pacific Ocean to the West. The county covers approximately 1648 square miles of largely sloping terrain indented with coastal and river valleys. The elevation of the county seat, Gold Beach, is 60 feet.

The county is characterized by an overall average January temperature of 47 degrees F and an average July temperature of 59 degrees F with an average annual precipitation of 82.67 inches.

The population of the county as of January 2012 was approximately 22,295. The Cities of Brookings, with a population of 6,370; Gold Beach 2,280; and Port Orford 1,135; are the county's only cities and are located on U.S. Highway 101 that runs north and south, adjacent to the Pacific Ocean, through the county. Most of the inhabitants reside in or around the three incorporated cities located in the county. Lumber, agriculture, commercial and sport fishing, recreation and tourism, provide the basis of the county's economy.

Curry County is divided into three separate ambulance service areas. The ambulance service providers may offer basic, intermediate and advanced life support, emergency medical care, and transportation. The three ambulance service providers that serve Curry County, their boundaries and other general information are described in this ASA Plan. A current set of maps are on file in the Curry County Office of Emergency Services. These maps depict current boundaries for ambulance service areas, fire districts, response times and the location of the PSAPS.

### **III. DEFINITIONS**

1. "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability.
2. "Ambulance Service" has the meaning given that term by ORS 682.027.
3. "Ambulance Service Area (ASA)" means a geographic area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
4. "Ambulance Service Plan" means a written document, which outlines a process for establishing a county emergency medical services system. A plan addresses the need for and coordination of ambulance services by establishing ambulance service areas for the entire county and by meeting the other requirements of these rules. Approval of a plan will not depend upon whether it maintains an existing system of providers or changes the system. For example, a plan may substitute franchising for an open market system.
5. "Ambulance Service Provider" means a licensed ambulance service that responds to 9-1-1 dispatched calls or provides pre-arranged non-emergency transfers or emergency or non-emergency inter-facility transfers.
6. "County Government or County Governing Body (County)" means a Board of County Commissioners or a County Court.
7. "Division" means the Public Health Division, Oregon Health Authority.
8. "Emergency Medical Service (EMS)" means those pre-hospital functions and services whose purpose is to prepare for and respond to medical emergencies, including rescue and ambulance services, patient care, communications and evaluation.
9. "Notification Time" means the length of time between the initial receipt of the request for emergency medical service by either a provider or a PSAP, and the notification of all 4 responding emergency medical service personnel.
10. "Provider" means any public, private or volunteer entity providing EMS.
11. "Response Time" means the length of time between the notification of each provider and the arrival of each provider's emergency medical service units at the incident scene.

#### **IV. BOUNDARIES**

Curry County consists of three ASAs. The three ASAs are described in the ASA narrative description below.

Maps depicting boundaries for the ASA's, PSAP location and 9-1-1 coverage, fire districts, and incorporated cities, are located in the Appendix of this plan. Larger and more detailed maps are on file in the Curry County Offices of Emergency Services.

##### **ASA Narrative Description**

The boundaries for each of the three (3) ambulance service areas are as follows:

##### **ASA #1 (Northern Curry County):**

Beginning at the Pacific Ocean and the Curry County-Coos County line; Thence easterly along the Curry County-Coos County line; Thence southeasterly and southerly along the Curry County-Coos County line to the southern edge of Sec. 21 T33S R12WWM; Thence westerly to the southwest corner of Sec. 21 T33S R12WWM; Thence southerly along the section lines to the southwest corner of Sec. 33 T33S R12WWM; Thence westerly along the section lines to the northwest corner of Sec. 2 T34S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 10 T34S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 10 T34S R13WWM; Thence southerly along the section line to the southeast corner of Sec. 16 T34S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 16 T34S R13WWM; Thence southerly along the section line to the southeast corner of Sec. 20 T34S R13WWM; Thence westerly along the section lines to the southwest corner of Sec. 19 T34S R13WWM; Thence south along the section line to the southwest corner of Sec. 30 T34S R13WWM; Thence westerly along the section lines to the Pacific Ocean.

##### **ASA #2 (Central Curry County):**

Beginning at the Pacific Ocean and the southerly section line of Sec. 30 T34S R14WWM; Thence easterly along the section lines to the southeast corner of Sec. 25 T34S R 14WWM; Thence north along the section line to the northeast corner of Sec. 25 T34S R 14WWM; Thence easterly along the section lines to southeast corner of Sec. 20 T34S R13WWM; Thence north along the section line to the northeast corner of Sec. 20 T34S R13WWM; Thence east along the section line to the southeast corner of Sec. 16 T34S R13WWM; Thence north along the section line to the northeast corner of Sec. 16 T34S R13WWM; Thence east along the section line to the southeast corner of Sec. 10 T34S R13WWM; Thence north along the section lines to the northwest corner of Sec. 2 T34S R13WWM; Thence east along the section lines to the southeast corner of Sec. 32 T33S R12WWM; Thence north along the section lines to the southwest corner of Sec. 21 T33S R12WWM; Thence east to the Curry County-Coos County line; Thence south and east along the Curry County-Coos County line to the junction of the Curry County-Coos County-Douglas County line; Thence along the Curry County- Douglas County line to the junction of the Curry County-Douglas County-Josephine County line;

Thence southwesterly along the Curry County-Josephine County line to the southeast corner of Sec. 12 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 13 T37S R12WWM;

Thence west along the section line to the southwest corner of Sec. 13 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 26 T37S R12WWM; Thence west along the section lines to the southwest corner of Sec. 27 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 33 T37S R12WWM; Thence west along the section lines to the northwest corner of Sec. 27 T37-1S R12WWM; Thence south along the section line to the southwest corner of Sec. 27 T37Y2S R12WWM; Thence westerly along the section lines to the northwest corner of Sec. 11 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 15 T38S R13WWM; Thence westerly along the section lines to the southeast corner of Sec. 16 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 33 T38S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 32 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 7 T39D R13WWM; Thence westerly along the section lines to the Pacific Ocean.

### **ASA #3 (Southern Curry County):**

Beginning at the Pacific Ocean and the north section line of Sec. 16T39S R14WWM; Thence easterly along the section lines to the southeast corner of Sec. 7 T39S R13WWM; Thence northerly along the section lines to the southwest corner of Sec. 32 T38S R13WWM; Thence easterly along the section line to the southeast corner of Sec. 33 T38S R13WWM; Thence northerly along the section lines to the southeast corner of Sec. 16 T38S R13WWM; Thence easterly along the section lines to the southeast corner of Sec. 15 T38S R13WWM; Thence northerly along the section lines to the northwest corner of Sec. 11 T38S R13WWM; Thence easterly along the section lines to the southwest corner of Sec. 27 T37½S R12WWM; Thence northerly along the section line to the northwest corner of Sec. 27 T37½S R12WWM; Thence easterly along the section lines to the southeast corner of Sec. 33 T37S R12WWM; Thence northerly along the section lines to the southwest corner of Sec. 27 T37S R12WWM; Thence easterly along the section lines to the southeast corner of Sec. 26 T37S R12WWM; Thence northerly along the section lines to the southwest corner of Sec. 13 T37S R12WWM; Thence easterly along the section line to the southeast corner of Sec. 13 T37S R12WWM; Thence northerly along the section line to the northeast to the corner of Sec. 13 T37S R12WWM at the Curry County -Josephine County line; Thence southeasterly and southerly along the Curry County-Josephine County line to the Oregon-California border; Thence westerly along the Oregon--California border to the Pacific Ocean.

### **ASA Maps and Fire District Boundaries (See Appendices Maps)**

These maps represent the ASA's as designated in the Ambulance Service Area plan.

### **9-1-1 Map (See Appendix)**

### **Incorporated Cities (See Appendix Maps)**

### **Alternatives to Reduce Response Times**

Heavily forested, mountainous terrain and severe winter weather conditions present difficult access and long response time to ground ambulances. In those situations, when an urgent response is indicated, the PSAP may elect to call the nearest appropriate rotary-wing air ambulance or Curry County Search and Rescue.

In addition, a tiered response system is used to provide the best available patient care while maximizing the available resources.

In some instances, for various reasons, an ambulance service provider from an adjoining county's ASA could respond quicker to an incident. This would be covered under a signed Mutual Aid Agreement.

### **V. SYSTEM ELEMENTS**

#### **9-1-1 Dispatched Calls**

All calls received by the local 9-1-1 center(s) shall be dispatched to the appropriate provider within a two-minute time period. The call for service shall be dispatched to the provider that is assigned the franchise for the area of the location of the emergency, unless other arrangements have been made due to extenuating circumstances.

#### **Pre-Arranged Non-Emergency Transfers and Interfacility Transfers**

Pre-arranged non-emergency transports will normally not be dispatched by 9-1-1. These calls should be handled by the EMS agency directly.

Emergency transfers, and inter-facility transfers of an emergency nature shall be handled by the 9-1-1 dispatch center as any other emergency call for service.

#### **Notification/Response Times (See Appendix)**

The Curry County ASA system response times shall be as depicted on the Curry County time zone map 90% of the time, barring inclement weather or other extraordinary conditions.

Notification Times for ambulances shall be within two (2) minutes 90% of the calls.

Provider Response Time shall be listed as follows for 90% of the calls: Urban - 6 min.; Suburban - 13 min.; Rural - 43 min.; and Frontier - 4 hours and 28 min.

System Response Time shall be listed as follows for 90% of the calls: Urban - 8 min.; Suburban - 15 min.; Rural - 45 min.; and Frontier - 4 hours and 30 min.

Monitoring of notification and response times shall be accomplished by the following:

1. Information received from the public, dispatch center, pre hospital care providers, hospitals, or county EMS administration.

2. Types of information received are written or verbal complaints, patient care report forms, radio transmission tapes, notification and response time incident cards, trauma registry forms, etc.

### **Level of Care**

An ambulance operating in Curry County and providing basic life support level care must consist of a qualified driver and one licensed EMT or above. The EMT must always be with the patient in the patient compartment of the ambulance.

An ambulance operating in Curry County and providing intermediate life support level care must consist of one licensed EMT and one licensed EMT Intermediate/AEMT. The EMT Intermediate/AEMT must always be with the patient in the patient compartment of the ambulance when intermediate level care is required or rendered.

An ambulance operating in Curry County and providing advanced life support level care must consist of at least a licensed EMT and a licensed Paramedic. The licensed Paramedic must always be with the patient in the patient compartment of the ambulance when ALS care is required or being rendered.

### **Personnel**

When operating an ambulance in Curry County, all personnel must meet the requirements of ORS 682.017 to 682.991 and OAR 333-250-0048. The practice of staffing an ambulance on a part-time basis with EMTs certified to a higher level of care than is possible at other times does not construe a requirement that the ambulance provide the same level of care on a regular basis.

### **Medical Supervision**

Each EMS agency utilizing EMTs shall be supervised by a physician licensed under ORS 677, actively registered and in good standing with the Board of Medical Examiners as a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO). The physician must also be approved by the Board of Medical Examiners as a medical director.

Each EMS agency or ambulance service may have its own medical director. The medical director shall:

1. comply with the requirements listed in OAR 847-035-0020 and OAR 847-035-0025;
2. hold at least one meeting a year with the EMTs affiliated with the respective ambulance services;
3. designate an EMT coordinator who shall conduct case reviews in the physician's absence and send summaries of the reviews and problems identified and proposed problem resolution to the physician; and
4. provide or authorize at least one case review meeting for all EMTs quarterly.

Sutter Coast Hospital in Crescent City, California and Bay Area Hospital in Coos Bay, Oregon shall be the Medical Resource Hospitals.

### **Patient Care Equipment**

Patient care equipment must meet or exceed the Oregon Health Authority (OHA), Emergency Medical Services and Trauma Systems Section (OHA-EMS) requirements as specified in ORS 682.017 to 682.991 and OAR 333-255-0070, 333-255-0071, and 333-255-0072. The ambulance service provider shall maintain a list of equipment for their ambulances, which shall be furnished to the Board upon their request.

### **Vehicles**

All ambulances must be a Type I, II, or III and be licensed by OHA-EMS. All ambulances must meet or exceed the requirements as set forth in ORS 682.017 to 682.991 and OAR 333-255-0060. An up-to-date list of each provider's ambulances shall be furnished to the Board upon their request.

### **Training**

Southwestern Oregon Community College located in Coos Bay, Gold Beach, and Brookings, Oregon is the primary institution of learning to provide EMT training. If Southwestern Oregon Community College does not offer a particular level of training, it may require an individual to obtain that level of training at another teaching institute, which would be further away.

Whenever possible, the ambulance service provider shall provide assistance (tuition, textbooks, exam fees, etc.) for prospective ambulance personnel taking initial Basic Life Support (BLS) training.

Each EMS provider in Curry County shall provide continuing medical education, which meets recertification standards as specified by OHA-EMS. EMT recertification and continuing medical education shall be obtained through in-house training programs and seminars that are sponsored by local EMS agencies or teaching institutions. When classes are not available within the county, it may require individuals to augment their continuing education by attending classes, workshops and conferences outside of the county. When possible, the ambulance service provider shall provide assistance with registration, lodging, meals, fuel costs, etc. for their EMTs.

### **Quality Assurance**

In order to ensure the delivery of efficient and effective pre-hospital emergency medical care, an EMS Quality Assurance Program is hereby established.

### **Structure**

"Curry County Ambulance Service Area Advisory Committee (Committee)", shall be formed by ordinance and be composed of nine members:

1. One (1) physician with emergency care experience;
2. One (1) EMT or paramedic;
3. One (1) hospital administrator;
4. One (1) registered nurse with emergency medical care experience;
5. One (1) law enforcement officer;

6. One (1) representative of a fire department;
7. One (1) representative of a dispatch center;
8. Two (2) members of the public who are not included in categories specified by subsections 1-7.

Appointments shall be for staggered terms on the initial Committee for a term not to exceed three (3) years. Subsequent appointments shall be for three (3) year terms. The principal function of the Committee shall be to monitor the EMS system within Curry County.

#### **Process**

The Board, in order to ensure the delivery of the most efficient and effective pre-hospital emergency care possible with the available resources, has directed that the ASA Advisory Committee be established.

Quality assurance in Curry County shall be accomplished through frequent case review, peer review, and periodic review by the medical directors and/or ambulance governing bodies (see respective Provider Profiles for definitions of governing bodies). Complaints regarding violation of this ASA Plan, or questions involving pre-hospital care provided, shall be submitted in writing to the Board who shall forward it to the Administrator, who may call a meeting of the Committee. The Administrator, and/or the Committee shall then review the matter and make recommendations or changes on such complaints or questions to the Board.

The Board shall also resolve any problems involving system operations (changing protocols to address recurring problems, etc.). Ongoing input may be provided by consumers, providers or the medical community to any individual on the Board, the Administrator, or members of the Committee. This individual, in turn, will present the complaint, concern, idea or suggestion (in writing) to the full Board for consideration.

#### **Problem Resolution**

Problems involving protocol deviation by EMT's or dispatchers shall be referred to the respective medical director or dispatch supervisor. Problems involving a non-compliant provider shall be referred to the Board.

The Board may seek background data and recommendations from the Committee in such instances. However, any member of the Committee who may have a conflict of interest in the matter shall declare such conflict and follow the law as outlined in ORS Chapter 244.

#### **Sanctions for Non-Compliant Personnel or Providers**

See Section 2.01.160 and Article Ten of the County Code for information regarding sanctions for non-compliant personnel or providers.

## **Penalties**

See Section 2.01.180 and Article Ten of the County Code for information regarding penalties.

## **Nuisance**

In addition to the penalties provided in this plan, violations of any of the provisions of this plan and ordinance is declared to be a nuisance and may be regarded as such in all actions, suits, or proceedings.

## **VI. COORDINATION**

### **Authority for Ambulance Service Area Assignments:**

The Board has the authority to assign an ASA within Curry County in compliance with ORS 682.017 to 682.991. Applications by new providers and requests for assignment change or revocation will be considered for approval if they will improve efficient service delivery and benefit public health, safety and welfare. Cities have the authority to develop and apply ambulance licensing ordinances within their jurisdictional boundaries, and nothing in this plan is intended to obviate that authority.

Future updates to this plan and proposals for assignment changes will be the responsibility of the Board. The Board shall receive all requests for changes; present those requests to the Committee for their review and recommendations. Upon completing its review, the Committee shall present recommendations to the Board. In addition, the Board has the authority to review service provider's records and initiate an assignment change or service area revocation. For the purpose of this plan, the Board shall recognize the Committee as an advisory group.

The Curry County ASA Plan was prepared with a great deal of input from all county pre-hospital care providers. The Plan requires that the ambulance services providers maintain service records in order that the County can carry out its ASA Plan responsibilities.

### **Entity That Will Administer the ASA Plan**

The Curry County ASA Committee is hereby established with the adoption of this Plan. The Committee shall serve as the principal entity to administer and accept written proposals for amendments to this ASA Plan.

The Committee may be called upon at any time a concern is submitted, in writing, to the Board, or when deemed appropriate by the Administrator, the Chairperson, or two or more members of the Committee.

This Committee, as with any governmental body, will be subject to the Oregon Open Meeting Law (ORS Chapter 192), but may temper its activities, within legal limits, according to the sensitivity of the EMS matter involved. Appeals from the Board, in any case where the Board would otherwise have the final decision at the county level shall be directed to the appropriate state regulatory agency, or a Circuit Court, as appropriate.

The Committee shall submit a brief written report of its activities or recommendations periodically to the Board.

Existence of this Committee will:

1. prevent needless attention of state regulatory agencies to problems that can be resolved locally;
2. increase local awareness of potential problems that may exist; and
3. increase the awareness of ambulance medical directors regarding area concerns and activities.

#### **Complaint Review Process**

Complaints regarding violation of this ASA Plan, or questions involving pre-hospital care provided, shall be submitted in writing to the Board. The Board shall then forward the complaint to the Administrator, who may call a meeting of the Committee for its review and recommendations or changes on such complaints or questions. The Committee shall make recommendations to the Board to resolve any problems involving system operations (changing protocols to address recurring problems, etc.).

Ongoing input may be provided by consumers, providers or the medical community to any individual on the Committee, the Administrator, or members of the Board. This individual, in turn, will present the complaint, concern, idea or suggestion (in writing) to the full Board for consideration.

#### **Mutual Aid Agreements (See Appendix)**

Each ambulance service provider shall sign a mutual aid agreement with the other providers in the County and with other providers in adjoining counties to respond with needed personnel and equipment in accordance with the agreement.

All requests for mutual aid shall be made through the appropriate PSAP.

All mutual aid agreements will be reviewed annually and modified as needed by mutual consent of all parties.

#### **Disaster Response**

The Committee shall coordinate the EMS medical function of disaster planning with any formal disaster management plan developed by the Curry County Emergency Services Coordinator or other appropriate county authorities.

#### **County Resources Other Than Ambulances**

When resources other than ambulances are required for the provision of emergency medical services The Emergency Services Coordinator shall be responsible for coordinating all county EMS resources any time that the Mass Casualty Incident (MCI) Plan is implemented.

The Emergency Services Coordinator shall work directly with local agencies, departments and governments to coordinate necessary resources during any implementation of the MCI Plan. During a disaster, a request for additional resources shall be made through the appropriate PSAP to the County Emergency Management Office.

### **Out of County Resources**

When resources from outside Curry County are required for the provision of emergency medical services during a disaster, a request for those resources shall be made through the appropriate PSAP to the County Emergency Management Office.

The Curry County Emergency Services Coordinator shall be responsible for coordination of all out of county resources any time the MCI Plan is implemented.

### **Mass Casualty Incident (MCI) Management Plan**

The Mass Casualty Incident Management Plan is located in an annex to the Curry County Emergency Operations Plan titled "MCI."

The purpose of the MCI plan is to provide guidance to EMS response personnel in the coordination of response activities relating to mass casualty incidents in Curry County.

The plan is intended for use when any single incident or combination of incidents depletes the resources of any single provider or providers during the normal course of daily operations or at the request of the Emergency Services Coordinator.

The plan shall identify the responsibility of the provider concerning:

1. coordination;
2. communication;
3. move up;
4. triage; and
5. transportation.

The Committee will periodically review the medical component MCI plan and revise it to meet the county's need. Following the review and changes the Emergency Services Coordinator will be asked to append the changes to the medical component of the County Emergency Management Plan and the modified MCI plan will be promulgated.

Coordination:

1. The highest ranking officer of the fire or police agency in whose jurisdiction the incident occurs shall be the incident-Commander.
2. The senior/highest certified EMT at the scene will have overall responsibility for patient care (triage officer); he/she shall work closely with the incident-commander.
3. The on-scene command frequency and staging area will be determined by the incident commander.
4. Dispatch center will advise responding units as to location of the staging area.

**EMS Responder Guidelines:**

The senior EMT on the first EMS unit to arrive at the scene shall become the triage officer and shall:

1. Assess nature and severity of the incident;
2. Advise the appropriate PSAP of the situation;
3. Request appropriate fire and police services, if not already at the scene;
4. Request initiation of EMS mutual aid if needed;
5. Alert area hospital(s) of the situation; and
6. Establish and organize the transportation of all injured or ill patients.

Additional EMS units arriving at the scene shall:

1. Check-in with Incident-Commander;
2. Effect needed rescue, if trained and equipped to do so;
3. Provide emergency medical care and transport patient(s) to the appropriate hospital(s).

**Response to Terrorism**

Response to a terrorism incident will share many of the elements of any other disaster response. The exception will be that the terrorism incident is a crime scene, and coordination of patient care with the law enforcement personnel in charge will be required. There is also a very high likelihood that there is a hazardous materials component to the response, so coordination with ranking fire/ hazmat officials may also be required. This coordination is especially critical to ensure the safety of EMS personnel and equipment.

**Personnel and Equipment Resources**

The following additional personnel and equipment resources are available to support the ambulance service provider. The current telephone numbers are:

**Additional Ambulances:**

1. Rotary-wing air ambulances:
  - a. U.S. Coast Guard (Coos Bay, Oregon) - (541) 756-4141
  - b. Mercy Flights (Medford, Oregon) - (541) 779-6552
  - c. REACH (Corvallis and Coos Bay, Oregon) – (800) 705-1728
2. Fixed-wing air ambulances:
  - a. Cal-Ore Life Flight (Crescent City, California; Brookings, Oregon) - (800) 705-1728
  - b. Mercy Flights (Medford, Oregon) - (541) 779-6552
3. Ground ambulances:
  - a. Bay Cities Ambulance Service (Coos Bay, Oregon) -(541) 269-1155 or (541) 347-3973

- b. Del Norte Ambulance Service (Crescent City, California) - (707) 464-9551

**Non-Transporting EMS Provider**

The ASA Committee may recommend best practices for certification, equipment, standards of care, clinical protocols and patient hand-off procedures for all non-transporting EMS providers. Individual agency Medical Directors and Administration will be responsible for implementing and supervising agency's adherence to these recommendations.

**Hazardous Materials:**

State Hazardous Materials Response Team, located in Coos Bay, Oregon (call OERS, below, to activate).

1. O.E.R.S. (provides notification and activation of state agencies, federal agencies, and some private agencies.), 1-800-452-0311
2. CHEMTREC, 1-800-424-9300

**Search and Rescue and Specialized Rescue:**

1. Curry County Sheriff's Office - 9-1-1 or (541) 247-3242
2. Oregon Civil Air Patrol - 1-800-452-0311
3. U.S. Coast Guard - since the Pacific Ocean falls under the jurisdiction of the U.S. Coast Guard, they will provide specialized aircraft and watercraft for rescue operations. These units shall respond from North Bend, Oregon, (541) 756-4141.

The majority of search and rescue within Curry County is provided by Curry County Search and Rescue, through the Sheriff's Office. It is on call and available on a 24-hour basis. In many instances, Search and Rescue will act as First Responders in remote areas that are inaccessible to conventional ambulance. Search and Rescue shall either transport to the nearest ambulance or at its discretion, use the services of U.S. Coast Guard or others, whichever is medically appropriate. Search and Rescue teams have direct radio contact with all local ambulances, hospitals, and the 9-1-1 Centers. In winter months, Search and Rescue will respond to remote areas covered with snow and not accessible by the usual ambulance service. When advanced life support is called for, Search and Rescue may transport the ambulance crews to the patient.

**Extrication:**

1. Brookings Fire and Rescue Department - 9-1-1
2. Gold Beach Fire Department - 9-1-1
3. Port Orford Fire Department - 9-1-1
4. Harbor Fire Department - 9-1-1
5. Langlois Fire Department - 9-1-1
6. Curry County Road Dept., heavy equipment - (541) 247-7097

**Towing of Vehicles weighing over 2 ½ tons:**

1. Ev's High Tech Auto & Towing & Chevron - (541) 247-7525

2. Carpenter Auto - (541) 469-6511
3. 10-10 Towing - (541) 469-1010
4. Norris Auto Body - (541) 247-6170
5. Mast Brothers- (541) 347-9908 or (541) 271-3019

#### **Emergency Communications and Systems Access**

##### **Telephone Access:**

There are two 9-1-1 Centers located in Curry County. The first center is located in the Curry County Sheriff's Office in Gold Beach, Oregon which serves the telephone prefixes of 247, 332 and 348. The second center is located in Brookings City Hall in Brookings, Oregon, which serves the telephone prefix of 469 and 412. These centers shall receive all emergency service requests in Curry County. Persons having access to telephone service will have access to the Curry County Communications Centers by dialing 9-1-1. Upon receipt of a request, all emergency service providers in Curry County, including fire and ambulance, are dispatched by one of the two Curry County 9-1-1 Centers.

##### **Dispatch Procedures:**

1. The appropriate personnel shall be notified by the dispatcher via radio-pagers within two (2) minutes of receipt of a life threatening call.
2. The dispatcher will obtain from the caller, and relay to the first responders the following:
  - a. Location of the incident;
  - b. Nature of the incident; and
  - c. Any specific instructions or information that may be pertinent to the incident.
3. EMS personnel shall inform the dispatch center by radio when any of the following occurs:
  - a. In-service;
  - b. En route to scene or destination and type or response;
  - c. Arrival on scene or destination;
  - d. Transporting patient(s) to hospital or medical facility, the number of patients, and name of facility; and
  - e. Arrival at receiving facility.
4. Ambulance personnel shall inform the receiving hospital by radio at the earliest possible time of the following:
  - a. Unit identification number;
  - b. Age and sex of each patient;
  - c. Condition and chief complaint of the each patient;
  - d. Vital signs of each patient;
  - e. Treatment rendered; and
  - f. Estimated time of arrival.

##### **Radio System:**

1. The PSAP shall:
  - a. Restrict access to authorized personnel only;

- b. Meet state fire marshal standards;
  - c. Maintain radio consoles capable of communication directly with all first response agencies dispatched by them via the following frequencies: primary 155.325 for ASA 1 and 2, 154.385 ASA 3; and secondary 155.340 (HEAR);
  - d. Maintain radio logs which contain all information required by the Federal Communications Commission and Oregon Revised Statutes;
  - e. Utilize plain English or 12-code; and
  - f. Be equipped with a back-up power source capable of maintaining all functions of the center.
2. The ambulance service provider shall equip and maintain 50 watt or greater, multi-channel radios in each ambulance that allows for the transmission and reception on primary 155.325 for ASA 1 and 2, 154.385 ASA 3; and secondary 155.340 (HEAR). Each ambulance crew shall have one five (5) watt, portable hand-held radio with a minimum of two (2) channel capability. All ambulances in County shall be equipped to communicate on the following frequencies primary 155.325 for ASA 1 and 2, 154.385 ASA 3; and secondary 155.340 (HEAR). In most instances, once an ambulance crew has been summoned by the dispatcher, there is further capability of radio communications between the ambulance and the dispatcher via mobile or hand-held radios. Requests for mutual aid, other resources or agencies, etc., generally must be arranged with the third-party assistance of the dispatch center (via radio).

Providers are dispatched by either of the two Curry County 9-1-1 Centers by radio pagers. Unless specifically determined by the nature of the call (i.e., non-emergency patient transfer, etc.) the highest level of ambulance staffing available at that time shall be dispatched. Other resources (police, fire) will be dispatched as deemed appropriate.

#### **Emergency Medical Services Dispatcher Training:**

- 1. Curry County EMS dispatchers must successfully complete an Emergency Medical Dispatch (EMD) training course as approved by the Oregon Emergency Management Division and the Department of Public Safety Standards and Training.
- 2. All EMS dispatchers are encouraged to attend any class, course or program, which will enhance their dispatching abilities and skills.

### **VII. PROVIDER SELECTION**

#### **Initial Assignment of Ambulance Service Provider**

Any person wishing to provide ambulance services within Curry County shall submit a letter of intent to bid within thirty (30) days of the announcement regarding an opening of an Ambulance Service Area (ASA). All bid proposals shall be submitted to the County EMS Administrator. The proposals shall be reviewed by the County ASA Request for Proposal (RFP) Evaluation Committee. This committee shall recommend the assignment of an ASA to the Board of Commissioners. Assignment of all ASA's shall be made by the Board of Commissioners. Assignment of an ASA shall be valid for five (5) year terms commencing on the first day of contract implementation and subject to provisions of suspension or revocation as set forth in this plan.

### **Reassignment of an ASA**

In the event that a reassignment of an ASA is necessary, the Committee shall make a written recommendation to the Board. The committee shall develop appropriate criteria, utilizing the selection process described in this plan to be presented to the Board for consideration and/or action by the Board.

### **Application Process for Applying for an ASA**

See County Ordinance Section 2.01.090 regarding application process for applying for an ASA

### **Notification of Vacating an ASA**

In the event that an ASA provider wishes to vacate its ASA, the provider shall provide at least sixty (60) days written notice to the Board. The ASA provider must provide notification in accordance with the provisions of the initial service agreement or contract.

### **Maintenance of Level of Service**

In the event that an ASA provider is unable to comply with the standards promulgated for the ASA by this Plan, the provider will notify the Board in writing of its inability to comply and identify which standards are involved. The Board will determine if other qualified providers are available for the ASA who can comply with the standards. If the Board determines no other qualified providers are available it will apply to the Oregon Health Authority, Emergency Medical Services and Trauma Systems Section under ORS 682.079 for a variance from the standards so that continuous ambulance service may be maintained, by the existing provider, in the ASA.

## **VIII. CURRY COUNTY ORDINANCES AND RULES**

The Curry County Board of Commissioners shall adopt a county emergency medical services ordinance. The ordinance shall include criteria for administering the Curry County Ambulance Service Area Plan; limiting ambulance services that may operate in the county; establishing an application process; ambulance franchise terms; enforcement; preventing interruption of service; appeals, abatement and penalties; duties of the franchisee; and establishing membership and duties of the advisory committee. (See Appendix)

### **Exceptions/Amendments to County Ambulance Ordinances/Rules**

Amendment to County Code, Article Two Division One, dated October 18, 2004  
Amendment to County Code, Article Two Division One, dated May 18, 2009  
Amendment to County Code, Article Two Division One, dated March 19, 2014  
Port Orford Community Ambulance Resolution, dated December 5, 2013

## **APPENDICES**

**ASA Maps & Fire District Boundaries (North, Central, South)**

**911 Map**

**Incorporated City Maps**

**Notification and Response Times**

**Copy of Mutual Aid Agreement (Example)**

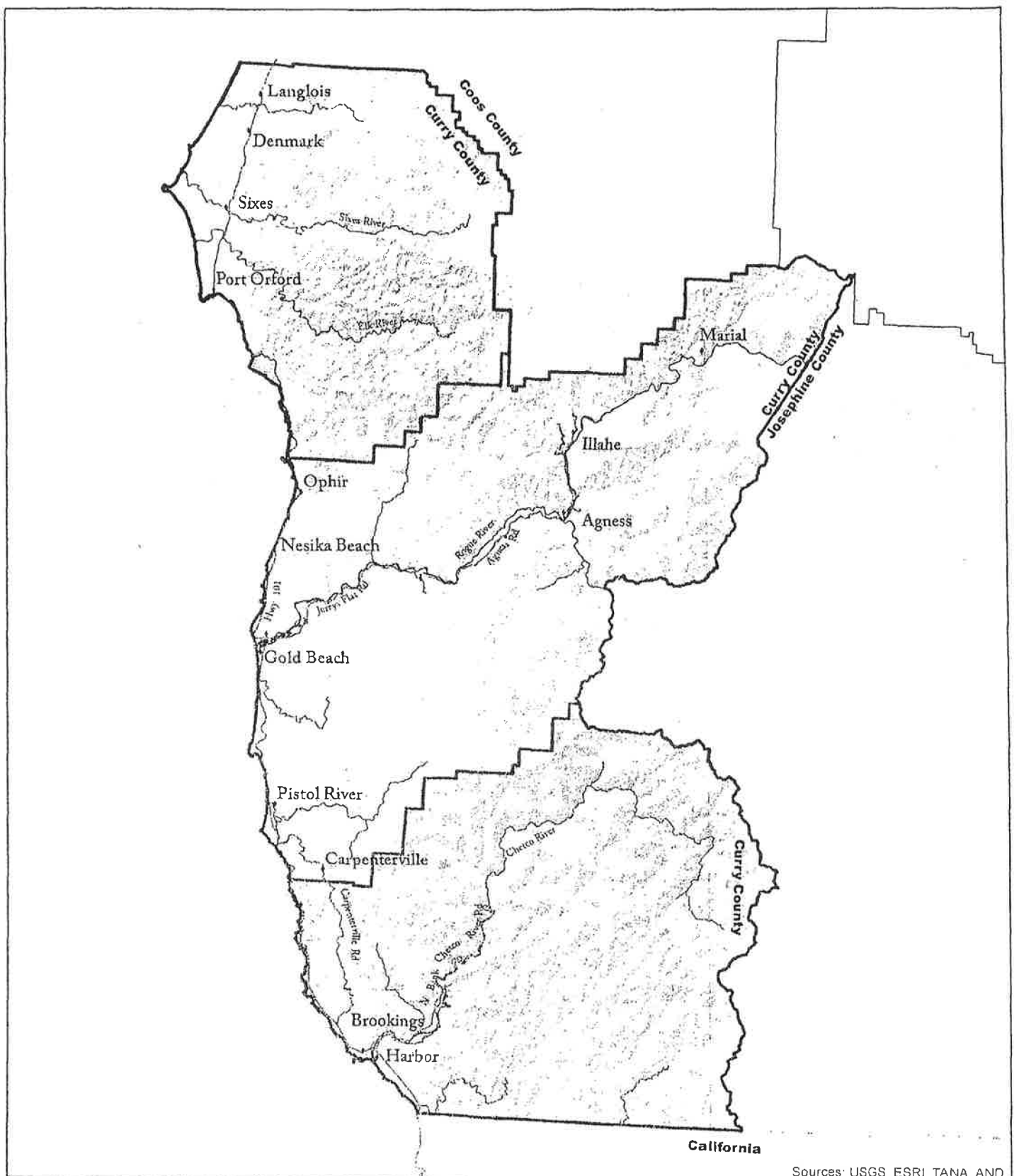
**Amendment to County Code, Article Two Division One, dated October 18, 2004 (Includes Exhibit "A" only)**

**Amendment to County Code, Article Two Division One, dated May 18, 2009**

**Amendment to County Code, Article Two Division One, dated March 19, 2014**

**Port Orford Community Ambulance Resolution, dated December 5, 2013**

**ORS Chapter 244**



# Ambulance Service Area Plan Curry County, OR

Curry County, OR

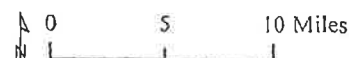
ASA #1



ASA #2

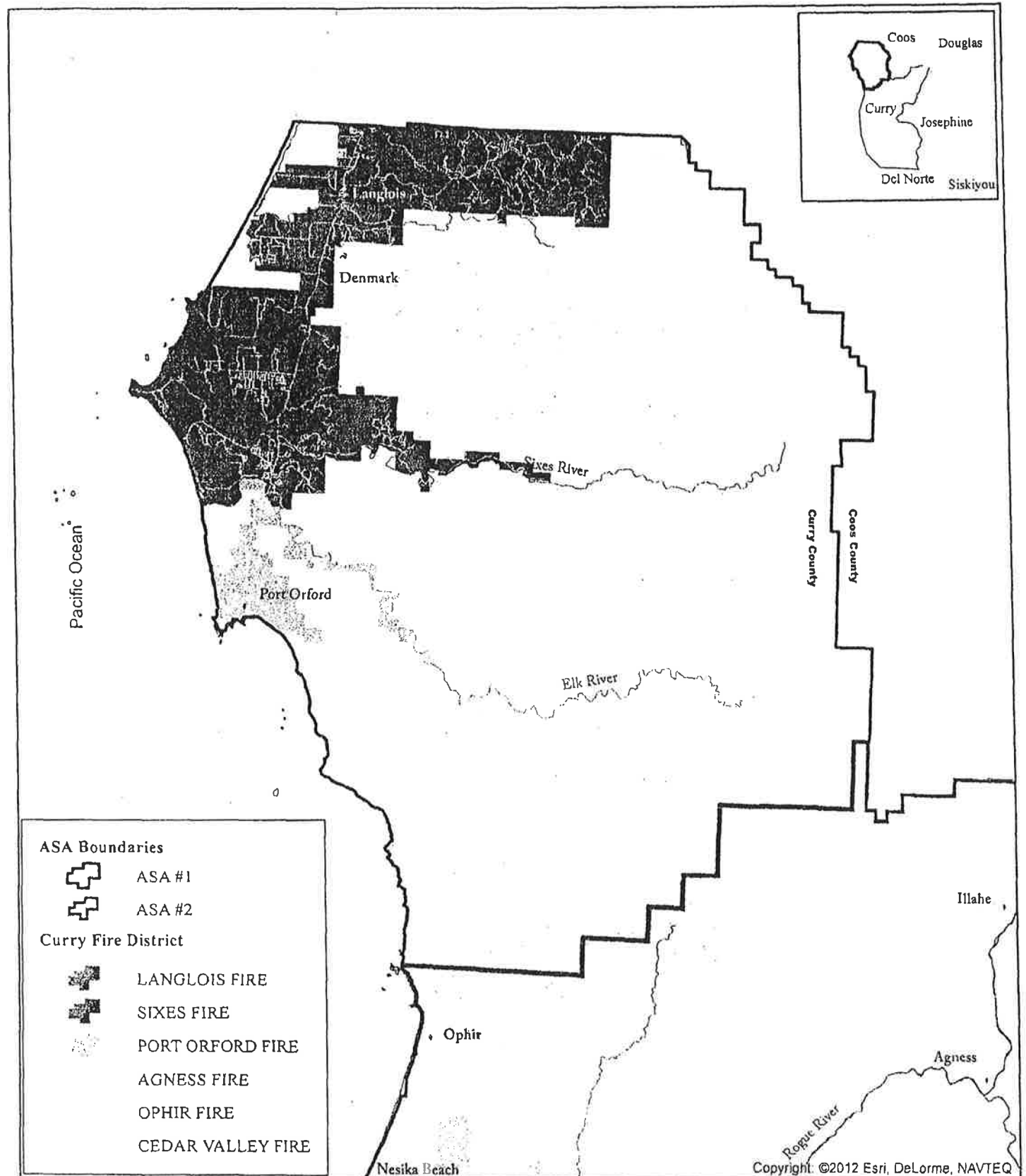


ASA #3



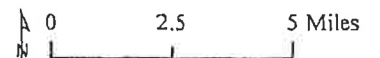
This product...for informational purposes and may or may not be prepared by, or be suitable for legal engineering or other legal purposes. Users of this information should be aware of certain privacy data and information issues associated with the quality of the information.

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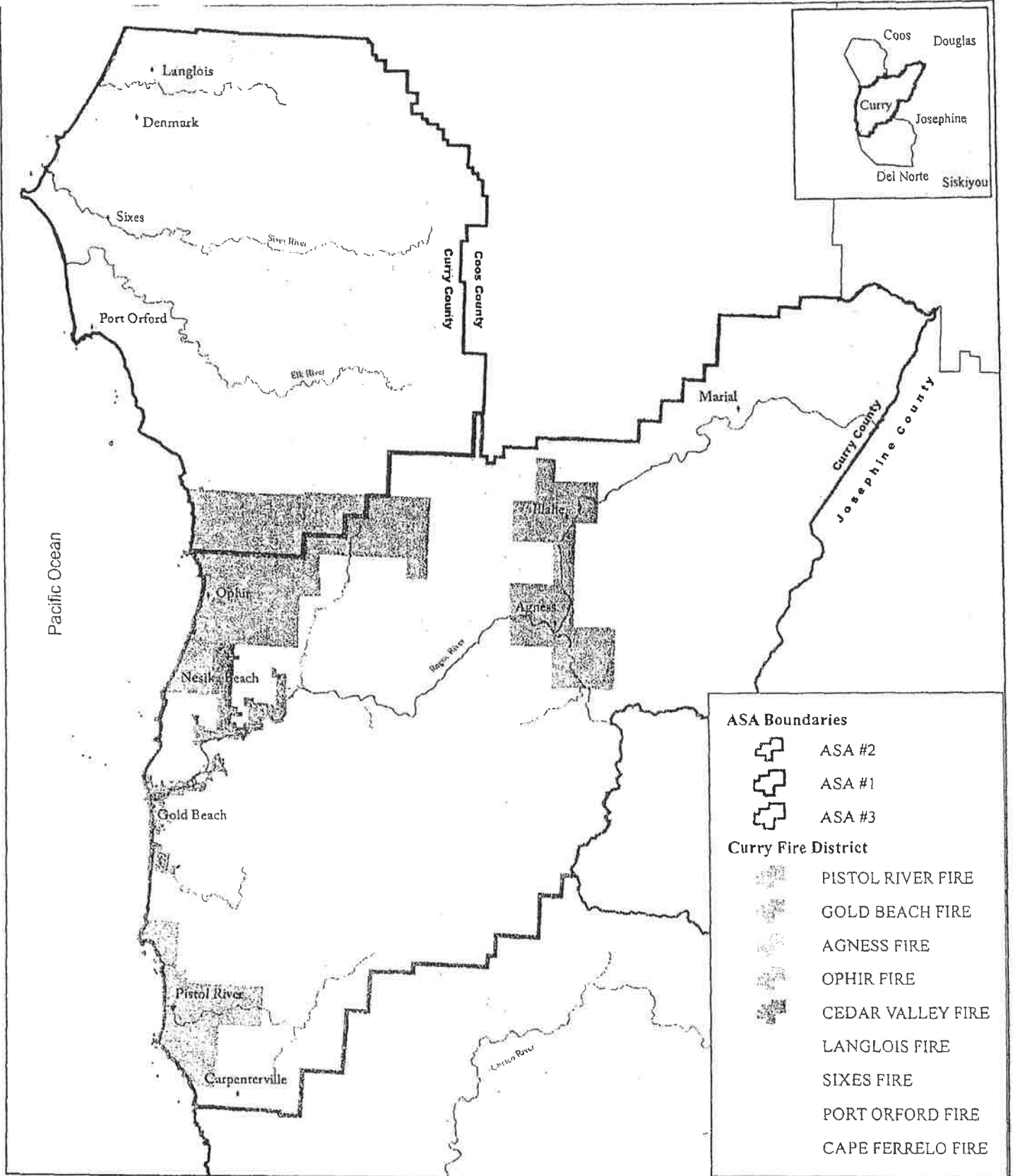
# Ambulance Service Area (ASA) #1 Curry County, OR

Approximate Range  
Highway 101 Mile Post: 315 - 286



XY012 FRANKLIN, Brackets GIS, Curry County GIS, 11/1/14

This product is for informational purposes only and has been prepared for use as a guide for legal, engineering, or surveying purposes. Users of this information should verify or consult the primary data and information sources to ascertain the reliability of the information.



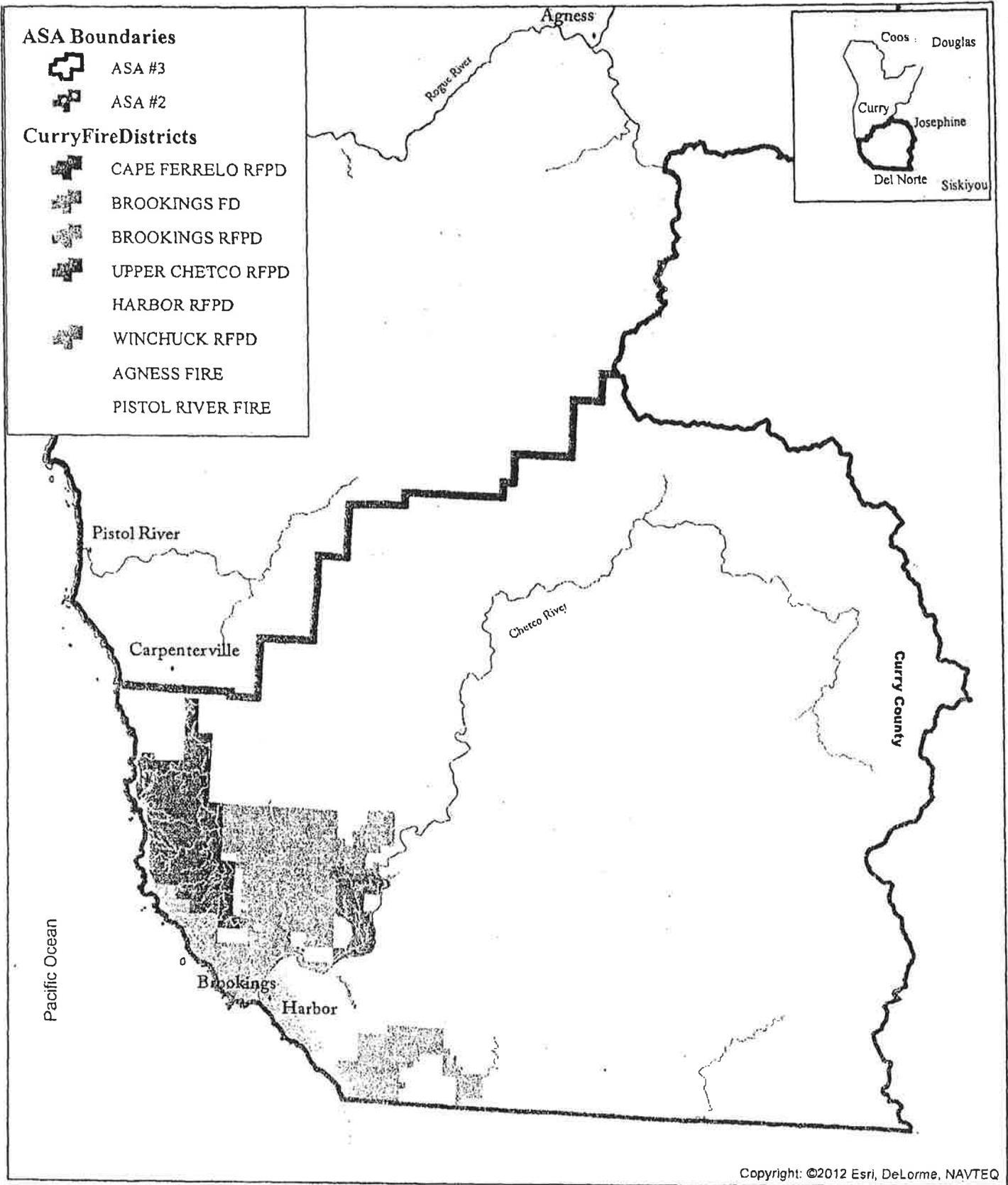
Ambulance Service Area (ASA) #2  
Curry County, OR

Approximate Range  
Highway 101 Mile Post: 345 - 315

0 5 10 Miles

NAID 000000, Drawing Q02, Curry County, OR, 11/14/14

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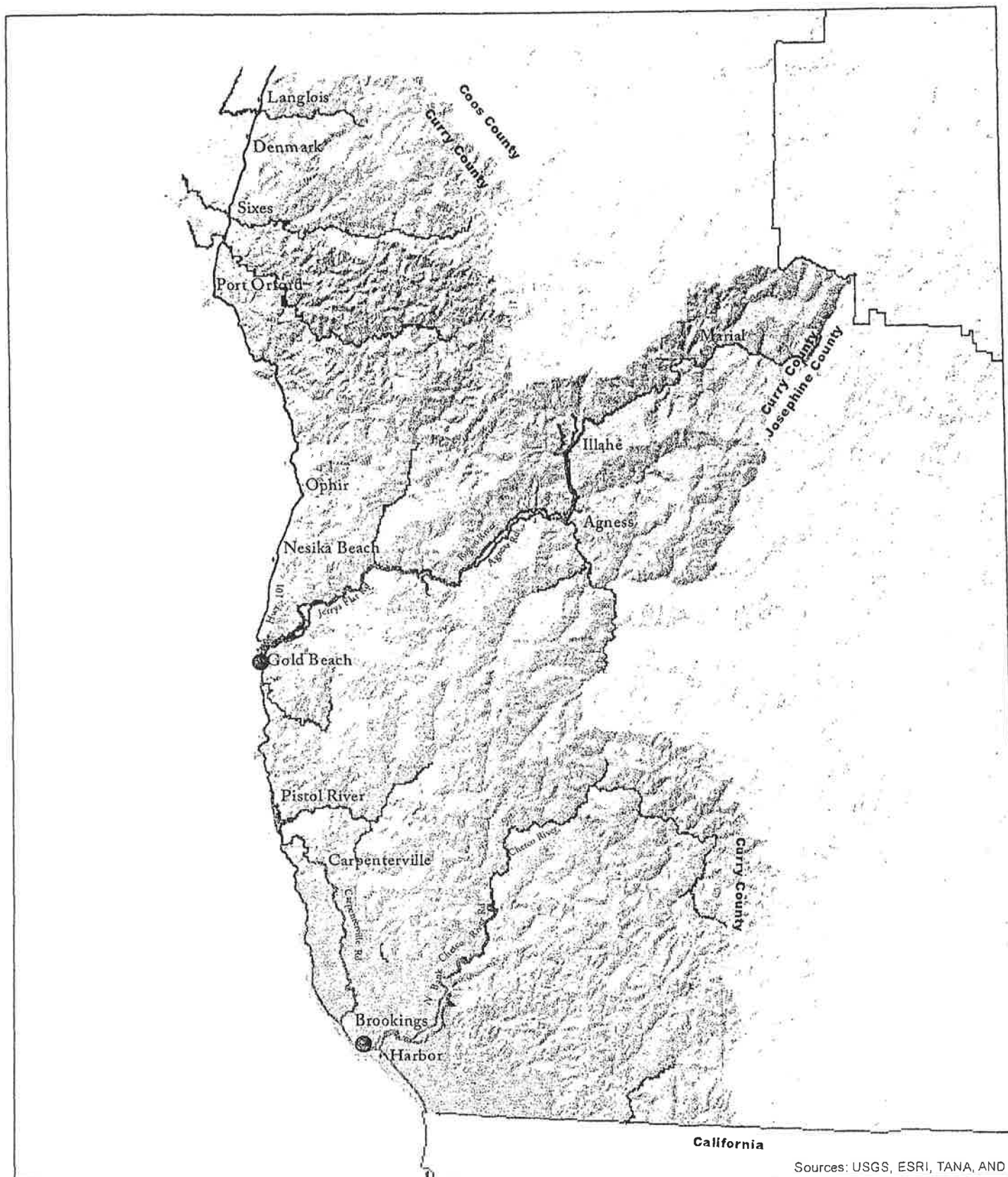
Ambulance Service Area (ASA) #3  
Curry County, OR

Approximate Range  
Highway 101 Mile Post: 363 - 345

0 2.5 5 Miles

N 101° 08' 50" W, Brookings, OR, Curry County GIS, 2/1/11

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the accuracy of the information.



Sources: USGS, ESRI, TANA, AND

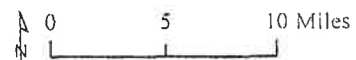
# Curry County, OR

● PSAP Locations



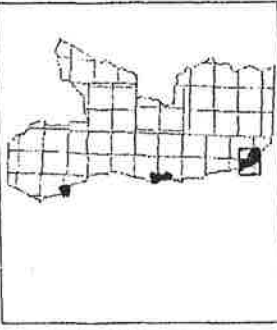
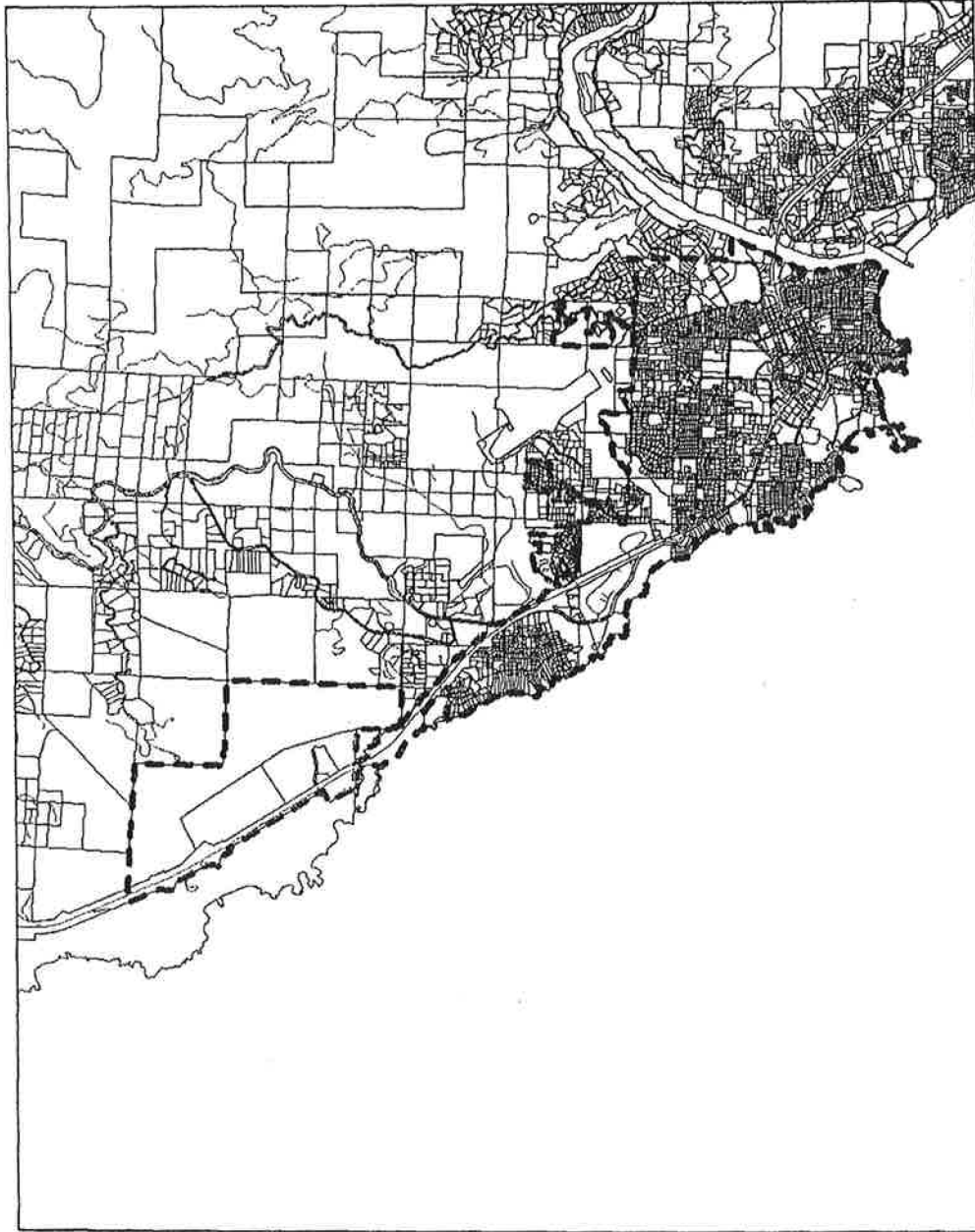
Brookings PSAP

Curry PSAP



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# Brookings City Limits



- Legend**
- ROADS ORTHO CORRECTED
  - PARCELS
  - CITY LIMITS



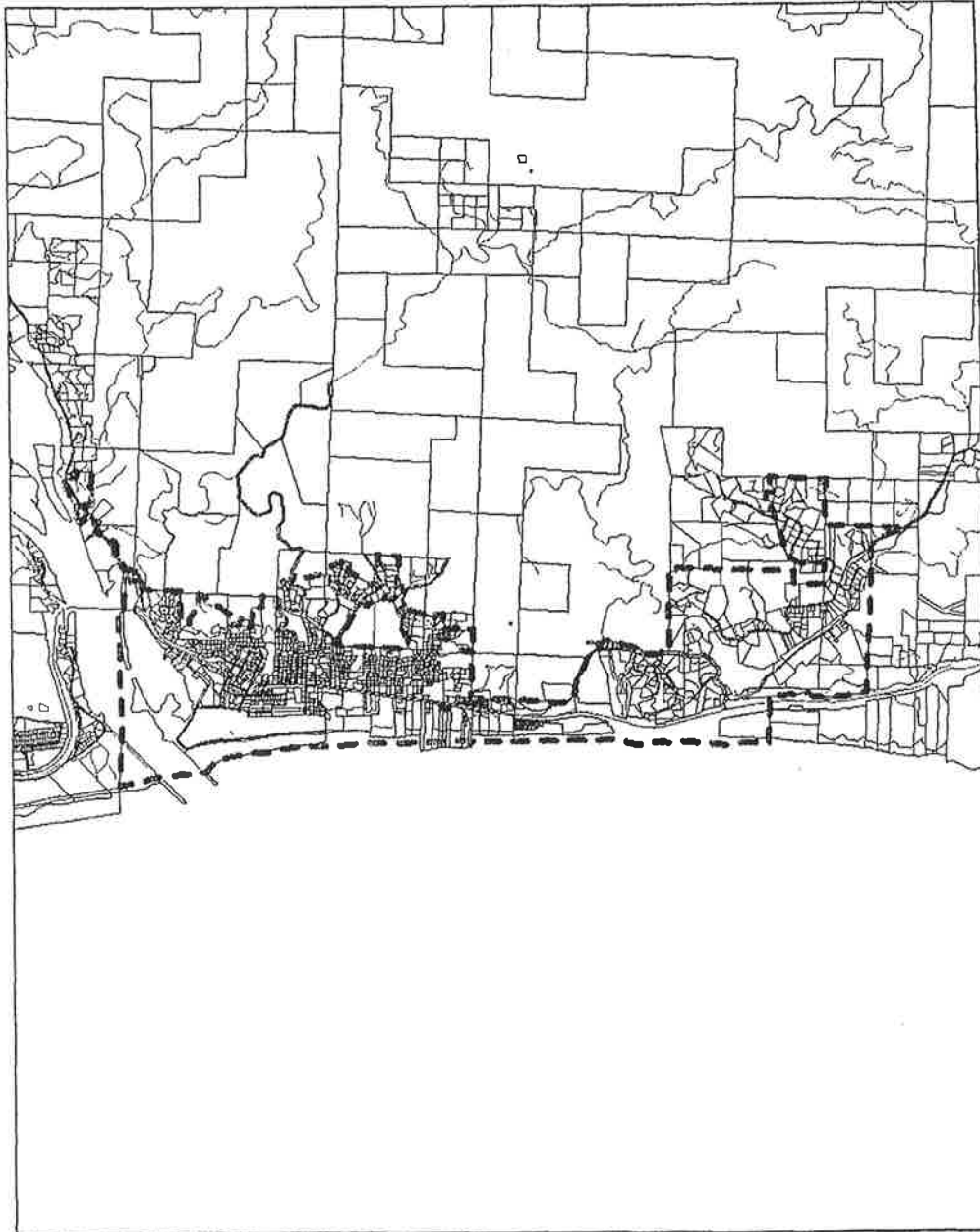
Scale: 1:61,392

0 6000 12000 18000 ft.

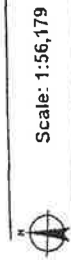
Map center: 42° 4' 35" N, 124° 18' 43" W

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

# Gold Beach City



- Legend**
- ~ ROADS ORTHO CORRECTED
  - PARCELS
  - CITY LIMITS

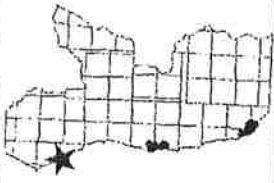


Map center: 42° 23' 51" N, 124° 24' 47" W

0 5500 11000 16500 ft.

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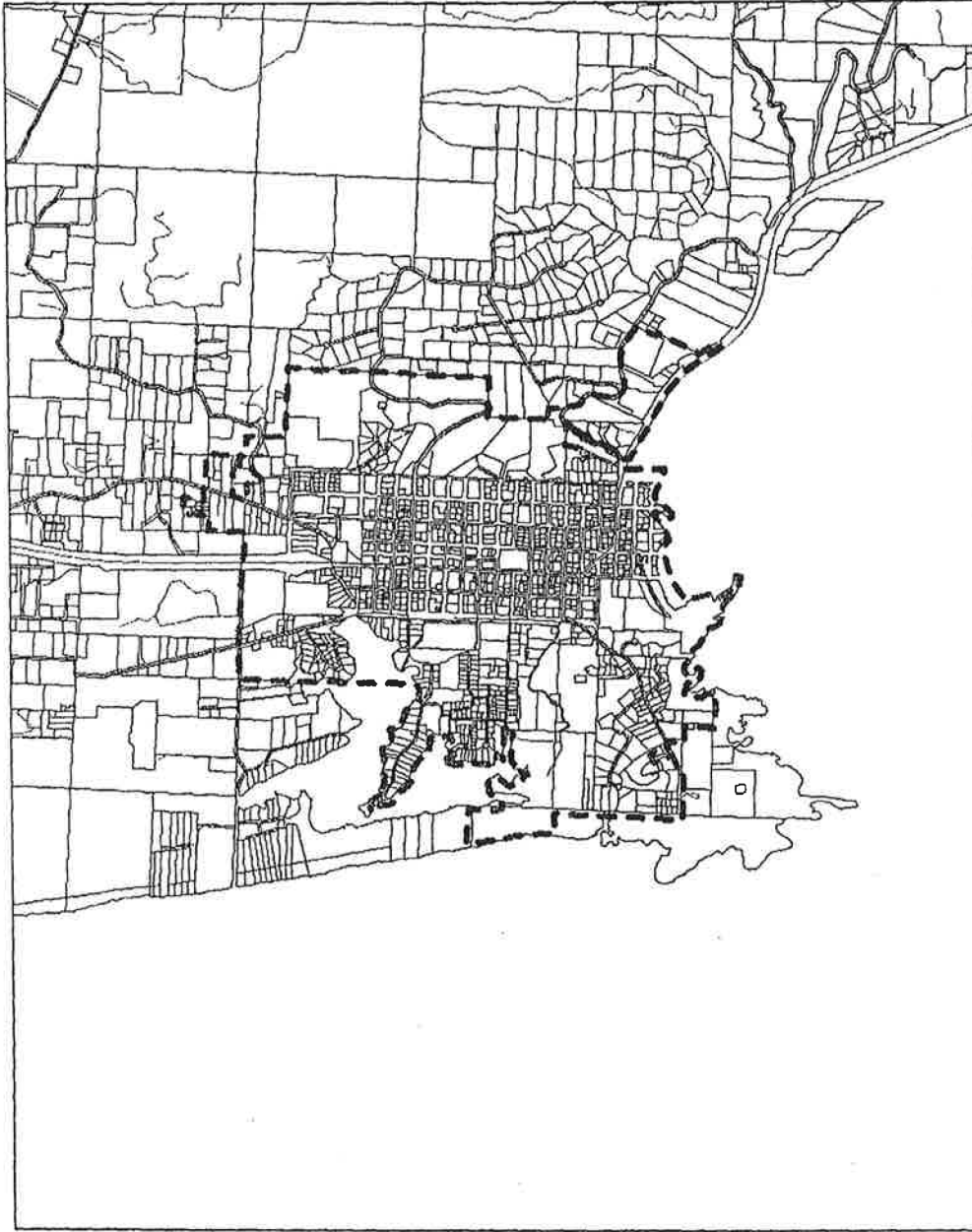
# Port Orford City



- Legend**
- ROADS ORTHO CORRECTED
  - PARCELS
  - CITY LIMITS



Scale: 1:33,829



0 3250 6500 9750 ft.

Map center: 42° 44' 55" N, 124° 30' 1" W

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**SOUTHERN CURRY COUNTY AMBULANCE SERVICE AREA  
RESPONSE TIMES**

EMT's respond to 911 dispatch within 5 minutes, with an addition of 5 minutes added to call lengthened by traffic, weather, and road conditions.

8 minutes within city limits of Brookings	90%
15 minutes out of city limits of Brookings within the UGB	90%
45 minutes rural areas	90%
4.5 hours Frontier Roadless Areas	90%
24 hours Frontier Roadless Areas	90%

Inside city limits, on scene	8 minutes
Deer Park Road-North	8 minutes
Chetco River Bridge-South	8 minutes
East Harris Heights	8 minutes
Hampton Road	8 minutes
Brooke Lane	8 minutes
Meadow Lane	8 minutes
Marina Heights to the fork	8 minutes
North Bank Chetco Road-Worlton Place	8 minutes
West-the Pacific Ocean shoreline	8 minutes

North 101, on scene	22 minutes
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Whales Head RV Park	10 minutes
Martin Ranch Road	15 minutes
Thomas Creek Bridge	15 minutes
Burnt Hill Salmon Ranch	18 minutes
Pistol River Flat	22 minutes
Cape Ferrelo Road	8 minutes
Cape Ferrelo Road-Homestead Market	12 minutes
Cape Ferrelo Road-Carpenterville Road	15 minutes
DeMoss road	8 minutes
Duley Creek Road	12 minutes
Blandau's Ranch	20 minutes

East, on scene	4.5 hours
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North Bank Chetco River Road	
Thompson Road	10 minutes
Mountain View Road to end	15 minutes
Riverside Market	12 minutes
Gardner Ridge Road	15 minutes
Gardner Ridge Road to end	45 minutes
Loeb State Park	15 minutes
Second Bridge	20 minutes
Little Redwood	25 minutes
South Fork Bridge	30 minutes
Vulcan Lake Trail Head	3 hours
Windy Valley Trail Head	3 hours
South Bank Chetco River Road	
River Bend RV Park	10 minutes
Jacks Creek Bridge	12 minutes
Mt. Emily Road	15 minutes
Fallert's Ranch	20 minutes
South, on scene	35 minutes
Harbor Shopping Center	8 minutes
Southcoast Shopping Center	8 minutes
West/East Benham Lane	10 minutes
Pedrolli Drive	15 minutes
Port of Brookings Harbor	8 minutes
Oceanview Drive-North end	15 minutes
Oceanview Drive-South end	20 minutes
South Bank Winchuck-Stateline Road	15 minutes
Del-Cur Supply	10 minutes
Lucky "L" Ranch	25 minutes
North Bank Winchuck Road	10 minutes
Lawrence Lane	15 minutes
Grover's Place	20 minutes
Ludlem House	35 minutes
Winchuck Campground	25 minutes
Donnelly Place	30 minutes

# **CENTRAL CURRY AMBULANCE SERVICE AREAS RESPONSE TIMES**

EMT's respond to 911 dispatch within 7 minutes, with an addition of 5 minutes added to call lengthened by traffic, weather, and road conditions.

10 minutes in the city limits of Gold Beach	90%
20 minutes out of the city limits of Gold Beach	90%
35 minutes rural areas	90%
4.5 hours Frontier Roadless Areas	90%
24 hours Frontier Roadless Areas	90%
 Gold Beach North	
101 Frankport North Service Area	30 minutes
Ophir	25 minutes
Cedar Valley Road-Miller Creek	30 minutes
Nesika Beach	20 minutes
Otter Point-Hubbard Mound	15 minutes
 Gold Beach North Bank Rogue River	
Cedar Valley Road Junction	20 minutes
Lobster Creek	30 minutes
 Gold Beach-Jerry's Flat-Agness Road	
Champion Mill Site	20 minutes
Lobster Creek Bridge	25 minutes
Quosatana Creek	30 minutes
Copper Canyon	45 minutes
Agness	55 minutes
 Gold Beach South	
Hunter Creek	15 minutes
Cape Sebastian	20 minutes
Pistol River	25 minutes
Boardman State Park South Service Area Boundary	30 minutes
Carpenterville Area	30 minutes
 Frontier Area East of Hwy 101	
To end of drivable forest roads	6 hours
Roadless areas accessible from Coos, Douglas, or Josephine Counties	8 hours
 Roadless Areas	
By Helicopter (subject to weather availability and permission to land by governing agency)	5 hours
By foot or horseback	24 hours

# **AGNESS RESCUE SQUAD RESPONSE TIMES**

EMT's respond to 911 dispatch within 7 minutes, one EMT in 3 minutes, and one 5 minutes, with an addition of 5 minutes added to call lengthened by traffic, weather, and road conditions.

15 minutes within Agness Area	90%
45 minutes North Top of Agness, Powers Pass	90%
45 minutes East Agness, Josephine County Line, Bear Camp	90%
45 minutes West Agness, Lake of the Woods, Lookout Junction	90%
3 hours Upper River Area, Foster Bar to Paradise Bar	90%
4.5 hours Frontier Roadless Areas	90%
24 hours Frontier Roadless Areas	90%
South Agness to Lucas Lodge	14 minutes
South Agness to Spud Road and Residents	20 minutes
South Agness to Gold Beach	50 minutes
North Agness to Illahe Area, Big Bend, Foster Creek	8 minutes
North Agness to top of Agness, Powers Pass	45 minutes
West Agness to end of Sundown Road	14 minutes
West Agness to Lake of the Woods, Lookout Junction	45 minutes
East Agness to Oak Flat	20 minutes
East Agness to Josephine County Line, Bear Camp	45 minutes
Upper Rogue River Area Foster Bar to Paradise bar	3 hours
Frontier Roadless Areas	
To end of drivable forest roads	6 hours
Roadless Areas accessible from Coos, Douglas or Josephine Counties	8 hours
Roadless Areas	
By Helicopter (subject to weather availability and permission to land by governing agency)	5 hours
By foot or horseback	24 hours

# **NORTH CURRY COUNTY AMBULANCE SERVICE AREA RESPONSE TIMES**

EMT's respond to 911 dispatch within 5 minutes, with an addition of 5 minutes added to call lengthened by traffic, weather, and road conditions.

8 minutes within city limits of Port Orford	90%
15 minutes out of city limits of Port Orford	90%
45 minutes rural areas	90%
4.5 hours Frontier Roadless Areas	90%
24 hours Frontier Roadless Areas	90%
Port Orford to Coos County Line	25 minutes
Port Orford to Langlois	20 minutes
101 Langlois Mountain (average mph off 101: 20-30 mph)	
John Guynup 6 ½ miles up	15 minutes from 101
McClouds (North on Langlois Mountain)	30 minutes from 101
Kalina (South on Langlois Mountain)	30 minutes from 101
Port Orford North (Average mph off 101: 20-30 mph)	
Floras Creek Road	15 minutes
North End of Floras Lake (West)	12 minutes
South End of Floras Lake (West)	10 minutes
Denmark	12 minutes
Pacific High School	10 minutes
Sixes Store (Average 20-30 mph)	8 minutes
Sixes to Plumtree (up Sixes Road)	15 minutes
Cape Blanco and 101	8 minutes
101 to End of Cape Blanco Road	15 minutes
Elk River Road and 101	6 minutes
6 miles up Elk River from 101	18 minutes
Port Orford South	
Hubbards Creek	8 minutes
Humbog Mountain	10 minutes
Brush Creek	15 minutes
Muscle Creek (Traffic and Weather factor)	30 minutes
Frontier Area East of Hwy 101	
To end of drivable forest roads	6 hours
Roadless areas accessible from Coos County	8 hours
Roadless Areas	
By Helicopter (subject to weather, availability and permission to land by governing agency)	5 hours
By foot or horseback	24 hours

CURRY COUNTY  
AMBULANCE SERVICE AREA  
MUTUAL AID AGREEMENT

WHEREAS the Parties hereto maintain and operate Emergency Medical Services for the purpose of necessary lifesaving services within their respective service areas; and

WHEREAS the parties recognize the possibility that numerous medical responses and/or disaster conditions in one Party's area could create insufficient resources to allow for effective operation of Emergency Medical Services in that area; and to accommodate those times when one Party is in need of emergency assistance; and

WHEREAS the parties recognize that one Party may be more advantageously placed to provide effective Emergency Medical Services in the other Party's service area due to distance, road, or weather conditions;

NOW THEREFORE, it is agreed as follows:

1. Both parties agree to furnish personnel and equipment to the other Party when requested by competent authority, provided the assisting Party has available adequate personnel and equipment to reasonably provide assistance,
2. The Parties agree to maintain compatible radio communication capabilities with each other.
3. It is mutually agreed and understood that this agreement shall not relieve either Party of the responsibility for Emergency Medical Services within its own district, nor does this agreement create any right in, or obligation to, third parties by either Party which would not exist in the absence of this agreement. It is the intent of this agreement to provide reasonable assistance only, and not primary responsibility.
4. It is agreed that this agreement for mutual aid shall constitute the sole consideration for the performance hereof, and that neither Party shall be obligated to reimburse the other for use of equipment or personnel. During the course of rendering aid, the personnel and equipment of each party shall be at risk of that Party. Each Party shall protect its personnel performing under this agreement by adequate worker's compensation insurance. Each Party shall obtain and maintain in full force and effect adequate public liability and property damage insurance to cover claims for injury to persons or damage to property arising from such Party's performance of this agreement, and all right and subrogation right against each other, and against the agents and employees of each other for liability and damages covered, unless to do so would void such insurance coverage.
5. This agreement shall be and remain in full force and effect from and after the date of execution set opposite the signature of each Party until terminated or modified. This agreement may be modified at any time by mutual consent of the Parties, and terminated

by either Party upon reasonable notice.

6. In the event of a Presidential Disaster Declaration, or the Conflagration Act being invoked, this agreement shall not preclude or bar providers from claim for, or collection of, any type of reimbursement, payment, or restitution.

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed on the day set opposite the respective signature of each; said execution having been heretofore first authorized in accordance with law.

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Signature	Title	Date
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Signature	Title	Date
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## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order )  
 Amending Franchise )  
 terms for ASA- 1, ASA-2 and )  
 ASA- 3 to Cal-Ore Life Flight )

ORDER NO. 20560

This matter came before the Board of Curry County Commissioners at its regular meeting on August 15, 2018, to consider request to amend the service date of Cal Ore Life Flight (COLF) franchises for ASA- 1, ASA-2 and ASA- 3.

The Board considered the application, public testimony and the recommendation of the Curry County ASA Committee. Thereafter a motion was made and seconded, and it was resolved to amend the franchises to extend each for five years so as to expire June 30, 2027.

## I. DECISION CRITERIA

Section 2.01.130(1) (Curry County Codified Ordinances) Franchise Terms and Renewals states: "unless the Board finds that a longer or shorter term is required in the public interest, the term of an emergency ambulance service franchise shall be five (5) years[.]"

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

On or around June 21, 2018, Cal-Ore Life Flight (COLF), submitted to the Administrator an application to assume the duties of ASA-1 from the Port Orford Community Ambulance (POCA) following a letter from the Port Orford Community Ambulance (POCA) dated June 14, 2018 noting its hardships to continue providing service to that area, as well as a request to transfer ASA-1 from POCA to COLF, and an additional five-year extension of all franchises, ASA-1, ASA- 2 and ASA- 3, due to the substantial additional costs involved in assuming ASA-1. The application was on a written form provided by the County, and it contained attached exhibits.

The Curry County ASA Committee reviewed the application on July 31, 2018, and the Committee recommended to the Board of Commissioners that the requested extensions be granted.

Earlier at its August 15<sup>th</sup> hearing, the Board approved an Order for COLF to assume the franchise duties of ASA-1 to prevent uninterrupted service, as well as approved an Order to transfer ASA-1 to COLF.


Because it is required in the public interest to provide emergency ambulance service to ASA-1; and because POCA can no longer provide that service; and because COLF has agreed to provide emergency ambulance service to ASA-1 so long as it can obtain an extension of five years on each franchise, it is required in the public interest to extend the ASA franchise for each of COLF's service areas for five years until June 20, 2027.

NOW, THEREFORE, IT IS HEREBY ORDERED that Cal-Ore Life Flight is granted five-year extensions for the franchises for ASA-1, ASA- 2, and ASA- 3 (whereby each franchise is extended until June 30, 2027) subject to the following conditions:

1. Except as modified by Order No. 12894, Cal-Ore Life Flight shall substantially comply with all its representations regarding ambulance service as outlined in its original franchise application as well as its franchise extensions, which are incorporated by reference.
2. Cal- Ore Life Flight shall comply in all respects with Article Two, Division One of the Curry County Code (Ordinance 96-7) as it has and may be amended from time to time.
3. Failure to comply with the terms of the franchises will be considered a violation of local law under the Curry County Code, as it may be amended from time to time, and is subject to all County remedies available under the law.

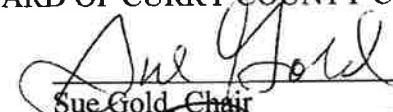

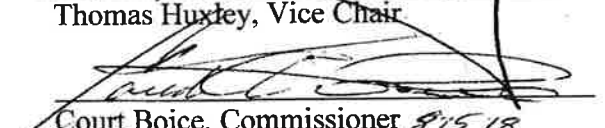
DATED this 15<sup>th</sup> day of August, 2018.

TERMS OF EXTENSION ACCEPTED:

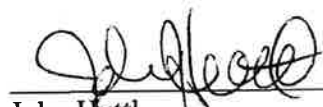
  
Dan Brattain  
Authorized Representative for Cal-Ore Life Flight

8/17/18  
Date

BOARD OF CURRY COUNTY COMMISSIONERS

  
Sue Gold, Chair  
  
Thomas Huxley, Vice Chair  
  
Court Boice, Commissioner 8/15/18

Approved as to Form:

  
John Hutt  
Curry County Legal Counsel

2 | Order ASA term extensions