



**CURRY COUNTY
BOARD OF COMMISSIONERS**

94235 Moore Street
Gold Beach, Oregon

(541) 247-3296

BOC_Office@co.curry.or.us

www.co.curry.or.us

**AGENDA
BOC BUSINESS MEETING**

April 3, 2024

6:00 p.m.

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

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. 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. SERVICE AWARDS

- A. Recognition of Ryan Brose – 10 Years – Sheriff's Department (Pg. 1)

5. CONSENT AGENDA

- B. Approve Minutes for Business Meeting on March 21, 2024 (Pg. 3)
C. Approve CCD Business Development Corporation Appointments (Pg. 6)
D. Approve Updated Agenda Policy (Pg. 17)
E. Approve Camp Host Agreement – Boice-Cope (Pg. 22)

6. DISCUSSION/ACTION ITEMS

- A. Discussion – LPSCC Lay Member (Pg. 27)
 Public Comments
 i. Application (Pg. 29)
B. Curry County Building Code Revision (Pg. 31)
 Public Comments
 i. Ordinance (Pg. 32)
C. Caselle Community Development Module (Pg. 57)
 Public Comments
 i. Caselle Proposal (Pg. 58)
D. Financial Internal Controls (Pg. 61)

7. INFORMATION ONLY

- A. New Hires – Sheriff’s Department (Pg. 62)
 - i. Personnel Action Forms

8. ELECTED OFFICIAL UPDATES

9. COMMISSIONER UPDATES

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

10. EXECUTIVE SESSION

- A. 192.660(2)()

11. 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.”

12. 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.
Auxiliary aids will be provided upon request with 48-hour advance notification.*



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
04/03/2024		Recognition of Longevity Service	
Time Needed:			
5 Min			
Financial Impact:		Description and Background:	
		Today, we recognized Sergeant Ryan Brose for his ten years of service with the Curry County Sheriff's Office. Normally we did these recognitions in front of the BOC, but when the times and locations were changed, I started presenting these years of service awards in-house for convenience for our employees. We still send a AGRS to the BOC office to put on the next BOC agenda as a consent item to be recognized.	
Category:			
<input type="checkbox"/> Action/Discussion			
<input type="checkbox"/> Consent		Congratulations Ryan for your continued commitment to the Curry County Sheriff's Office and the community you serve.	
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input checked="" type="checkbox"/> Presentation			
Requested Motion:			
Attachments:		Instructions Once Approved:	
1. Picture			
2.			
3.			
4.			
5.			
Contact Person – Name and Department:			Date Submitted:
Keina Wolf			03/18/2024

Ward presenting Sargeant Brose with Certificate for 10 Years of Service





CURRY COUNTY BOARD OF COMMISSIONERS

Commissioners' Hearing Room, Courthouse Annex
94235 Moore Street, Gold Beach, Oregon
www.co.curry.or.us

BUSINESS MEETING MINUTES

March 21, 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 4:00 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, Building Official Garret Thomson, Finance Director Keina Wolf, and Administrative Assistant Natasha Tippetts

The Pledge was recited by all.

2. AMENDMENT AND APPROVAL OF THE AGENDA

Fitzgerald would like Item 5C, Social Media Policy removed.

Fitzgerald mentioned an executive session will be held as well.

Fitzgerald added approval of engagement letter with Moss Adams to the Consent calendar item 4-E.

Trost would like a Resolution for Coordination for Offshore Wind Energy added to Item 5-E.
Trost would like to add ADAPT Benchmarks discussion 5-F.

Herzog would like to add Kofile Presentation to item 5-D (Replacing Social Media Policy)
Herzog would like to switch items 5-A) (FY24 Budget Revision Resolution) and 5-C (Curry Transfer and Recycling Rate Increase.

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

3. PUBLIC COMMENTS

None

4. CONSENT AGENDA

- A. Approve Minutes for Business Meeting on March 6 2024
- B. Approve Host Contract – Boice-Cope Park
- C. Approve Hire – Plumbing Inspector
- D. Approve Renewal of AirMedCare Payroll Deduction Agreement
- E. Approve Engagement Letter with Moss Adams

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

5. DISCUSSION/ACTION ITEMS

A. Curry Transfer and Recycling Rate Increase

Trost motioned to adopt a CTR Rate Increase of 3.08%, effective April 1, 2024. Herzog seconded. Motion carried unanimously.

B. Curry County Building Code Revision – Garrett Thomson presented.

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

Fitzgerald read the building code by title only.

C. FY24 Budget Revision Resolution – Keina Wolf presented.

Trost motioned to approve revisions to the selected FY24 funds presented. Herzog seconded. Motion carried unanimously.

D. Kofile Presentation – Shelley Denney presented.

Commissioners discussed the amount of money that the County currently has for this project. Commissioners instructed Fitzgerald to converse with Phil Dixon, IT Director, to determine how much funds is left from the Cyber Attack.

E. BOEM Resolution – Commissioner Trost presented.

Trost read Resolution in its entirety.

Herzog motioned to approve the Resolution. Trost seconded. Motion carried unanimously.

F. Adapt Benchmarks – Commissioner Trost presented.

Trost asked the other Board members if they would agree to him directly working with the partner agencies and coordinated care organizations, to establish framework for benchmarks and then bring them to the Board to amend if they see fit and approve.

Chair Alcorn adjourned the meeting at 4:45 p.m.

6. EXECUTIVE SESSION

Commissioners entered into Executive Session at 4:45 p.m. under authority of ORS 192.660(h): to consult with counsel concerning the legal rights and duties of the public body with regard to current litigation or litigation likely to be filed.

Dated this 3rd day of April, 2024

Brad Alcorn, Chair

John Herzog, Vice Chair

Jay Trost, Commissioner

Minutes prepared by Natasha Tippetts, Administrative Assistant



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
April 3, 2024		Approve CCD Business Development Corporation Appointments	
Time Needed:			
.....			
Financial Impact:		Description and Background:	
.....		Annually, the Board of Commissioners appoints members to the Coos	
Category:		Curry Douglas (CCD) Board. CCD provides the names of the	
<input type="checkbox"/>	Action/Discussion	recommended appointments. Attached is the applications for those to be	
<input checked="" type="checkbox"/>	Consent	appointed with a term of Expiring July 1, 2025.	
<input type="checkbox"/>	Executive Session	.....
<input type="checkbox"/>	Hire Order	.....
<input type="checkbox"/>	Presentation	.....
Requested Motion:			
Appoint John Herzog, Bret Curtis, Jil TeVelde, Maarten Otterloo, and Randy Mason to the CCD Business Corporation			
Committee all with expiring terms of July 1, 2025			
Attachments:		Instructions Once Approved:	
1. Redacted Applications .....		.....
2. ....		.....
3. ....		.....
4. ....		.....
5. ....		.....
Contact Person – Name and Department:		Date Submitted:	
Natasha Tippetts		03/27/24	



Application for Volunteer Boards, Commissions, Councils, Committees or Task Forces

Board of Curry County Commissioners
94235 Moore Street, Suite 122
Gold Beach, OR 97444
Phone: 541-247-3296 Fax: 541-247-2718 Email: BOC_Office@co.curry.or.us

Please complete both pages of this form. Information submitted as part of this application is available and shall be considered public information as it pertains to Oregon Public Records.

NOTE: A separate application may be required for each Board, Commission, Council, Committee or Task Force for which you are applying.

Please print or type clearly

Name: Bret Curtis Date: 3/4/24

Please indicate which Board, Commission, Council, Committee or Task Force on which you are interested in serving.

<input type="checkbox"/> Ambulance Service Area Advisory Committee	<input type="checkbox"/> Coos Curry Housing Authority
<input type="checkbox"/> Board of Property Tax Appeals	<input type="checkbox"/> Fair Board
<input type="checkbox"/> Brookings Airport Advisory Committee	<input type="checkbox"/> Farm Board of Review
<input type="checkbox"/> Budget Committee	<input type="checkbox"/> Local Public Safety Coordinating Council
<input type="checkbox"/>	<input type="checkbox"/> Planning Commission
<input checked="" type="checkbox"/> CCD Business Development Corporation	<input type="checkbox"/> Solid Waste Advisory Committee
<input type="checkbox"/> Citizen Involvement Committee	<input type="checkbox"/> Suicide Awareness and Prevention Council
<input type="checkbox"/> Compensation Board	<input type="checkbox"/> Veteran's Advisory Council
<input type="checkbox"/> Other	

Are you currently serving on a Board, Commission, Council, Committee or Task Force for Curry County?

☒ Yes ☐ No If Yes, list which committee(s):
CCD Business Development Corp.

What experience, training or qualifications do you have for this particular Board, Commission, Council, Committee or Task Force? Commercial handling. Business Owner. Real Estate expertise

What community topics concern you that relate to this Board, Commission, Council, Committee or Task Force? Land use. Business Development. Business handling.

Describe your previous experience in this appointed position or a similar position: Current member

of CCD loan Committee. Board member for several years (ccD)

Other volunteer activities: Brookings Downtown Merchant Association.

Does your schedule allow you to attend daytime meetings? ☒ Yes ☐ No

Does your schedule allow you to attend evening meetings? ☒ Yes ☐ No

Does your schedule limit the days you could attend meetings? ☐ Yes ☒ No

If Yes, please explain _____

Signature



Date

3/4/24

My signature above indicates my desire to serve Curry County in a voluntary capacity as a member of one of its Boards, Commissions, Councils, Committees or Task Forces. I understand that there is no financial compensation for serving.

Thank you for your application.

Please return your completed application to the Curry County Commissioners' Office at the address or email listed on page one of this form or you may submit your application on the county's website at www.co.curry.or.us.

Per ORS 192.502(3), the following can only be disclosed to the public following a public record request that shows clear and convincing evidence that the public interest requires disclosure.

Your mailing address: _____

[REDACTED]

Best phone number to call you: _____

[REDACTED]

E-Mail address: _____

[REDACTED]



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Please print or type clearly

Name: _____ **Date:** _____

Please indicate which Board, Commission, Council, Committee or Task Force on which you are interested in serving.

<input type="checkbox"/> Ambulance Service Area Advisory Committee	<input type="checkbox"/> Coos Curry Housing Authority
<input type="checkbox"/> Board of Property Tax Appeals	<input type="checkbox"/> Fair Board
<input type="checkbox"/> Brookings Airport Advisory Committee	<input type="checkbox"/> Farm Board of Review
<input type="checkbox"/> Budget Committee	<input type="checkbox"/> Local Public Safety Coordinating Council
<input type="checkbox"/>	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> CCD Business Development Corporation	<input type="checkbox"/> Solid Waste Advisory Committee
<input type="checkbox"/> Citizen Involvement Committee	<input type="checkbox"/> Suicide Awareness and Prevention Council
<input type="checkbox"/> Compensation Board	<input type="checkbox"/> Veteran's Advisory Council
<input type="checkbox"/> Other	

Are you currently serving on a Board, Commission, Council, Committee or Task Force for Curry County?

☐ Yes ☐ No If Yes, list which committee(s):

What experience, training or qualifications do you have for this particular Board, Commission, Council, Committee or Task Force? _____

What community topics concern you that relate to this Board, Commission, Council, Committee or Task Force? _____

Describe your previous experience in this appointed position or a similar position: _____

I am currently serving on the Community Advisory Council for Curry Co. I was appointed to the Clark Co Food Systems Council. I was appointed to the Olympia Arts Commission in Olympia, WA

Other volunteer activities: I volunteer through the Rotary in Brookings-Harbor. I have previously volunteered in Adult Basic Education classes and English as a Second Language classes at various locations in Washington State.

Does your schedule allow you to attend daytime meetings? ☐ Yes ☐ No

Does your schedule allow you to attend evening meetings? ☐ Yes ☐ No

Does your schedule limit the days you could attend meetings? ☐ Yes ☐ No

If Yes, please explain _____

Jill teVelde
Signature

Date

My signature above indicates my desire to serve Curry County in a voluntary capacity as a member of one of its Boards, Commissions, Councils, Committees or Task Forces. I understand that there is no financial compensation for serving.

Thank you for your application.

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Per ORS 192.502(3), the following can only be disclosed to the public following a public record request that shows clear and convincing evidence that the public interest requires disclosure.

Your mailing address: _____

Best phone number to call you. _____

E-Mail address: _____



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Please print or type clearly

Name: John Herzog Date: 3/8/2024

Please indicate which Board, Commission, Council, Committee or Task Force on which you are interested in serving.

<input type="checkbox"/> Ambulance Service Area Advisory Committee	<input type="checkbox"/> Coos Curry Housing Authority
<input type="checkbox"/> Board of Property Tax Appeals	<input type="checkbox"/> Fair Board
<input type="checkbox"/> Brookings Airport Advisory Committee	<input type="checkbox"/> Farm Board of Review
<input type="checkbox"/> Budget Committee	<input type="checkbox"/> Local Public Safety Coordinating Council
<input type="checkbox"/>	<input type="checkbox"/> Planning Commission
<input checked="" type="checkbox"/> CCD Business Development Corporation	<input type="checkbox"/> Solid Waste Advisory Committee
<input type="checkbox"/> Citizen Involvement Committee	<input type="checkbox"/> Suicide Awareness and Prevention Council
<input type="checkbox"/> Compensation Board	<input type="checkbox"/> Veteran's Advisory Council
<input type="checkbox"/> Other	

Are you currently serving on a Board, Commission, Council, Committee or Task Force for Curry County?

☒ Yes ☐ No If Yes, list which committee(s):

Border Coast Regional Airport - BOPTA

What experience, training or qualifications do you have for this particular Board, Commission, Council, Committee or Task Force?

Willing to serve

What community topics concern you that relate to this Board, Commission, Council, Committee or Task Force?

All

Describe your previous experience in this appointed position or a similar position:

Currently serving

Other volunteer activities: _____

Does your schedule allow you to attend daytime meetings?

☒ Yes ☐ No

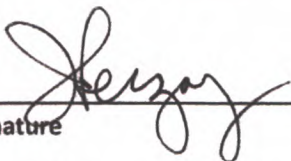
Does your schedule allow you to attend evening meetings?

☒ Yes ☐ No

Does your schedule limit the days you could attend meetings?

☐ Yes ☒ No

If Yes, please explain _____


Signature

3/8/2024
Date

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Thank you for your application.

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Your mailing address: _____

Best phone number to call you: _____

E-Mail address: _____



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Please print or type clearly

Name:

MAARTEN VAN OTTERLOO

Date:

MARCH 01, 2024

Please indicate which Board, Commission, Council, Committee or Task Force on which you are interested in serving.

<input type="checkbox"/> Ambulance Service Area Advisory Committee	<input type="checkbox"/> Coos Curry Housing Authority
<input type="checkbox"/> Board of Property Tax Appeals	<input type="checkbox"/> Fair Board
<input type="checkbox"/> Brookings Airport Advisory Committee	<input type="checkbox"/> Farm Board of Review
<input type="checkbox"/> Budget Committee	<input type="checkbox"/> Local Public Safety Coordinating Council
<input type="checkbox"/>	<input type="checkbox"/> Planning Commission
<input checked="" type="checkbox"/> CCD Business Development Corporation	<input type="checkbox"/> Solid Waste Advisory Committee
<input type="checkbox"/> Citizen Involvement Committee	<input type="checkbox"/> Suicide Awareness and Prevention Council
<input type="checkbox"/> Compensation Board	<input type="checkbox"/> Veteran's Advisory Council
<input type="checkbox"/> Other	

Are you currently serving on a Board, Commission, Council, Committee or Task Force for Curry County?

☒ Yes ☐ No If Yes, list which committee(s):

CCD BUSINESS DEVELOPMENT for last 4 years

What experience, training or qualifications do you have for this particular Board, Commission, Council, Committee or Task Force? A 29 year FINANCE CAREER IN CORPORATE BANKING. THE

MARKETING, DOCUMENTATION AND MONITORING BUSINESS LOANS, SUPERVISION OF TROUBLED ASSETS, AND ADVISORY SERVICES TO CLIENTS

What community topics concern you that relate to this Board, Commission, Council, Committee or Task Force?

ENSURING CONTINUITY OF CCD SERVICES, ADVOCATE FOR CURRY COUNTY INCLUSION IN THIS BOARD

Describe your previous experience in this appointed position or a similar position:

BEGINNING OF 4TH YEAR ON THIS BOARD.

-LOTS OF EXPERIENCE WITH TROUBLED LOANS.

Other volunteer activities: ① CHAIR OF CURRY PUBLIC HEALTH - \$120 MILLION IN ANNUAL REVENUES
② SECRETARY - DIRECTOR OF PISTOL RIVER FIRE DISTRICT
③ GOLD BEACH BEE CLUB
④ OREGON BEE ATLAS PROJECT

Does your schedule allow you to attend daytime meetings?

☒ Yes ☐ No

Does your schedule allow you to attend evening meetings?

☒ Yes ☐ No

Does your schedule limit the days you could attend meetings?

☒ Yes ☐ No

If Yes, please explain _____

M. Van O'Herloo
Signature

March 01, 2024
Date

My signature above indicates my desire to serve Curry County in a voluntary capacity as a member of one of its Boards, Commissions, Councils, Committees or Task Forces. I understand that there is no financial compensation for serving.

Thank you for your application.

Please return your completed application to the Curry County Commissioners' Office at the address or email listed on page one of this form or you may submit your application on the county's website at www.co.curry.or.us.

Per ORS 192.502(3), the following can only be disclosed to the public following a public record request that shows clear and convincing evidence that the public interest requires disclosure.

Your mailing address: _____

Best phone number to call you: _____

E-Mail address: _____



Application for Volunteer Boards, Commissions, Councils, Committees or Task Forces

Board of Curry County Commissioners
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Phone: 541-247-3296 Fax: 541-247-2718 Email: BOC_Office@co.curry.or.us

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NOTE: A separate application may be required for each Board, Commission, Council, Committee or Task Force for which you are applying.

Please print or type clearly

Name: RANDALL L. MASON Date: 03/01/24

Please indicate which Board, Commission, Council, Committee or Task Force on which you are interested in serving.

<input type="checkbox"/> Ambulance Service Area Advisory Committee	<input type="checkbox"/> Coos Curry Housing Authority
<input type="checkbox"/> Board of Property Tax Appeals	<input type="checkbox"/> Fair Board
<input type="checkbox"/> Brookings Airport Advisory Committee	<input type="checkbox"/> Farm Board of Review
<input type="checkbox"/> Budget Committee	<input type="checkbox"/> Local Public Safety Coordinating Council
<input type="checkbox"/>	<input type="checkbox"/> Planning Commission
<input checked="" type="checkbox"/> CCD Business Development Corporation	<input type="checkbox"/> Solid Waste Advisory Committee
<input type="checkbox"/> Citizen Involvement Committee	<input type="checkbox"/> Suicide Awareness and Prevention Council
<input type="checkbox"/> Compensation Board	<input type="checkbox"/> Veteran's Advisory Council
<input type="checkbox"/> Other	

Are you currently serving on a Board, Commission, Council, Committee or Task Force for Curry County?

☒ Yes ☐ No If Yes, list which committee(s):
CCD Business Development Corporation

What experience, training or qualifications do you have for this particular Board, Commission, Council, Committee or Task Force?
prior service on CCD Board

What community topics concern you that relate to this Board, Commission, Council, Committee or Task Force?
Economic development JOBS

Describe your previous experience in this appointed position or a similar position: prior service on

cc Board.

Other volunteer activities: none of note at this time

Does your schedule allow you to attend daytime meetings?

☒ Yes ☐ No

Does your schedule allow you to attend evening meetings?

☒ Yes ☐ No

Does your schedule limit the days you could attend meetings?

☐ Yes ☒ No

If Yes, please explain

Randall L. Nash

Signature

03/01/24

Date

My signature above indicates my desire to serve Curry County in a voluntary capacity as a member of one of its Boards, Commissions, Councils, Committees or Task Forces. I understand that there is no financial compensation for serving.

Thank you for your application.

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Per ORS 192.502(3), the following can only be disclosed to the public following a public record request that shows clear and convincing evidence that the public interest requires disclosure.

Your mailing address: Home -

Best phone number to call you

E-Mail address:



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
April 3, 2024.....		Approve Updated Agenda Policy.....	
Time Needed:			
.....			
Financial Impact:		Description and Background:	
.....		<p>The Curry County Agenda Policy, Section 8, states that only upon request by the submitting Department Head/Elected Official, and subject to the discretion of Legal Counsel, may late items be placed on the Agenda. The policy has amended this to replace “Legal Counsel” to “the Chair”. It was also discussed at the March 6th meeting to change the second meeting of the month to 4:00 p.m. in lieu of 6:00 p.m. This change is amended in the Agenda Policy, Section 5.....</p> <p>.....</p> <p>.....</p>	
Category:			
<input checked="" type="checkbox"/> Action/Discussion			
<input checked="" type="checkbox"/> Consent			
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input type="checkbox"/> Presentation			
Requested Motion:			
Approve amendment to the Agenda Policy.....			
.....			
Attachments:		Instructions Once Approved:	
1. Updated Agenda Policy.....		.....
2. ....		.....
3. ....		.....
4. ....		.....
5. ....		.....
Contact Person – Name and Department:		Date Submitted:	
Natasha Tippetts.....		03/27/24	



CURRY COUNTY AGENDA ITEM POLICY

PROCEDURES FOR THE SUBMISSION, PREPARATION, AND FINALIZATION OF THE AGENDA

1. FORM OF SUBMISSION

Items to be placed on a County Board meeting Agenda must be submitted to the Board of Commissioners (“BOC”) Office by email to BOC_Office@co.curry.or.us or by personal delivery by 5:00 p.m. on the Wednesday preceding the Board Meeting (“Submission Deadline”). Generally, items not meeting the requirements set forth by this Policy will not be added to the Agenda. Complete submissions should include, but are not limited to the following:

- a) Current ARS Form – ask BOC Office staff if you are not sure what version is current.
- b) Order (if applicable).
- c) Supporting documentation.
- d) Signature-ready documents such as contracts, agreements, letters of support, etc.

2. AGENDA ROUTING SLIP (“ARS”)

The ARS Form is developed, and may be revised as needed, by the BOC Office staff. The ARS Form shall be used by all County Departments and Offices to place items on the Agenda of any Meeting of the Board of Commissioners.

3. FINALIZING OF AGENDA

Meeting Agendas will be finalized by noon on the Friday preceding the Board Meeting and will be published on the County Website at that time, as well as by all other means required by Public Records Law. Should the Friday preceding the Meeting fall on a holiday, publication of the Agenda shall occur on the Thursday preceding the Meeting, or another date as dictated by the Board Chair. Authority to view items on an unpublished Agenda shall be limited to the Board of Commissioners and Legal Counsel.

4. AGENDA RESPONSIBILITY

Agenda items from Elected Officials shall be placed on the Agenda as received, unless further information or clarification is requested by the Board or Legal Counsel. Agenda items must be submitted by Department Heads or their designee with approval of the Department Head. Department Heads are the Quality Control person for agenda items submitted include all necessary attachments. Agenda items shall include the name and department of the individual submitting the item, as well as any other individuals who will be present at the meeting to respond to inquiries regarding the item.

5. BOARD MEETINGS

5.1 General Meetings: General Meetings are usually held at 6:00 p.m. on the 1st Wednesday and 4:00 p.m. on the 3rd Thursday of each month, or as otherwise determined

by the Board. The yearly Board Meeting schedule shall be determined at the last Board Meeting in December of each year. Changes to the Meeting schedule may only be made by a majority vote of the Board. All attempts will be made to not schedule more than one Meeting and one Workshop on any given day. The following types of Agenda items may be addressed at General Board Meetings:

5.1.1 Consent: Items on the Consent Agenda must not require discussion by the Board. Most items in this category will require an Order. The Board retains discretion to change any Consent item to an Action/Discussion item at any time prior to the approval of the Consent Agenda. Some examples of appropriate items for the Consent Agenda include, but are not limited to:

- ◇ Contracts which have been reviewed and approved by County Legal Counsel.
- ◇ Budgeted purchases.
- ◇ Licenses and permits not requiring a public hearing.
- ◇ Policy revisions and updates.
- ◇ Previously tabled or discussed items as directed.
- ◇ Meeting Minutes.
- ◇ Actions pursuant to existing policies (i.e. fund transfers or donation resolutions.)
- ◇ General housekeeping items as approved by the Board.
- ◇ Other items as approved by the Board.

5.1.2 Public Hearing: Matters requiring a public hearing shall include a copy of the published notice of the public hearing, as well as any applicable background information. Requested action on matters requiring a public hearing should be clearly phrased and shall be coted on after the comment period provided by the Public Hearing.

5.1.3 Discussion/Action: These items must specifically state the requested action and provide adequate background information. Action Items, with few exceptions, require an Order or other signature-ready documentation (such as an Agreement or Contract) to be attached. If you need assistance preparing Orders, please reach out to Legal Counsel.

5.1.4 Direction Requested: During the meeting, the Board will make determinations about the best course of action and direct the Department Head or other County staff accordingly. Direction Requested items do not require an Order to be submitted in advance. These items generally require additional background information. Orders for decisions on Direction Requested items shall be prepared after the Board provides direction.

5.1.5 Presentation: Presentations can be made by Elected Officials, County staff, or by outside individuals upon invitation by a Department Head or Elected Official. The ARS provided with the presentation shall clearly indicate who will be presenting, the proposed time for the presentation, and should include as an attachment the PowerPoint presentation or any other relevant information.

5.2 Workshop: A Workshop can be scheduled by any Commissioner or Department Head. Decisions on Workshop topics may not be made during a Workshop Meeting. Should a decision be warranted, an Agenda item will need to be added to the Agenda of an upcoming Board Meeting.

5.3 Executive Session: The Board of Commissioners, at any Public Meeting, reserves the right to amend the Agenda to include an Executive Session. If a Meeting is held for the sole purpose of holding an Executive Session, a minimum 24-hour notice shall be given to the members of the Board of Commissioners, to the general public, and to news media which have requested notice, stating the specific provision of law authorizing the Executive Session, but in no case shall be held in conflict with the provisions of ORS 192.660, as currently written or subsequently amended.

5.4 Special Meetings: Special Meetings may be scheduled in the case that a Board must deliberate on an action in consideration of a deadline, and when no General Meeting has been scheduled soon enough to address such action. No Special Meeting shall be held without at least 24 hours' notice to the parties entitled to notice by Oregon Law, or that have otherwise requested notice.

5.5 Emergency Meetings: In the case of a legitimate emergency, Emergency Meetings may be called for at any time without required minimum notice, provided, however, that all Commissioners, Legal Counsel, and the public shall be given as much notice as is possible in consideration of a pending or current emergency.

6. ATTACHMENTS

6.1. Contracts & Agreements: Any proposed Contract or Agreement must be reviewed by Legal Counsel prior to submission. When submitted for signature, instructions to BOC Office staff for obtaining signatures from other parties should be included. All original Contracts and Agreements shall be filed with the County Clerk once signed by all parties.

6.2. Orders: If there are questions as to the formatting or content of an Order, please contact Legal Counsel. Generally, Orders shall be in the following format:

- ◇ Times New Roman font, size 12 pt.
- ◇ One-inch margins.
- ◇ All signature lines shall be on the same page, with at least one line of text preceding the signature block (not including the "date" line.)
- ◇ The date of the Order is the date that the action was approved by the Board.
- ◇ Headings are bold, with the first letter of each word capitalized in the title of the Order (excluding prepositions.)

6.3 Resolutions & Ordinances: Please contact the Legal Counsel Office regarding Resolutions and Ordinances, as they may require additional steps to be taken prior to their presentation to the Board.

6.4 Supplementary Background Information: No handouts are to go to the Board

during the Meeting unless already provided in the background information. Background information should sufficiently explain the action requested, including options, financial, other action taken, consequences of action/non-action, and your recommendation. Information provided should be sufficient so that the Board can make a decision based on the information you submit. Information submitted with the Agenda item should not include any information that is private or confidential in nature. Please contact BOC Office staff if you are unsure if information should be redacted.

7. REVIEW

All Agenda items will be reviewed by Legal Counsel prior to final placement on the Agenda. Changes will be made as needed for clarity, understanding, provision of additional information, etc. The Board Chair and Legal Counsel reserve the right to not place items on the Agenda, or to remove items from the Agenda. In the event that an item is removed, the submitting Department Head or Elected Official shall be notified as soon as is practicable.

8. LATE-SUBMITTED ITEMS

Only upon request by the submitting Department Head or Elected Official, and subject to the discretion of the Chair, may late items be placed on the Agenda.

PARK HOST VOLUNTEER AGREEMENT

BOICE – COPE COUNTY PARK | CONTRACT NO. _____

This Agreement is entered into this 1st day _____, by and between Curry County, a Political Subdivision of the State of Oregon (County) and Brian J Wilford (Host) as follows:

RECITALS:

WHEREAS, the County has a need for volunteers to serve as Park Host for Boice-Cope Park (hereinafter “County Park”) to watch and provide security for the property, to call for assistance, when necessary, to coordinate activities with Parks Management, and to perform other services as necessary; and

WHEREAS, the County has a campsite space available for the Host to use (“Host Campsite”); and,

WHEREAS, the County is willing to allow the use of the campsite by the Host, rent and utility free, to provide them with a small stipend of \$500.00 per month, and to assist the Host in the performance of their voluntary services for the term of this agreement.

The County and Host agree to the following provisions:

1. ADMINISTRATION OF THIS AGREEMENT AND CHAIN OF COMMAND

1.1 The Parks Management shall administer this agreement and recommend to the Board of Commissioners termination or renewal of this agreement. The Parks Management is the sole administrator of this contract.

1.2 If the Park Host has a complaint about the Parks Management, they are to contact the Board of Commissioners Parks Liaison.

2. DESCRIPTION OF FUNCTIONS AND SERVICES

2.1 Host shall voluntarily perform the functions and services described in Exhibit “A” that is attached to this agreement and such other services as authorized by Parks Management. County reserves the right to modify the Host duties and service to the County as necessary for the efficient operation of the designated County Park.

2.2 The Host understands that they are donating their hours of service to the County and that this is done without any promise or expectation of compensation for services rendered. The Host will not receive any compensation for services performed under this agreement. The Host is not eligible to receive unemployment benefits, social security, health insurance, or any other benefits that are provided to paid employees of the County, with the exception of worker’s compensation coverage that the County provides to volunteers. The provision of a Host Campsite, no-cost utilities and a stipend by the County is not compensation for service rendered but rather a benefit and gratuity that the County freely chooses to provide.

3. CAMPSITE, OCCUPANCY, PETS, UTILITIES AND STIPEND

3.1 As a gratuity to Host, County hereby allows Host the use of a space at the County Park for placement of a recreational vehicle that is the residence of the Host. As a further gratuity, the County shall provide water, electrical, sewer and garbage utilities in reasonable amounts for the Host.

3.1(a) The Host shall always maintain the Host Campsite and surrounding area in a clean and sanitary condition. Items used for outdoor recreation are allowed outside, provided they are maintained in an orderly fashion; any other personal items must be stored inside the Host's recreational vehicle, mobile trailer, and/or personal vehicle(s). All personal vehicle(s), recreational vehicle(s), and/or mobile trailer(s) that will be parked at the Camp Host Site must first be approved by the Parks Management to ensure suitability for the Park.

3.1(b) County Park facilities are not to be used for storage of personal items of the Host.

3.2 No more than two guests (Host and one other) will reside at the host site. Both the host and guest must submit to a background check. The Host is liable for the actions of any person who may at any time be residing therein.

3.3 The Host shall vacate the Host Campsite and remove their residence (recreational vehicle) and personal property within five (5) days of the termination of this Agreement.

3.4 The Host may not alter or improve the Host Campsite, the campground, or any County Park services without prior permission from Parks Management or his/her designee.

3.5 County employees or agents may inspect the County Park and Host Campsite at reasonable times.

3.6 The Host shall be responsible for providing, at their own expense, any insurance coverage for their personal property to include their recreational vehicle, mobile trailer, and/or any personal vehicle(s).

3.7 Pets: All pets must be preapproved and have current vaccinations, County Licensed, and such must remain current during the term of this Agreement. Host shall always maintain control of the pet(s) and shall not allow the pet(s) to run at large.

3.7(a) If the Parks Management determines, in their sole discretion, that the Host's pet(s) exhibit aggressive behavior, the Host shall be required to remove the pet from the County Park as directed by the County.

3.8 Host will be compensated at the rate of fifty cents (\$0.50) per mile for driving their personal vehicle for park business only when directed by the Parks Management or other County staff.

3.9 Host shall not sublet any portion of the designated premises. Host shall not assign any duties designated by this Agreement to any other individual.

4. TIME COMMITMENT

4.1 One or more Hosts must be available when the County Park is open during the busy season of May 15th through September 15th. Absences of all Hosts from the Park during these business hours must be arranged with Parks Management prior to date of absence. During the offseason, the Host and Parks Management will determine reasonable hours of coverage. Hosts and Parks Management will work to maintain a schedule that typically allows five days on including weekends and holidays, with two consecutive days off May 15th through September 15th.

4.2 Hosts shall notify the Parks Management of any anticipated absences from the County Park for more than twenty-four (24) hours. Hosts must provide this notice in writing no later than five (5) days prior to the anticipated absence.

4.3 When the Park Host is off site, he or she shall leave the tablet, all keys, change, cash, and any other items necessary for park operations in the park Office for ease of access.

5. COMPLIANCE WITH LAWS

5.1 This agreement shall be governed by and subject to the laws of the State of Oregon. The parties shall perform their duties in accordance with all applicable statutes, ordinances, regulations, and administrative rules now or hereinafter in effect.

5.2 If any provision of this Agreement is held by a Court or administrative body to be invalid, such invalidity shall not affect any other provision of this Agreement. This Agreement shall be construed as if the invalid provision had never been included.

5.3 The County may modify the terms of this Agreement by written notice to the Park Host as necessary to comply with changes in federal and state statutes, regulations, administrative rules, and orders.

6. TERM AND TERMINATION

6.1 If the Park Host fails to perform any of the services and/or obligations of this Agreement or acts in any such way that their behavior is reasonably deemed to be detrimental to the integrity, functionality, or safety of the Parks Department, the County may terminate this Agreement at its sole discretion upon twenty four (24) hours written notice.

6.2 Either party may unilaterally terminate this Agreement with or without cause upon thirty (30) days prior written notice or such lesser written notice when dictated by emergency conditions.

6.3 This agreement shall be effective April 1, 2024 – September 30, 2024, unless terminated pursuant to the provisions of Sections 6.1 or 6.2. Agreements are for 6-month terms and can be renewed with both parties agreement.

6.4 Termination shall not prejudice any right of the parties prior to the effective date of termination.

7. MODIFICATIONS

Except as provided in Sections 2.1 and 5.3, this Agreement may be changed only by written modifications signed by both parties and may not be amended or modified by oral agreements or understandings between the parties.

8. ENTIRE AGREEMENT

This Agreement supersedes all prior and existing written or oral understandings between the parties. No other agreements, whether expressed or implied, shall be considered a part of this Agreement unless made in writing and executed by the parties hereto.

PARK HOST

Dated: _____, 2024. _____

Brian J. Wilford
Park Host

***CURRY COUNTY* PARKS DEPARTMENT**

Dated: _____, 2024. _____

Charles Buchanan
Curry County Parks Director

BOARD OF COMMISSIONERS

Brad Alcorn, Chair

APPROVED AS TO FORM:

John Herzog, Vice Chair

Ted Fitzgerald, OSB# 950738
Curry County Legal Counsel

Jay Trost, Commissioner

Exhibit “A”
SERVICES OF A VOLUNTEER PARK HOST-BOICE COPE

The volunteer park host helps maintain and operate Boice Cope County Park, a part of the Curry County Park System. One or more Park hosts must be available all times when the park is open during the busy season of May 15th through September 15th, unless preauthorized by the Parks Management, or except in case of emergency. They must work and live in the campground near campers, have a sign identifying them as park hosts at their site.

Perform Visitor services such as;

1. Greet visitors and make them feel welcome and disseminate park rules.
2. Answer questions, receive comments, be readily accessible to the public.
3. Represent Curry County Parks, serving as a contact point for campers and travelers.
4. Notify Parks Management and/or Law Enforcement when emergencies arise.
5. Sell firewood.
6. Monitor host cell phone.
7. Evening rounds to check spaces, payment and needs.

Perform Reservation services such as;

1. Assist visitors “with” reservations to locate their site.
2. Assist visitors “without” reservations to find an available space and register.
3. Input on-site reservation into the Parks Online Reservation System daily.

Perform Maintenance services such as;

1. Check, clean and stock restrooms.
2. Keep the park clean of litter and trash.
3. Maintain a tidy host site.
4. Work on maintenance or service projects.
5. Mow, weed, landscape or garden.
6. Maintain a variety of equipment.
7. Assist Parks Management to paint, build, and repair projects.
8. Advise Parks Management of issues, improvements or broken equipment.
9. Other duties agreed upon with Parks Management.

Volunteer Expectations:

1. Hosts may sell only Curry County Parks approved items.
2. Hosts must get approval from Parks Management before adding any additional structures or storage containers to the host site.
3. No vehicle maintenance at your site, consult with Parks Management on options.
4. No county equipment shall be used for personal benefit.
5. No use of alcohol, marijuana, or other non-prescribed drugs while on active duty.
6. Hosts are considered official “agents” of Curry County, therefore: please dress appropriately, avoid offensive conduct and language.



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
April 3, 2024		Discussion/Appointment of LPSCC Lay Member	
Time Needed:		.....
.....			
Financial Impact:		Description and Background:	
.....		The LPSCC (Local Public Safety Coordinating Council) currently has a vacancy in the Lay Member Position. John Hart has submitted an application for review. The application has been reviewed by Lt. Denney.	
Category:			
<input checked="" type="checkbox"/>	Action/Discussion		
<input type="checkbox"/>	Consent		
<input type="checkbox"/>	Executive Session		
<input type="checkbox"/>	Hire Order		
<input type="checkbox"/>	Presentation		
Requested Motion:			
No Motion – Continue searching for candidates			
Motion – Appoint John Hart to the Lay Member Position on LPSCC			
Attachments:		Instructions Once Approved:	
1. Order .....		.....
2. Redacted Application .....		.....
3. ....		.....
4. ....		.....
5. ....		.....
Contact Person – Name and Department:			Date Submitted:
Natasha Tippetts			3/27/2024

**In the Matter of an Order a Member to the)
Local Public Safety Coordinating Council.) ORDER NO. _____
)**

DATED this 3rd day of April, 2024. **BOARD OF CURRY COUNTY COMMISSIONERS**

Jay Trost, Commissioner



Application: Volunteer Boards, Commissions, Councils,
Committees or Task Forces Board of Curry County Commissioners

94235 Moore Street, Suite 122 Gold Beach, OR 97444

Phone: 541-247-3296 Fax: 541-247-2718

Email: BOC_Office@co.curry.or.us

Please complete both pages of this form. Information submitted as part of this application is available and shall be considered public information as it pertains to Oregon Public Records.

Please print or type clearly

Name: John C. Hart

Date: March 11, 2024

Please indicate which Board, Commission, Council, Committee, or Task Force on which you are interested in serving.

<input type="checkbox"/>	Ambulance Service Area Advisory Committee
<input type="checkbox"/>	Board of Property Tax Appeals
<input type="checkbox"/>	Budget Committee
<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Solid Waste Advisory Committee
<input type="checkbox"/>	Compensation Board
<input type="checkbox"/>	Coos Curry Housing Authority
<input type="checkbox"/>	Fair Board
<input checked="" type="checkbox"/>	Local Public Safety Coordinating Council
<input type="checkbox"/>	CCD Business Development Corporation
<input type="checkbox"/>	Suicide Awareness and Prevention Council
<input type="checkbox"/>	Destination Leadership Team - Travel Curry Coast

Are you currently serving on a Board,
Commission, Council, Committee, or Task
Force for Curry County?

☐ Yes ☒ No ☐ N

Date Received:

If yes, list which committee(s):
N/A

What experience, training, or qualifications do you have for this Board, Commission, Council, Committee, or Task Force?

30 years of progressively more challenging work in Calif. law enforcement from police cadet, ranger, campus police officer,

reserve officer and deputy sheriff thru the rank of Captain Last 5 yrs. in charge of the Coroner's Office & 10 prior to that in Communications.

What community topics concern you that relate to this Board, Commission, Council, Committee, or Task Force?

Sufficient staffing of all mandated agencies to include issues of compensation

Describe your previous experience in this appointed position or a similar position:

None



**Application: Volunteer Boards, Commissions, Councils,
Committees or Task Forces Board of Curry County Commissioners**

94235 Moore Street, Suite 122 Gold Beach, OR 97444

Phone: 541-247-3296 Fax: 541-247-2718

Email: BOC_Office@co.curry.or.us

10 years as a Gordon Valley (Napa) Firefighter; current Curry Co. S/O volunteer at Harbor station.

Other Volunteer activities:

10 years as a Gordon Valley (Napa) Firefighter; current Curry Co. S/O volunteer at Harbor station.

Circle one:

Does your schedule allow you to attend daytime meetings?

Yes

No

Does your schedule allow you to attend evening meetings?

Yes

No

Does your schedule limit the days you could attend meetings?

Yes

No

If yes, please explain:

March 11, 2024

Signature:

Date :

My signature above indicates my desire to serve Curry County in a voluntary capacity as a member of one of its Boards, Commissions, Councils, Committees, or Task Forces. I understand that there is no financial compensation for serving.

Per ORS 192.502(3), the following can only be disclosed to the public following a public record request that shows clear and convincing evidence that the public interest requires disclosure.

Your Mailing Address:

Best Phone Number to Call:

Email Address:

Thank you for your application. Please return your completed application to the Curry County Commissioners' Office at the address or email listed on page one of this form or you may submit your application on the county's website at www.co.curry.or.us

NOTE: A separate application may be required for each Board, Commission, Council, Committee, or Task Force for which you are applying.



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:	Agenda Item Title:	
4/3/24	Curry County Building Code	
Time Needed:		
15 mins		
Financial Impact:	Description and Background:	
None	Updating and improving the Curry County Building Code. Adding additional language to allow the Code Compliance Officer to enforce the contents of this ordinance.	
Category:		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
Requested Motion:		
Motion to adopt the updates and additions to the Curry County Building Code.		
Attachments:	Instructions Once Approved:	
1. Curry County Building Code		
2.		
3.		
4.		
5.		
Contact Person – Name and Department:		Date Submitted:
Garrett Thomson		3/12/24

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

In the Matter of an Ordinance Amending)
Article Two, Division Eight) **ORDINANCE NO. _____**
)
(Curry County Building Code))

WHEREAS, the County Building Code must comply with best practices standards and State law; and

WHEREAS, since the last amendment to the County Building Code, the County Code Enforcement Department has been dissolved and a new position, Code Compliance Officer, created; and

WHEREAS, in order to maximize effectiveness of the County Code and its enforcement, the Curry County Building Code must be updated to include enforcement procedures as well as clarifications to remedies for violations of the Code.

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I TITLE

This Ordinance shall be known as Ordinance No. 24-02 and may be cited as “Ordinance Amending Article Two, Division Eight of County Code – County Building Code.”

SECTION II AUTHORITY

This Ordinance is enacted pursuant to the authority of ORS 203.035 and any subsequent amendments thereto.

SECTION III PURPOSE

The purpose of this Ordinance is to amend the County Building Code to include enforcement procedures and remedies for violations of the Code, as well as other minor administrative revisions to the existing Code.

SECTION IV ADOPTION

The provisions of this Ordinance and the attached Article Two, Division Eight, incorporated herein by reference, are hereby adopted and shall be effective ninety (90) days from the date of this Ordinance; and shall remain in force and effect until otherwise ordained by the Board of County Commissioners.

SECTION V SEVERANCE CLAUSE

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the attached Code, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any provision be declared unconstitutional or otherwise invalid.

SECTION VI EFFECTIVE DATE

This Ordinance shall become effective on the 7th day of August, 2024.

DATED this 21st day of March, 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

First Reading: March 21, 2024

Second Reading: April 3, 2024

Effective Date: August 7, 2024



CURRY COUNTY BUILDING CODE

A CODIFICATION OF THE BUILDING DIVISION ORDINANCES OF CURRY COUNTY, OREGON

ARTICLE TWO, DIVISION EIGHT

SECTION 2.08.010	TITLE
SECTION 2.08.020	AUTHORITY; PURPOSE
SECTION 2.08.030	ADOPTION; SCOPE
SECTION 2.08.040	DEFINITIONS
SECTION 2.08.050	FEES
SECTION 2.08.060	GENERAL POWERS AND DUTIES OF THE BUILDING OFFICIAL
SECTION 2.08.070	DEPUTIES
SECTION 2.08.080	RIGHT OF ENTRY
SECTION 2.08.090	STOP WORK ORDERS
SECTION 2.08.100	AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES
SECTION 2.08.110	CONNECTION AFTER ORDER TO DISCONNECT
SECTION 2.08.120	OCCUPANCY VIOLATION
SECTION 2.08.130	CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

CHAPTER 1 TITLE AND SCOPE

SUB-SECTION 101	TITLE
SUB-SECTION 102	PURPOSE AND SCOPE
SUB-SECTION 103	ALTERATIONS, ADDITIONS AND REPAIRS

CHAPTER 2 ENFORCEMENT

SUB-SECTION 201	GENERAL
SUB-SECTION 202	ABATEMENT OF DANGEROUS BUILDINGS
SUB-SECTION 203	VIOLATIONS
SUB-SECTION 204	INSPECTION OF WORK
SUB-SECTION 205	BOARD OF APPEALS

CHAPTER 3 DEFINITIONS

SUB-SECTION 301	GENERAL
SUB-SECTION 302	DANGEROUS BUILDING

CHAPTER 4 NOTICES AND ORDERS OF BUILDING OFFICIAL

SUB-SECTION 401	GENERAL
SUB-SECTION 402	RECORDATION OF NOTICE AND ORDER
SUB-SECTION 403	REPAIR, VACATION AND DEMOLITION
SUB-SECTION 404	NOTICE TO VACATE

CHAPTER 5 APPEAL

SUB-SECTION 501	GENERAL
SUB-SECTION 502	EFFECT OF FAILURE TO APPEAL
SUB-SECTION 503	SCOPE OF HEARING ON APPEAL
SUB-SECTION 504	STAYING OF ORDER UNDER APPEAL

CHAPTER 6	PROCEDURES FOR CONDUCT OF HEARING APPEALS
	SUB-SECTION 601 GENERAL
	SUB-SECTION 602 FORM OF NOTICE OF HEARING
	SUB-SECTION 603 SUBPOENAS
	SUB-SECTION 604 CONDUCT OF HEARING
CHAPTER 7	ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS
	SUB-SECTION 701 COMPLIANCE
	SUB-SECTION 702 EXTENSION OF TIME TO PERFORM WORK
	SUB-SECTION 703 INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED
CHAPTER 8	PERFORMANCE OF WORK OF REPAIR OR DEMOLITION
	SUB-SECTION 801 GENERAL
	SUB-SECTION 802 REPAIR AND DEMOLITION FUND
CHAPTER 9	RECOVERY OF COST OF REPAIR OR DEMOLITION
	SUB-SECTION 901 ACCOUNT OF EXPENSE, FILING OF REPORT
	SUB-SECTION 902 NOTICE OF HEARING
	SUB-SECTION 903 PROTESTS AND OBECTIONS
	SUB-SECTION 904 HEARING OF PROTESTS
	SUB-SECTION 905 PERSONAL OBLIGATION OR SPECIAL ASSESSMENT
	SUB-SECTION 906 CONTEST
	SUB-SECTION 907 AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST
	SUB-SECTION 908 LIEN OF ASSESSMENT
	SUB-SECTION 909 REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL
	SUB-SECTION 910 FILING COPY OF REPORT WITH COUNTY AUDITOR
	SUB-SECTION 911 COLECION OF ASSESSMENT PENALTIES FOR FORECLOSURE
	SUB-SECTION 912 REPAYMENT OF REPAIR AND DEMOLITION FUND
SECTION 2.08.140	PLANS AND PERMITS
SECTION 2.08.150	RETENTION OF PLANS
SECTION 2.08.160	VALIDITY OF PLANS
SECTION 2.08.170	EXPIRATION OF APPLICATION, PLANS AND PERMITS
SECTION 2.08.180	WORK WITHOUT PERMIT; INVESTIGATION FEES
SECTION 2.08.190	PERMITS NOT TRANSFERABLE
SECTION 2.08.200	SUSPENSION; REVOCATION
SECTION 2.08.210	INSPECTIONS
SECTION 2.08.220	PUBLIC NUISANCE
SECTION 2.08.230	JURISDICTION
SECTION 2.08.240	REMEDIES NOT EXCLUSIVE
SECTION 2.08.250	Violations – Penalties – Remedies
SECTION 2.08.260	AUTHORITY TO IMPOSE ADMINISTRATIVE PENALTY
SECTION 2.08.270	UNPAID PENALTIES

ARTICLE TWO

DIVISION EIGHT

CURRY COUNTY BUILDING CODE

SECTION 2.08.010

TITLE

These regulations shall be known as the “Curry County Building Code”, may be cited as such and will be referred to herein as “this Code” or “the Building Code”.

SECTION 2.08.020

AUTHORITY; PURPOSE

1. The Building Code is adopted pursuant to and under the authority of ORS 203.035, 455.150, and 479.855 and OAR chapter 918, division 308, and constitutes the exercise of authority over a matter of county concern.
2. The Building Code applies to all unincorporated areas within the county and to all areas within the corporate limits of any city that has entered into an intergovernmental agreement with the county that so provides.
3. Adoption of the Building Code is necessary for the protection of public health, safety, and welfare.

SECTION 2.08.030

ADOPTION; SCOPE

1. The following Oregon Specialty Codes, Oregon Administrative Rules, and standards, are adopted and incorporated herein as if fully set forth:
 - A. The Oregon Structural Specialty Code, as adopted by and together with OAR chapter 918, division 460, including section 116 and the appendices adopted by the state of Oregon and specifically adopting Appendices F, H and all optional items available for local adoption.
 - B. The Oregon Fire Code, as adopted by ORS 476.060 and OAR Chapter 837 Division 39.
 - C. The Oregon Mechanical Specialty Code, as adopted by and together with OAR chapter 918, division 440.
 - D. The Oregon Plumbing Specialty Code, as adopted by and together with OAR chapter 918, division 750 thru division 780.
 - E. The Oregon Residential Specialty Code and specifically all optional items available for local adoption, as adopted by and together with OAR chapter 918, division 480, however excluding ORS 455.320 and shall make its provisions to not be applicable withing the County
 - F. The manufactured dwelling parks and mobile home parks rules, as adopted by and together with OAR chapter 918, division 600.
 - G. The manufactured dwelling installation rules, as adopted by and together with OAR chapter 918, division 500 thru division 520, including the Oregon Manufactured Dwelling Standard.
 - H. The recreational park and organizational camp rules, as adopted by and together with OAR chapter 918, division 650.
 - I. International Existing Building Code, specifically including appendix's A through C.
2. The Building Code shall apply to the construction, reconstruction, alteration, moving, repair, maintenance, and installation of any building or structure except those located in a public way.

SECTION 2.08.040

DEFINITIONS

For the purpose of the Building Code, the following definitions shall apply:

1. “Building Official” means the person appointed by the Curry County Board of Commissioners with responsibility for administration and enforcement of the state building codes within the county.

ARTICLE TWO

SECTION 2.08.050

FEES

1. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Curry County Board of Commissioners deems reasonable in order to administer the Building Code shall be as provided in the Building Division Fee Schedule.
2. The Building Official may authorize the refund of fees paid in accordance with the refund policy in effect.
3. The determination of value or valuation under any provisions of the Building Code shall be made by the Building Official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

SECTION 2.08.060

GENERAL POWERS and DUTIES of the BUILDING OFFICIAL

1. There is hereby established a Building Code enforcement agency which shall be under the administrative and operational control of the Building Official.
2. The Building Official is authorized and directed to enforce all the provisions of the Building Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.
3. The Building Official shall have the power to render written and verbal interpretations of the Building Code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the Building Code.

SECTION 2.08.070

DEPUTIES

The Building Official may appoint deputies, technical officers, inspectors, and other employees to carry out the functions of the Building Code enforcement agency.

SECTION 2.08.080

RIGHT of ENTRY

When the Building Official deems it desirable or necessary to make an inspection to enforce the provisions of the Building Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, or in violation of the Building Code; or which otherwise makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the Building Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises are deemed to be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises for the purpose of requesting entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

SECTION 2.08.090

STOP WORK ORDERS

1. When any work is being performed in violation of this Title, the Building Official may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Building Official issues a stop work order, the responsible party may not resume work until such time as the Building Official gives specific approval in writing. The stop work order will be in writing and will include:
 - A. The date that the order is issued;

ARTICLE TWO

- B. The permit or registration number, where applicable;
 - C. The site address, legal description or project location that is subject to the order;
 - D. A description of the violations that have been observed; and
 - E. The conditions under which the work may resume.
2. The stop work order will be posted by the Building Official at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered to the responsible party or delivered by Registered or Certified Mail to the responsible party. If the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
 3. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
 4. A stop work order is effective upon posting.
 5. When an emergency condition exists, the Building Official may issue a stop work order orally. The Building Official will then issue a written order as provided under Subsection A. above within one working day.

SECTION 2.08.100 **AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES**

The Building Official shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the Building Code when necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

SECTION 2.08.110 **CONNECTION AFTER ORDER to DISCONNECT**

No person shall make connections from an energy, fuel or power supply, nor supply energy or fuel to any equipment regulated by this Code which has been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the Building Official, until such time as the Building Official authorizes the reconnection and use of such equipment.

SECTION 2.08.120 **OCCUPANCY VIOLATION**

Whenever any building, structure or equipment therein regulated by the Building Code is being used contrary to the provision of this code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be discontinued. Such persons shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the Building Code.

SECTION 2.08.130 **CODE for the ABATEMENT of DANGEROUS BUILDINGS**

1. CURRENTLY ADOPTED EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.

Preface. The provisions of this code were developed to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings.

This Code is designed to be compatible with the International Existing Building Code. While the housing Code is applicable only to residential buildings, the International Existing Building Code is designed to apply to all types of buildings and structures. The notices, orders and appeals procedures specified have been found to be workable and are referenced by the Uniform Building Code.

ARTICLE TWO

If properly followed, the provisions of this code will provide the Building Official with the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

2. CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

CHAPTER 1 TITLE AND SCOPE

SECTION 101 — TITLE

These regulations shall be known as the Code for the Abatement of Dangerous Buildings, may be cited as such, and will be referred to herein as “this Code.”

SECTION 102 — PURPOSE AND SCOPE

102.1 Purpose. It is the purpose of this Code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECTION 103 — ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the currently adopted edition of the International Existing Building Code.

CHAPTER 2 ENFORCEMENT

SECTION 201 — GENERAL

201.1 Administration. The Building Official is hereby authorized to enforce the provisions of this code.

The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the Building Official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official or the Building Official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the Building

ARTICLE TWO

Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this code and Sections 110 and 1701 of the currently adopted edition of the Oregon Structural Specialty Code and Section R109 of the currently adopted edition of the Oregon Residential Specialty Code.

SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the Building Official, who shall make them freely accessible to the public.

205.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

ARTICLE TWO

CHAPTER 3 DEFINITIONS

SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Building Code" means the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

"Dangerous Building" means any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

"Housing Code" means the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

SECTION 302 — DANGEROUS BUILDING

For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the Building Code for such buildings.

ARTICLE TWO

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

ARTICLE TWO

CHAPTER 4 NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 — GENERAL

401.1 Commencement of Proceedings. When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Building Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. A statement of the action required to be taken as determined by the Building Official as follows:
 - 3.1 If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.
 - 3.2 If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.
 - 3.3 If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the Building Official shall determine is reasonable.
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the Building Official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

ARTICLE TWO

401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the Building Official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition or any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - 1.1 The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or
 - 1.2 The building shall be demolished at the option of the building owner; or
 - 1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. If the building or structure is in such condition as to render it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 — NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

ARTICLE TWO

Building Official

.....of.....

404.2 Compliance. Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

CHAPTER 5 APPEAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the Building Official under this code by filing at the office of the Building Official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the of....."
2. A caption reading: "Appeal of,," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the Building Official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the Building Official shall present it at the next regular or special meeting of the board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

ARTICLE TWO

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the Building Official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

CHAPTER 6 PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 — GENERAL

601.1 Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

601.2 Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

601.3 Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.

601.4 Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 Oaths – Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.6 Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 — FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before (the board of appeals or name of hearing examiner) at [location] on [date + time] upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present

ARTICLE TWO

any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (board of appeals or name of hearing examiner).”

SECTION 603 — SUBPOENAS

603.1 Filing of Affidavit. The board or examiners may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular aspect.

603.2 Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

603.3 Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

SECTION 604 — CONDUCT OF HEARING

604.1 Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

604.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

604.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

604.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

604.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

604.6 Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

604.7 Official Notice.

ARTICLE TWO

604.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

604.7.2 Parties to be notified. Parties present at the hearing informed of the matters to be noticed, and these matters noted in the record, referred to therein, or appended thereto.

CHAPTER 7 ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

SECTION 701 — COMPLIANCE

701.1 General. After any order of the Building Official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the Building Official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Building Official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
3. The Building Official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost

ARTICLE TWO

of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

SECTION 702 — EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

SECTION 703 — INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 — GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the Building Official shall, issue an order therefor to a private contract under the direction of the Building Official and the work shall be accomplished. Plans and specifications therefor may be prepared by said Building Official, or may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 802 — REPAIR AND DEMOLITION FUND

802.1 General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

802.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so

ARTICLE TWO

transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

CHAPTER 9 RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 — ACCOUNT OF EXPENSE, FILING OF REPORT

The Building Official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said official shall prepare and file with the administrative assistant to the Community Development Department of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 — NOTICE OF HEARING

The Building Official shall also present the completed report to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The Building Official of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the official. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 — PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the administrative assistant to the Community Development Department of this jurisdiction at any time prior to the time set for the hearing on the report of the official. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The administrative assistant to the Community Development of this jurisdiction shall endorse on every such protest or objection the date of receipt. The Building Official shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

SECTION 904 — HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the official together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the

ARTICLE TWO

legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

SECTION 905 — PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

905.2 Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

905.3 Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SECTION 906 — CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

SECTION 907 — AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal monthly installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

SECTION 908 — LIEN OF ASSESSMENT

908.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

908.2 Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

ARTICLE TWO

SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR

If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

SECTION 911 — COLLECTION OF ASSESSMENT PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

SECTION 912 — REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

SECTION 2.08.140 PLANS and PERMITS

1. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the Building Code and other pertinent laws and ordinances, and that the fees have been paid, the Building Official shall issue a permit therefore to the applicant.
2. When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications. Such approved plans and specifications shall not be changed, modified and altered without authorizations from the Building Official, and all work regulated by the Building Code shall be done in accordance with the approved plans.
3. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Building Code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

SECTION 2.08.150 RETENTION of PLANS

One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein and one set of approved plans and specifications shall be returned to the applicant, and the returned set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

ARTICLE TWO

SECTION 2.08.160

VALIDITY of PLANS

1. No permit shall be issued if the parcel of land or the use of the land on which the building, structure, or equipment is to be placed, erected, altered, equipped or used is in violation of any Curry County ordinance or code.
2. The issuance or granting of a permit or approval of plans, specification and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Building Code or of any other Curry County ordinance or code. Permits presuming to give authority to violate or cancel the provisions of the Building Code or other Curry County ordinance or code shall not be valid.
3. The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other Curry County ordinance or code.

SECTION 2.08.170

EXPIRATION of APPLICATIONS, PLANS and PERMITS

1. Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
2. Every permit issued by the Building Official under the provisions of the Building Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.
3. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended without justifiable cause demonstrated in writing.

SECTION 2.08.180

WORK WITHOUT PERMIT; INVESTIGATION FEES

1. Whenever any work for which a permit is required by the Building Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
2. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Building Code nor from any penalty prescribed by law.

ARTICLE TWO

SECTION 2.08.190

PERMITS NOT TRANSFERABLE

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

SECTION 2.08.200

SUSPENSION; REVOCATION

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Code whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any provision of the Building Code.

SECTION 2.08.210

INSPECTIONS

1. It shall be the duty of the permit holder or the permit holder's agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the Building Official. The permit holder shall not proceed with the building construction until authorized by the Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper installation shall be the responsibility of the permit holder or the permit holder's agent.
2. Work requiring a permit shall not be commenced until the permit holder or the permit holder's agent has posted or otherwise made available a inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

SECTION 2.08.220

PUBLIC NUISANCE

The erection, construction, reconstruction, alteration, maintenance, installation or use of any building, structure, manufactured dwelling, or mobile home in violation of the Building Code shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 2.08.230

JURISDICTION

The Circuit Court for the State of Oregon for the County of Curry has jurisdiction over any and all violations of the Building Code.

SECTION 2.08.240

REMEDIES NOT EXCLUSIVE

None of the remedies available to the County as set forth in the Building Code are exclusive. Nothing in the Building Code shall preclude any remedy otherwise available to the County, either in law or equity.

2.08.250 Violations – Penalties – Remedies.

- A. No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the county, or cause the same to be done, contrary to or in violation of this code.
- B. Violation of a provision of this chapter shall be subject to an administrative civil penalty not to exceed the amounts shown in the Curry County Fee Schedule and shall be processed in accordance with the procedures set forth in this code.
- C. Each day that a violation of a provision of this chapter exists constitutes a separate violation.

ARTICLE TWO

- D. A property owner had been cited for previously within a 12-month period.
- E. In addition to the above penalties, a condition caused or permitted to exist in violation of this chapter is a public nuisance and may be abated by any of the procedures set forth under law.
- F. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the county under any ordinance, statute or law.

2.08.260 Authority to impose administrative civil penalty.

- A. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (A) through (K) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.
- B. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.
- C. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be 15 days.
- D. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible person to whom an order to correct was issued.
- E. Notwithstanding subsections (B) and (C) of this section, the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.
- F. In imposing an administrative civil penalty authorized by this section, the building official shall consider:
 - 1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
 - 2. Any prior violations of statutes, rules, orders, and permits;
 - 3. The gravity and magnitude of the violation;
 - 4. Whether the violation was repeated or continuous;
 - 5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
 - 6. The violator's cooperativeness and efforts to correct the violation;
 - 7. Any relevant rule of the building official.
- G. Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

ARTICLE TWO

1. Reference to the particular code provision, ordinance number, or rule involved;
 2. A statement of the matters asserted or charged;
 3. A statement of the amount of the penalty or penalties imposed;
 4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (E) of this section, a statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
 5. A statement of the party's right to appeal the civil penalty to the city manager; a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.
- H. Any person, firm, corporation or other entity however organized that is issued a notice of civil penalty may appeal the penalty to the County Operations Manager. The provisions of CCBC [2.08.130.501.1](#) shall govern any requested appeal.
- I. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the city manager pursuant to, and within the time limits established by, CCBC [2.08.130.501.1](#).
- J. Each day the violator fails to remedy the code violation shall constitute a separate violation.
- K. The civil administrative penalty authorized by this section shall be in addition to:
1. Assessments or fees for any costs incurred by the county in remediation, cleanup, or abatement; and
 2. Any other actions authorized by law; provided, that the county shall not issue a citation to municipal court for a violation of this chapter.

2.08.270 Unpaid penalties.

- A. Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (B) of this section, other provisions of this code, or state statutes.
- B. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty becomes final, the finance and human services director shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of county liens. At the time such an assessment is made, the finance and human services director shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of county liens. The lien shall be enforced in the same manner as all county liens. Interest shall commence from the date of entry of the lien in the lien docket.
- C. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
April 3, 2024.....		Proposal of Caselle Community Development Module.....	
Time Needed:		.....
..... 5 Min.....			
Financial Impact:		Description and Background:	
.....		Review Caselle's Proposal for the purchase of the Community Development	
Category:		Module to be used by Code Compliance and other departments.....	
<input checked="" type="checkbox"/> Action/Discussion		..... ..... ..... ..... .....
<input type="checkbox"/> Consent			
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input type="checkbox"/> Presentation			
Requested Motion:			
Motion to accept Caselle's proposal for the purchase of the Community Development Module.....			
Attachments:		Instructions Once Approved:	
1. Caselle Proposal.....		.....
2. ....		.....
3. ....		.....
4. ....		.....
5. ....		.....
Contact Person – Name and Department:		Date Submitted:	
Keina Wolf.....		03/18/2024	



Caselle® Hosted Software & Services Proposal

Curry County, OR

March 14, 2024

(Valid for 90 days)

From:

Farrah Brown, Customer Relationship Manager
fkb@caselle.com

Caselle® Hosted Software & Services Proposal
Curry County, OR
March 14, 2024

Proposal Summary

License Type	Hosted
Total Training	\$3,350
Total Setup	3,000
Total Conversion	400
Total Investment	\$6,750

Monthly Hosted Maintenance & Support will increase \$729.

I have read and agree to all terms & conditions proposed herein.

Signature

Printed Name & Title

Date

Caselle® Hosted Software & Services Proposal
Curry County, OR
March 14, 2024

Proposal Detail

<i>Caselle®</i> Application Software	License Type	Training	Setup	Conversion	Total
Community Development Suite	-	-	-	-	-
Permitting	Hosted	\$1,125	\$1,000	\$400	\$2,525
Online Mapping	Hosted	-	-	-	-
Planning & Zoning	Hosted	1,125	1,000	-	2,125
Approvals & Notifications	Hosted	550	500	-	1,050
Code Enforcement	Hosted	550	500	-	1,050
Grand Total	-	\$3,350	\$3,000	\$400	\$6,750

Note: The training will take place online.

Community Development Setup

- Setup services will assist customers in initial software configuration such as codes, rates, permit types, fees, etc. A representative will provide consulting and software setup via telephone and email prior to product shipping. All parcel data and current owner information will be entered when submitted in the requested format. Property Parcel Data does not include data export from any other system or custom conversion. Property information will need to be entered into the Caselle Load Table by the customer.
- If customer completes the Caselle Load Tables for Property and Owner, Contractor and open Permits, there will be no conversion charges.
- If Caselle Load Tables are not used and data is submitted in another format, there will be a \$2.00 charge per property, contractor, open permit record, and historical record in addition to the setup fee.

Data Conversion

- All property and owner parcel data will be entered when submitted in the requested format.
 - No Open Permits will be converted. The City will be trained on how to enter in their Open Permits.
 - No Contractor information will be converted. The City will be trained on how to enter in their Contractor information.
 - All needed forms will be billed at the rate of \$100 per form. Forms that have multiple pages will be billed \$100 for each additional page included in the form.
 - If the City needs additional help or extensive training converting their data, this will be billed at \$145 per hour.
- 200 properties are included**



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
April 3, 2024		Financial Internal Controls – Policies and Procedures	
Time Needed:			
..... 5 Min			
Financial Impact:		Description and Background:	
.....		Finance Director Keina Wolf will provide documents prior to meeting.	
Category:			
<input checked="" type="checkbox"/> Action/Discussion			
<input type="checkbox"/> Consent			
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input type="checkbox"/> Presentation			
Requested Motion:			
.....			
Attachments:		Instructions Once Approved:	
1. ....		.....
2. ....		.....
3. ....		.....
4. ....		.....
5. ....		.....
Contact Person – Name and Department:		Date Submitted:	
Keina Wolf		03/18/2024	



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
..... April 3, 2024		PAF Presentation to the Board	
Time Needed:			
..... 2 minutes			
Financial Impact:		Description and Background:	
..... n/a		Personnel Rules Article 13, Section G was amended in June 2019 to require	
Category:		all new hires to be done through an order to the Board of Commissioners,	
<input type="checkbox"/>	Action/Discussion	except for the Sheriff. The Sheriff is allowed to use a Personnel Action Form	
<input checked="" type="checkbox"/>	Consent	(PAF) which is submitted to the Personnel Officer for processing. Part of	
<input type="checkbox"/>	Executive Session	that article also requires that new appointments will be introduced as a	
<input type="checkbox"/>	Hire Order	Presentation to the Board. Attached are 3 PAFS.	
<input type="checkbox"/>	Presentation		
Requested Motion:			
.....			
Attachments:		Instructions Once Approved:	
1. Exhibit A .....		.....
2. ....		.....
3. ....		.....
4. ....		.....
5. ....		.....
Contact Person – Name and Department:			Date Submitted:
Julie Swift – Payroll & HR			March 27, 2024



Exhibit A

Personnel Action Form (PAF)

COMPLETE ALL APPLICABLE SECTIONS

Today's Date: 11-01-23

Employee's Name:

Thomas Edwards

Recommending
Official

Sheriff John Ward

Action to be Taken:
(check all that apply)

☒ New Hire

☐ Promotion

☐ Payroll Allocation Change *

☐ Rehire

☐ Change in Pay

☐ Leave of Absence (explain below)

☐ Transfer

☐ Other:

☐ Job Description
Attached

Start/Effective Date: 11-13-23

☐ Temporary (less than 180 days) requires end date

End Date:

☐ Seasonal (less than 90 days) requires end date

OR ☐ Continuing

FROM
(use for changes)

Dept

Range

Step

Base Pay

Per

Month

TO

(use for new hires & changes)

Dept

Range

Step

Base Pay

Per

Curry County Sheriff's Office

P&P

S-24

E

5401

Month

☒ Certification (list):

*Allocation Change:

☐ No Change

Explanation:

Fund Dept Division Object %

Sum of percentages must equal 100%

Comments / Other: Use this space to clarify, explain, or justify personnel actions. Be specific and use sufficient detail so that future readers will understand what change(s) occurred, why, and the resulting effect on the employee's pay.

To fill a vacancy in P&P when Mike Lang retires. Will be trained by Lang till the end of December. Edwards has extensive training and experience, pre certified P&P in California and Tennessee

REQUIRED SIGNATURES: Please sign and date.

Appointing Authority:

Date:

Administrator:

Date:

Employee:

Date: 11-1-23

Human Resources:

Date: 12/12/23

JS Rev 12-17



Personnel Action Form (PAF)

COMPLETE ALL APPLICABLE SECTIONS

Today's Date: 11-14-23

Employee's Name:

Kimberly Brock

Recommending
Official

Sheriff John Ward

Action to be Taken:
(check all that apply)

☒ New Hire

☐ Promotion

☐ Payroll Allocation Change *

☐ Rehire

☐ Change in Pay

☐ Leave of Absence (explain below)

☐ Transfer

☐ Other:

☐ Job Description
Attached

Start/Effective Date: 12-05-2023

☐ Temporary (less than 180 days) requires end date

End Date:

☐ Seasonal (less than 90 days) requires end date

OR ☐ Continuing

FROM

(use for changes)

Dept

Range

Step

Base Pay

Per

Month

TO

(use for new hires & changes)

Dept

Range

Step

Base Pay

Per

Curry County Sheriff's Office

Corrections

S-7

A

4123

Month

☒ Certification (list):

*Allocation Change:

☐ No Change

Explanation:

Fund Dept Division Object %

Sum of percentages must equal				100%

Comments / Other: Use this space to clarify, explain, or justify personnel actions. Be specific and use sufficient detail so that future readers will understand what change(s) occurred, why, and the resulting effect on the employee's pay.

Fill an open budgeted position in Corrections.

REQUIRED SIGNATURES: Please sign and date.

Appointing Authority:

Date: 11-15-23

Administrator:

Date:

Employee:

Date: 11/15/2023

Human Resources:

Date: 12/12/23

JS Rev 12-17



Personnel Action Form (PAF)

COMPLETE ALL APPLICABLE SECTIONS

Today's Date: 12-11-23

Employee's Name:

Savanna Peck

Recommending
Official

Sheriff John Ward

Action to be Taken:
(check all that apply)

☒ New Hire

☐ Promotion

☐ Payroll Allocation Change *

☐ Rehire

☐ Change in Pay

☐ Leave of Absence (explain below)

☐ Transfer

☐ Other:

☐ Job Description
Attached

Start/Effective Date: 12-26-23

☐ Temporary (less than 180 days) requires end date

End Date:

☐ Seasonal (less than 90 days) requires end date

OR ☐ Continuing

FROM
(use for changes)

	Dept	Range	Step	Base Pay	Per	
					Month	

TO
(use for new hires & changes)

	Dept	Range	Step	Base Pay	Per	
Curry County Sheriff's Office	Dispatch	S-10	A	4123	Month	

☒ Certification (list):

*Allocation Change:

☐ No Change

Explanation:

Fund	Dept	Division	Object	%
Sum of percentages must equal				100%

Comments / Other: Use this space to clarify, explain, or justify personnel actions. Be specific and use sufficient detail so that future readers will understand what change(s) occurred, why, and the resulting effect on the employee's pay.

Hired to fill vacant position.

REQUIRED SIGNATURES: Please sign and date.

Appointing Authority:

Date: 12-11-23

Administrator:

Date:

Employee:

Date: 12/11/23

Human Resources:

Date: 1/5/24

JS Rev 12-17



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
BUSINESS MEETING

Agenda Date:		Agenda Item Title:	
April 3, 2024		Financial Internal Controls – Policies and Procedures	
Time Needed:			
..... 5 Min			
Financial Impact:		Description and Background:	
.....		Finance Director Keina Wolf will provide documents prior to meeting.	
Category:			
<input checked="" type="checkbox"/> Action/Discussion			
<input type="checkbox"/> Consent			
<input type="checkbox"/> Executive Session			
<input type="checkbox"/> Hire Order			
<input type="checkbox"/> Presentation			
Requested Motion:			
.....			
Attachments:		Instructions Once Approved:	
1.			
2.			
3.			
4.			
5.			
Contact Person – Name and Department:		Date Submitted:	
Keina Wolf		03/18/2024	



CURRY COUNTY FINANCIAL INTERNAL CONTROLS AND SEGREGATION OF DUTIES (4/24)

PURPOSE

Internal Controls and Segregation of Duties is to provide an environment of standards, processes, and structure within the County's financial transactions. Together, these controls will help guide staff at all levels in carrying out their responsibilities for internal controls and decision-making as well as reducing the risk to the County.

Internal Controls and Segregation of Duties are based on the fiscal positions of the County and are structured to prevent inability to process transactions and provide regulated structure.

Treasury

- Treasury will have access to the Cash Receipting and General Ledger Module to record all incoming payments of the County.
- Treasury will have access to complete transfers of tax money to agencies and among the County's Pool Accounts and checking accounts.
- Treasury will not be signers on any County checking account as they receipt all money coming into the county.
- Treasury will not have the ability to open or close accounts.
- Treasury will not have access to modules with the fiscal system other than Cash Receipting and General Ledger.
- All transactions of Treasury will be reviewed by Finance Director or Director of County Operations.

Payroll

- Payroll Clerk will process payroll transactions within the County's fiscal system.
- Payroll Clerk will have access to the Payroll and General Ledger Module within the County's fiscal system but will not have access to delete payroll records within County's fiscal system.
- Payroll Clerk will not be a signer on any County account nor have the ability to open or close an account on behalf of the County.
- Payroll Clerk will not have access to enter new employees in the County's fiscal system.
- Payroll Clerk will provide a "PRE" review / approval of entered payroll transaction to the Payroll/Personnel Coordinator or Finance Director prior to processing ACH/Check payments.
- Payroll Clerk will provide "FINAL" documents to the Payroll/Personnel Coordinator or Finance Director for review.
- Payroll will notify Treasury of the amount needed to transfer to cover payroll.



CURRY COUNTY FINANCIAL INTERNAL CONTROLS AND SEGREGATION OF DUTIES (4/24)

Accounts Payable

- Accounts Payable will have access to the Accounts Payable and General Ledger Module within the County's fiscal system but will not have access to enter new vendors or delete/Void processed payments.
- Accounts Payable will not be a signer on any County account nor have the ability to open or close an account on behalf of the County.
- Accounts Payable will provide Finance Director or Director of County Operations "PRE" payment document to review / approval prior to initiating check or ACH payments.
- Accounts Payable will notify Treasury of the amount needed to transfer to cover disbursements.
- Accounts Payable will provide Finance Director with "FINAL" documents to review after AP processing is complete.

Senior Finance Clerk

- Senior Finance Clerk will have access to General Ledger Module, Accounts Payable Module with the ability to set up new vendors and reporting however no access to process payments.
- Senior Finance Clerk will have access to Cash Receipting Module as a backup to Treasury.
- Senior Finance Clerk will have reporting access only in the Payroll Module.
- Senior Finance Clerk will not be a signer on any County account nor have the ability to open or close an account on behalf of the County.
- Senior Finance Clerk will reconcile bank statements no later than the 15th of the month following the month end. No bank or book adjustments can be made without the approval of the Finance Director.

Payroll/Personnel Coordinator

- Payroll/Personnel Coordinator will not be a signer on any County account nor have the ability to open or close an account on behalf of the County.
- Payroll/Personnel Coordinator will have access to Human Resources and Payroll Module and will be responsible for set up of new Employees.
- Payroll/Personnel Coordinator will be the backup for Payroll processes with access only when needed and will not have access to delete payroll records within County's fiscal system.
- Payroll/Personnel Coordinator will have report only access to Cash Receipting and Accounts Payable.
- Payroll/Personnel Coordinator access to the General Ledger Module.



CURRY COUNTY FINANCIAL INTERNAL CONTROLS AND SEGREGATION OF DUTIES (4/24)

Finance Director

- Finance Director will not be a signer on any County account nor have the ability to open or close an account on behalf of the County.
- Finance Director will have administrative access to all modules in County's fiscal system but will not process disbursements of any kind unless there is an urgent need and only upon approval of Director of County Operations.
- Finance Director will be responsible for monitoring the County's Financial Internal Control and Segregation of Duties processes and will report to County Commissioners if changes are needed due to staffing changes and to reduce risk.
- Finance Director will review and approval all final bank reconciliations.
- Only the finance director will have access to "Organization" with in all modules.
- Staff may be given temporary access to modules or processes within County's Finance System by the Finance Director to provide backup coverage. Once coverage is complete, permissions will be removed.

Accounts Receivable

- Accounts Receivable staff will have access to the Accounts Receivable Module only, without the ability to modify or delete invoices.
- Accounts Receivable staff will not be a signer on any County account nor have the ability to open or close an account on behalf of the County.
- All invoices created will be reviewed by the Finance Director before being posted to the General Ledger.

County Commissioners

- Board of Commissioners will designate one Commissioner as the signer on all County Accounts.
- The Designed Commissioner will only approve the signing of checks after all "PRE" approvals have been met.
- No Commissioner will have access to County check stock nor the ability to process ACH transactions or transfers.