



MARION COUNTY BOARD OF COMMISSIONERS

"Delivering Excellence Everyday"

Wednesday, August 6, 2025
Board Session 9:00 a.m.

Senator Hearing Room
555 Court Street NE, Salem

PUBLIC COMMENT

CONSENT

BOARD OF COMMISSIONERS

Board Committee Appointment – Mental Health Advisory Committee

1. Approve an order reappointing Michael Mann to the Marion County Mental Health Advisory Committee (MHAC) with a term ending June 30, 2029.

BUSINESS SERVICES

2. Approve and adopt amendments to the Marion County Health Insurance Portability and Accountability Act (HIPAA) Task Force Charter.

HEALTH AND HUMAN SERVICES

3. Approve Amendment #1 that reinstates the incoming funds Intergovernmental Agreement with the Oregon Health Authority (OHA) and adds \$419,209 for a new IGA total of \$1,693,733 to provide oversight and care coordination for MHS 06, Choice Model Services through December 31, 2025.

INFORMATION TECHNOLOGY

4. Approve a Purchase Order with Mythics, LLC in the amount of \$2,573,430 for Enterprise Resource Planning (ERP) implementation software through August 6, 2030.

PUBLIC WORKS

5. Approve an order to formally remove all current members of the Solid Waste Management Advisory Council (SWMAC) as a structural step in the reorganization process to establish a focused, efficient, and mission-driven body.

6. Approve an order to rename the Solid Waste Management Advisory Council (SWMAC) to the Materials Management Advisory Council (MMAC) to support a modernized mission and membership framework that addresses current and future materials management challenges.

SHERIFF'S OFFICE

7. Approve Amendment #2 to the incoming funds Participating Agreement with the United States Department of Agriculture – Forest Service to add \$99,750 for a new agreement total of \$171,750 for the county to provide Adults-in-Custody (AIC) work crews for lake sweeping services for Detroit Lake and post-fire clean up at state parks located in the Willamette National Forest through September 30, 2027.

ACTION

PUBLIC WORKS

8. Consider approval of an order that allows the Marion County Public Works Director to establish a Local Access Road Continuing Maintenance Program as described in “Exhibit A” and the county to maintain those local access roads as identified in “Exhibit B”.

–Max Hepburn

PUBLIC HEARINGS **9:30 A.M.**

LEGAL COUNSEL

A. Public hearing to consider adopting a new street vendor ordinance. –Steve Elzinga

ACTION

LEGAL COUNSEL

9. Consider approval of an ordinance to amend and update the provisions of the Marion County Code, Chapter 10.10 relating to street vending. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Steve Elzinga

10. Consider approval of an order setting the application fee for the new street vendor permit. **(TO BE ACTED ON IF THE STREET VENDING ORDINANCE IS ADOPTED)** –Steve Elzinga

For agenda items where in-person testimony is allowed, the public may submit written testimony or sign up to provide testimony by telephone by emailing PublicHearings@co.marion.or.us at least 24 hours before the meeting. The email must specify the meeting date/time and agenda topic for which testimony is being submitted. For telephone testimony requests, the email must also include your name and the phone number that staff should use to call you at the appropriate time.

If you require interpreter assistance, an assistive listening device, large print material or other accommodations, call 503-588-5212 at least 48 hours in advance of the meeting. TTY 503-588-5168 Si necesita servicios de interprete, equipo auditivo, material copiado en letra grande, o culaquier otra acomodacion, por favor llame al 503-588-5212 por lo menos 48 horas con anticipacion a la reunion. TTY 503-588-5168 Marion County is on the Internet at: www.co.marion.or.us



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: Wednesday, August 6th, 2025

Department: Health & Human Services

Title:

Mental Health Advisory Committee Appointment

Management Update/Work Session Date: 7/8/2025

Audio/Visual aids

Time Required: 5

Contact: Samantha Andress

Phone: x4903

Requested Action:

Reappoint Michael Mann to the Mental Health Advisory Committee (MHAC) for a 4 year term ending June 30, 2029.

Issue, Description & Background:

The MHAC is a group of knowledgeable and unique individuals who provide advocacy and leadership for the county by advising and making recommendations to the HHS Administrator and the Board of Commissioners. Michael Mann was initially appointed to the MHAC in 2021 and is seeking to be reappointed for another 4 year term.

Financial Impacts:

None

Impacts to Department & External Agencies:

None

List of attachments:

Application, proposed roster, board order

Presenter:

Phil Blea

Department Head
Signature:

Ryan Matthews

 Digitally signed by Ryan Matthews
Date: 2025.07.16 08:41:54 -07'00'

Note: Information on this page is considered public record and may be made available upon request.

Name: Michael D. Mann

City of residence: Aumsville

Business information:

Occupation/business Farmer, Non-Profit Exec. Director

Business address

City _____, Oregon Zip code _____ Business telephone _____

Business e-mail _____ Business fax _____

I would like to be considered for the lay position on
(lay or representative designation)

the Marion County Mental Health Adv. Committee

(name of committee, board, council, task force or commission)

The reason I am applying for this appointment is

It is an important American public health issue.

The personal and professional interests that prompted me to apply for this appointment are
Attended Lewis and Clark college.

Have you served on any other Marion County board, commission, committee, council, or task force? (If yes, please list)

1. HAB 2. Current member of the MHAC

Please list qualifications and skills you have which you believe would be valuable if you are appointed to this position (include relevant skills, activities, training, and education)

Behavioral health experience.

What community or school activities, committees or special activities have you participated in?

Farmer, St. Mary's Parish in Shaw, and "Salem for All"

For Internal Use:

Application Rcd by: S. Lintner Dept: HR Date: 06/17/2025

Marion County
 Mental Health Advisory Committee (MHAC)
 Roster 2025

	Member	Occupation	City	Joined	Term Expires
1	Dr. Leon Harrington	Child & Adolescent Psychiatrist	Mill City	2021	12/31/2025
2	Earlene Camarillo	Assistant Professor, Western University	Salem	2021	12/31/2025
3	Michael Mann	Executive Director Salem for All	Aumsville	2021	6/30/2029
4	Jackie Follis	CADC, QMHP-R	Salem	2023	12/31/2027
5	Serenia Dotson	Service Manager, Silvernail NW	Salem	2024	06/30/2025
6	Christina McCollum	Behavioral Health Regional Strategist, PacificSource Community Solutions	Salem	2024	06/30/2028
7	Dean Howes	Beverage Director, Savoury Brands	Aumsville	2025	12/31/2028
8	Teresa Joslin	N/A- Retired	Salem	2025	12/31/2028
9	Karla Hunter	Jackman Wealth Management LLC	Salem	2025	12/31/2028
10	Maria Torres	N/A	Salem	2025	12/31/2028

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the Matter of reappointing)
Michael Mann to the Mental)
Health Advisory Committee)

ORDER No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, August 6, 2025, to reappoint a member to the Marion County Mental Health Advisory Committee;

WHEREAS, the Board of Commissioners has established the Mental Health Advisory Committee; and

WHEREAS, the Mental Health Advisory Committee serves as the structured advisory group to the Local Mental Health Authority, and serves the public interest by supporting the effective development and operation of the Marion County Health & Human Services (MCHHS) Community Mental Health Program (CMHP); and

WHEREAS, there is a vacant position on the Mental Health Advisory Committee; and

WHEREAS, IT APPEARING to the Board of Commissioners that Michael Mann is qualified and willing to serve as a member of the Mental Health Advisory Committee for a four- year term; now, therefore,

IT IS HEREBY ORDERED that Michael Mann is appointed to the Mental Health Advisory Committee for a term beginning August 6, 2025, and ending June 30, 2029.

DATED this 6th day of August 2025

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 6, 2025

Department: Business Services

Title: HIPAA (Health Insurance Portability and Accountability Act) Task Force Charter

Management Update/Work Session Date: July 22, 2025 Audio/Visual aids

Time Required: Consent Contact: William W. White Phone: 503.373.4423

Requested Action: The HIPAA Task Force requests Board approval of the updated HIPAA Task Force Charter.

Options for Consideration:

1. Adopt the proposed charter amendments.
2. Do not adopt the proposed charter amendments.
3. Delay the approval until a later date.

Issue, Description & Background:

The charter has been updated:

1. Added required departmental representation from Health & Human Services, Human Resources, Juvenile, and Information Technology.
2. Task Force meets monthly
3. The task force has 13 members representing key departments that use HIPAA information including the 4 above, Legal Counsel, Sheriff's Office, District Attorney's Office, and Finance.
4. We have standing agenda items to review Breach Assessments and review training materials and requirements.
5. Meeting facilitation rotates quarterly between DA, HHS, Juvenile, and Legal Counsel.

Financial Impacts:

None

Impacts to Department & External Agencies:

This Task Force identifies process improvements and makes recommendations to departments to mitigate the risk of HIPAA breaches.

List of attachments:

Charter-Markup, Charter-Final

Presenter:

William W. White

Department Head Signature:

Tamra Goettsch

Digitally signed by Tamra Goettsch
Date: 2025.07.28 08:32:43 -07'00'

Marion County HIPAA Task Force Charter

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Marion County
Health Insurance Portability and
Accountability Act (HIPAA)

Task Force
Charter

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Marion County HIPAA Task Force Charter

4. INTRODUCTION

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes important standards to safeguard and protect individuals' medical information. Marion County recognizes the significance of HIPAA compliance in ensuring the confidentiality, integrity, and availability of protected health information (PHI). This charter outlines the establishment and functions of the HIPAA Task Force to oversee and enhance HIPAA compliance at Marion County.

This charter establishes the framework for the HIPAA Task Force to fulfill its responsibilities in promoting and maintaining HIPAA compliance throughout Marion County.

2.1. SCOPE

The ~~scope of the~~ HIPAA Task Force encompasses both enterprise-wide and department-specific HIPAA compliance efforts. In accordance with Marion County Administrative Policies ~~such as #~~517- Health Insurance Portability and Accountability Act (HIPAA) and ~~#~~521 - Health Insurance Portability and Accountability Act (HIPAA) Security Rule Requirements. It is crucial to ensure that all areas of the organization adhere to HIPAA regulations to safeguard sensitive health information.

~~As a collaborative team, the HIPAA Task Force includes representatives from operational areas that are subject to HIPAA regulations.~~ While each operation is responsible for meeting and maintaining HIPAA and other privacy compliance standards, the HIPAA Task Force ~~members work in a collaborative manner to review and make recommendations to the Marion County Risk Manager and Business Services Director pertaining to reviewing countywide and department-specific HIPAA serves as resource to review policies and procedures, share best practices, review HIPAA regulations and requirements, as well as and review~~ HIPAA related incidents.

This charter establishes the framework for the HIPAA Task Force to fulfill its responsibilities in promoting and maintaining HIPAA compliance throughout Marion County.

3.2. PURPOSE AND FUNCTION

The primary purpose of the HIPAA Task Force is to support, develop, recommend, and oversee policies, procedures, evaluations, responses, and oversight mechanisms related to HIPAA compliance. Additionally, the Task Force will be responsible for incident investigations, identification of root causes, and providing recommendations for corrective actions to prevent policy violations and breaches.

2.1. Policies, Procedures, Evaluations Responses and Oversight

2.1.1. The Task Force maintains and implements HIPAA-related policies, procedures, and forms.

3.1.

3.2.2. Incident investigations

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Marion County HIPAA Task Force Charter

3.2.1.2.2.1. The Task Force will conduct thorough reviews of HIPAA-related incidents, identify root causes, and make recommendations for appropriate corrective actions to mitigate risks and prevent future occurrences.

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3.3.2.3. The Task Force shall provide recommendations for proper corrective actions discussed during the meetings. Recommendations shall also be included if additional task force review is required.

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3.4.2.4. Training

2.4.1. Ongoing training programs will be developed and implemented to ensure that all employees receive the necessary education and resources to effectively uphold HIPAA compliance standards effectively. Training will cover topics such as data security, privacy policies, handling of PHI, and incident response protocols.

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3.4.1.2.4.1.1. Trainings will be oriented towards users of HIPAA, supervisors of users of HIPAA, and non-user awareness for employees.

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3. COMPOSITION

The Task Force is comprised of department representatives (union members and management employees), Legal Counsel and the HIPAA Compliance Manager who collaboratively represent the operational areas that are subject to HIPAA regulations.

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Roles of each of the task force members are as follows:

4. ORGANIZATION

4.1.3.1. HIPAA Compliance Officer

Responsible for overseeing and coordinating all HIPAA compliance efforts within the organization, ensuring the task force meets regularly, and maintaining the task force's membership composition in a manner that serves the county's HIPAA needs and requirements. The HIPAA Compliance Officer is typically the County Risk Manager, unless the Board of Commissioners chooses otherwise.

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4.2.3.2. Legal Counsel

Provides legal guidance and ensures that all HIPAA policies and procedures align with relevant laws and regulations.

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3.3. Health & Human Services

Standing representation from HHS Administration.

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3.4. Human Resources

Standing representation from HR HIPAA liaison due to employee involvement.

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3.5. Juvenile

Standing representation from Juvenile Administration.

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3.6. Information Technology

Supports the implementation of technical safeguards to protect electronic PHI and ensures the security of IT systems.

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Marion County HIPAA Task Force Charter

4.3. Information Technology

Supports the implementation of technical safeguards to protect electronic PHI and ensures the security of IT systems.

4.4.3.7. Departmental representatives

Serve as liaisons between their respective departments and the HIPAA Task Force, ensuring department-specific compliance with HIPAA requirements.

5.4. MEETINGS

Regular meetings will be held monthly scheduled to discuss ongoing compliance initiatives, incident reports, training updates, and any relevant issues concerning HIPAA compliance within the organization.

The Task Force shall meet a minimum of twice a year

6.5. GROUND RULES

Ground rules for Task Force meetings will include respect for all members' opinions, adherence to meeting schedules, confidentiality of sensitive information discussed, and a commitment to achieving the purpose and function outlined in the charter.

6. FACILITATION AND RECORDING

It is important that each member be as involved as possible in the task force discussion and process. Each member is encouraged to volunteer to perform the responsibilities of facilitator. This will help instill a sense of partnership and collaboration that is the backbone of this committee. If the facilitator member is not available, or no one has the level of expertise needed to facilitate the meetings, the HIPAA Compliance Officer will facilitate the meeting.

6.1 Facilitation:

The HIPAA Compliance Officer shall work with the facilitator to prepare and distribute meeting notices, agendas, and other necessary materials for each meeting.

6.2 Recorder:

Risk Management will provide a recorder for each meeting or ensure a recorder from membership is available for each meeting. The recorder will document attendance, agenda items, facilitator, time and location of the next meeting, issues and actions taken as minutes. It is not expected that the recorder will note detailed discussion, only identify the action decided upon. Draft minutes will be sent to those on the distribution list prior to the next meeting. A final review, noted amendments, and approval of the notes will be at the next meeting.

Revised: 2025.07.02

Marion County HIPAA Task Force Charter

7. MINUTES

~~Detailed minutes will be maintained for each meeting, documenting discussions, decisions made, action items assigned, and any other relevant information discussed during the session.~~



Marion County Health Insurance Portability and Accountability Act (HIPAA)

Task Force Charter

HIPAA Task Force Charter

INTRODUCTION

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes important standards to safeguard and protect individuals' medical information. Marion County recognizes the significance of HIPAA compliance in ensuring the confidentiality, integrity, and availability of protected health information (PHI). This charter outlines the establishment and functions of the HIPAA Task Force to oversee and enhance HIPAA compliance at Marion County.

This charter establishes the framework for the HIPAA Task Force to fulfill its responsibilities in promoting and maintaining HIPAA compliance throughout Marion County.

1. SCOPE

The HIPAA Task Force encompasses both enterprise-wide and department-specific HIPAA compliance efforts. In accordance with Marion County Administrative Policies #517- Health Insurance Portability and Accountability Act (HIPAA) and #521 - Health Insurance Portability and Accountability Act (HIPAA) Security Rule Requirements. It is crucial to ensure that all areas of the organization adhere to HIPAA regulations to safeguard sensitive health information.

While each operation is responsible for meeting and maintaining HIPAA and other privacy compliance standards, the HIPAA Task Force members work in a collaborative manner to review and make recommendations to the Marion County Risk Manager and Business Services Director pertaining to reviewing countywide and department-specific HIPAA policies and procedures, share best practices, review HIPAA regulations and requirements, as well as HIPAA related incidents.

2. PURPOSE AND FUNCTION

The primary purpose of the HIPAA Task Force is to support, develop, recommend, and oversee policies, procedures, evaluations, responses, and oversight mechanisms related to HIPAA compliance. Additionally, the Task Force will be responsible for incident investigations, identification of root causes, and providing recommendations for corrective actions to prevent policy violations and breaches.

2.1. Policies, Procedures

2.1.1. The Task Force maintains and implements HIPAA-related policies, procedures, and forms.

2.2. Incident investigations

2.2.1. The Task Force will conduct thorough reviews of HIPAA-related incidents, identify root causes, and make recommendations for appropriate corrective actions to mitigate risks and prevent future occurrences.

2.3. The Task Force shall provide recommendations for proper corrective actions discussed during the meetings. Recommendations shall also be included if additional task force review is required.

HIPAA Task Force Charter

2.4. Training

2.4.1. Ongoing training programs will be developed and implemented to ensure that all employees receive the necessary education and resources to effectively uphold HIPAA compliance standards. Training will cover topics such as data security, privacy policies, handling of PHI, and incident response protocols.

2.4.1.1. Trainings will be oriented towards users of HIPAA, supervisors of users of HIPAA, and non-user awareness for employees.

3. COMPOSITION

The Task Force is comprised of department representatives (union members and management employees), Legal Counsel and the HIPAA Compliance Manager who collaboratively represent the operational areas that are subject to HIPAA regulations.

Roles of each of the task force members are as follows:

3.1. HIPAA Compliance Officer

Responsible for overseeing and coordinating all HIPAA compliance efforts within the organization, ensuring the task force meets regularly, and maintaining the task force's membership composition in a manner that serves the county's HIPAA needs and requirements. The HIPAA Compliance Officer is typically the County Risk Manager, unless the Board of Commissioners chooses otherwise.

3.2. Legal Counsel

Provides legal guidance and ensures that all HIPAA policies and procedures align with relevant laws and regulations.

3.3. Health & Human Services

Standing representation from HHS Administration.

3.4. Human Resources

Standing representation from HR HIPAA liaison due to employee involvement.

3.5. Juvenile

Standing representation from Juvenile Administration.

3.6. Information Technology

Supports the implementation of technical safeguards to protect electronic PHI and ensures the security of IT systems.

3.7. Departmental representatives

Serve as liaisons between their respective departments and the HIPAA Task Force, ensuring department-specific compliance with HIPAA requirements.

4. MEETINGS

Regular meetings will be held monthly to discuss ongoing compliance initiatives, incident reports, training updates, and any relevant issues concerning HIPAA compliance within the organization.

HIPAA Task Force Charter

The Task Force shall meet a minimum of twice a year

5. GROUND RULES

Ground rules for Task Force meetings will include respect for all members' opinions, adherence to meeting schedules, confidentiality of sensitive information discussed, and a commitment to achieving the purpose and function outlined in the charter.

6. FACILITATION AND RECORDING

It is important that each member be as involved as possible in the task force discussion and process. Each member is encouraged to volunteer to perform the responsibilities of facilitator. This will help instill a sense of partnership and collaboration that is the backbone of this committee. If the facilitator member is not available, or no one has the level of expertise needed to facilitate the meetings, the HIPAA Compliance Officer will facilitate the meeting.

6.1 Facilitation:

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6.2 Recorder:

Risk Management will provide a recorder for each meeting or ensure a recorder from membership is available for each meeting. The recorder will document attendance, agenda items, facilitator, time and location of the next meeting, issues and actions taken as minutes. It is not expected that the recorder will note detailed discussion, only identify the action decided upon. Draft minutes will be sent to those on the distribution list prior to the next meeting. A final review, noted amendments, and approval of the notes will be at the next meeting.

HIPAA Task Force Charter

Revised: 2025.07.02

ADOPTED BY HIPAA Task Force,

This _____ day of _____, 2025.

APPROVED BY THE MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Date: _____



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review FormMeeting date: 8/6/25Department: Health & Human Services

Title:

Choice Model Services (OHA IGA #44300-00026111) MHS06Management Update/Work Session Date: 7/22/25 Audio/Visual aidsTime Required: 10 min Contact: Kristina Ballow Phone: 503-588-5409

Requested Action:

Seeking Approval of Amendment 1 to contract with OHA for the Choice Model services to extend the term date to 12/31/25 and add additional funding of \$419,209.00.

Issue, Description & Background:

Oregon Health Authority Intergovernmental Agreement (IGA) provides financial assistance to the Marion County Health and Human Services to provide oversight and care coordination of Individuals served in Choice Model Services to facilitate access to services in the most integrated setting appropriate to the individual's needs and strengths.

Amendment 1 - extends term date to 12/31/25 and adds funds of \$419,209.00.

Financial Impacts:

Addition of \$419,209.00 for new total contract amount \$1,693,733.00

Impacts to Department & External Agencies:

Health and Human Services anticipates no financial impact to other departments.

List of attachments:

Amendment 1, Original

Presenter:

Jennifer Chun

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Ryan Matthews

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Department Head
Signature:

Contract Review Sheet

Intergovernmental Agreement

HE-5868-24 - Am1
Title: **Choice Model Services (IGA #44300-00026111) MHS06**Contractor's Name: **Oregon Health Authority**Department: **Health and Human Services**Contact: **Kristina Ballow**Analyst: **Chalyce MacDonald**Phone #: **(503) 588-5409**Term - Date From: **February 22, 2024**Expires: **December 31, 2025**Original Contract Amount: **\$ 1,274,524.00** Previous Amendments Amount: **\$ -**Current Amendment: **\$ 419,209.00** New Contract Total: **\$ 1,693,733.00** Amd% **33%**
Incoming Funds Federal Funds Reinstatement Retroactive Amendment greater than 25%
Source Selection Method: **ORS190 Intergovernmental Agreement**

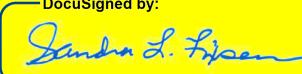
Description of Services or Grant Award

Oregon Health Authority Intergovernmental Agreement (IGA) provides financial assistance to the Marion County Health and Human Services to provide oversight and care coordination of Individuals served in Choice Model Services to facilitate access to services in the most integrated setting appropriate to the individual's needs and strengths.

Amendment 1 - extends term date to 12/31/25 [6/30/25] and adds funds of \$419,209.00.

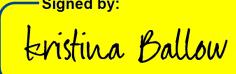
Desired BOC Session Date:	<u>8/6/2025</u>	Contract should be in DocuSign by:	<u>7/16/2025</u>
Agenda Planning Date	<u>7/24/2025</u>	Printed packets due in Finance:	<u>7/22/2025</u>
Management Update	<u>7/22/2025</u>	BOC upload / Board Session email:	<u>7/23/2025</u>
BOC Session Presenter(s)	<u>Jennifer Chun</u>	Code:	<u>Y</u>

REQUIRED APPROVALS

DocuSigned by:

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7/15/2025

Finance - Contracts Date

Signed by:

 A38C58E8078E42B...

7/15/2025

Contract Specialist Date

Signed by:

 60C98A6F708240B...

7/15/2025

Legal Counsel Date

DocuSigned by:

 DC16351248DE4EC...

7/15/2025

Chief Administrative Officer Date

REQUEST FOR AUTHORIZATION OF CONTRACT HE-5868-24

Date: July 2, 2025
To: Chief Administrative Officer
Cc: Contract File
From: Kristina Ballow

I. Subject: Reinstatement

The Marion County Health and Human Services is requesting approval to reinstate a contract as described in Section 10-0570 of the Marion County Public Contracting Rules. The contract is with Oregon Health Authority (OHA) for Choice Model Services with a value of \$1,693,733.00 and upon approval will be reinstated and in full force and effect, as if it had not expired with a new expiration date of 12/31/2025.

A. BACKGROUND

These are incoming funds through an Intergovernmental Agreement from OHA (IGA #44300-00026111 for MHS06) to Marion County Health and Human Services (MCHHS) to provide financing for Choice Model Services. This Agreement became effective on February 22, 2024 and has not been amended previously.

B. As required by MCPCR, a concise written statement must be submitted meeting the requirements of 10-0570(1).

MCHHS received Amendment 1 from OHA on July 2, 2025 and submitted documents for compliance review immediately. The written request is within the allotted time but the original agreement already expired June 30, 2025. There are no additional services or changes to the scope of the original contract.

Signatures on following page

Submitted by:

Signed by:



A38C58E8078F42B

Kristina Ballow
Health and Human Services

Reviewed by:

DocuSigned by:



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Contracts & Procurement

Acknowledged by:

DocuSigned by:



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Department Head

Acknowledged by:

DocuSigned by:



DC16351248DE4FC

Jan Fritz, CAO



Agreement Number PO-44300-00026111

**AMENDMENT TO
STATE OF OREGON
INTERGOVERNMENTAL AGREEMENT**

You can get this document in other languages, large print, braille, or a format you prefer free of charge. Contact the Agreement Administrator at the contact information found on page one of the original Agreement, as amended. We accept all relay calls.

This is amendment number **01** to Agreement Number **PO-44300-00026111** between the State of Oregon, acting by and through its Oregon Health Authority, hereinafter referred to as "**OHA**," and

**Marion County
PO Box 13309
Salem, OR 97309**
**Attention: Ryan Matthews
Telephone: 503-391-2792
E-mail address: rmatthews@co.marion.or.us**

hereinafter referred to as "**County**."

- 1.** This amendment shall become effective on the later of: (I) June 30, 2025 provided it is (i) approved in writing by the Oregon Department of Justice on or before such date, and (ii) when required, approved in writing by the Oregon Department of Administrative Services, and (iii) is signed by all parties, regardless of the date of the parties' signatures; or (II) the date this amendment is approved in writing by the Oregon Department of Justice, provided it is (i) when required, approved in writing by the Oregon Department of Administrative Services, and (ii) is signed by all parties, regardless of the date of the parties' signatures.
- 2.** The Agreement is hereby amended as follows:
 - a.** **Section 1. "Effective Date and Duration"** to extend the expiration date from June 30, 2025 to **December 31, 2025**.
 - b.** **Exhibit E, "Financial Pages,"** is hereby amended as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

3. Except as expressly amended above, all other terms and conditions of the original Agreement and any previous amendments are still in full force and effect. County certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this amendment and with the same effect as though made at the time of this amendment.
4. **Certification.** Without limiting the generality of the foregoing, by signature on this Agreement, the undersigned hereby certifies under penalty of perjury that:

 - a. County acknowledges that the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any “claim” (as defined by ORS 180.750) that is made by (or caused by) County and that pertains to this Agreement or to the project for which the Agreement work is being performed. County certifies that no claim described in the previous sentence is or will be a “false claim” (as defined by ORS 180.750) or an act prohibited by ORS 180.755. The Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against County, in addition to any remedies that may be available to OHA under the Agreement;
 - b. The information shown in Section 5.a. “County Information” of the original Agreement, as amended is County’s true, accurate and correct information;
 - c. To the best of the undersigned’s knowledge, County has not discriminated against and will not discriminate against minority, women or emerging small business enterprises certified under ORS 200.055 in obtaining any required subcontracts;
 - d. County and County’s employees and agents are not included on the list titled “Specially Designated Nationals” maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at: <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>;
 - e. County is not listed on the non-procurement portion of the General Service Administration’s “List of Parties Excluded from Federal procurement or Non-procurement Programs” found at: <https://www.sam.gov/SAM>;
 - f. County is not subject to backup withholding because:

 - (1) County is exempt from backup withholding;
 - (2) County has not been notified by the IRS that County is subject to backup withholding as a result of a failure to report all interest or dividends; or
 - (3) The IRS has notified County that County is no longer subject to backup withholding; and
 - g. County’s Federal Employer Identification Number (FEIN) or Social Security Number (SSN) provided to OHA is true and accurate. If this information changes, County is required to provide OHA with the new FEIN or SSN within 10 days.

COUNTY, BY EXECUTION OF THIS AMENDMENT, HEREBY ACKNOWLEDGES THAT COUNTY HAS READ THIS AMENDMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

5. Signatures.

Marion County

By:

See County Signature Page

Authorized Signature

Administrator

Title

Ryan Matthews

Printed Name

7/2/25

Date

State of Oregon acting by and through its Oregon Health Authority

By:

Authorized Signature

Printed Name

Title

Date

Approved by: Director, OHA Behavioral Health Division

By:

Authorized Signature

Printed Name

Title

Date

Approved for Legal Sufficiency:

Jeff Wahl via email on

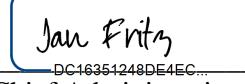
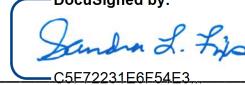
Oregon Department of Justice

June 30, 2025

Date

**SIGNATURE PAGE FOR
CHOICE MODEL SERVICES (IGA #44300-00026111) MHS06 - HE-5868-24
between
MARION COUNTY and OREGON HEALTH AUTHORITY**

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

Chair	Date
Commissioner	Date
Commissioner	Date
Authorized Signature:	<p>DocuSigned by:  7D28A787656E458...</p> <hr/>
	7/15/2025
Department Director or designee	Date
Authorized Signature:	<p>DocuSigned by:  DC16351248DE4EC...</p> <hr/>
	7/15/2025
Chief Administrative Officer	Date
Reviewed by Signature:	<p>Signed by:  60C98A6F708240B...</p> <hr/>
	7/15/2025
Marion County Legal Counsel	Date
Reviewed by Signature:	<p>DocuSigned by:  C5E72231E6E54E3...</p> <hr/>
	7/15/2025
Marion County Contracts & Procurement	Date

Attachment 1

EXHIBIT E
Financial Pages

MODIFICATION INPUT REVIEW REPORT												
MOD#: M1211			CONTRACTOR: MARION COUNTY - CHOICE									
CONTRACT#: 026111			INPUT CHECKED BY: _____ DATE CHECKED: _____									
SE#	FUND	CODE	PROJ CPMS PROVIDER	EFFECTIVE DATES	SLOT CHANGE/TYPE	RATE	OPERATING DOLLARS	STARTUP DOLLARS	PART ABC	PART IV	PAAF CD	CLIENT BASE
SP#												
FISCAL YEAR: 2025-2026												
BASE CHOICE MODEL SERVICE												
6	804		CHOICE	7/1/2025 - 12/31/2025	0 /NA	\$0.00	\$398,248.55	\$0.00	A	1	Y	
BASE CHOICE MODEL SERVICE												
6	804		CHOICE	7/1/2025 - 12/31/2025	0 /NA	\$0.00	\$20,960.45	\$0.00	C	1	Y	1
TOTAL FOR SE# 6							\$419,209.00	\$0.00				
TOTAL FOR 2025-2026							\$419,209.00	\$0.00				
TOTAL FOR M1211 026111							\$419,209.00	\$0.00				

OREGON HEALTH AUTHORITY
Direct Contract

CONTRACTOR: MARION COUNTY - CHOICE
DATE: 06/29/2025

CONTRACT#: 026111
AMENDMENT#: 001

REASON FOR CONTRACT/AMENDMENT:

Choice Model Services (MHS 06) payments have been awarded.

SPECIAL CONDITIONS:

- 1 These payments are for MHS 06 Choice Model Services performance payment.

Contract Review Sheet

Purchase Order

940433 / IT-6605-25

Title: ERP SoftwareContractor's Name: Mythics, LLCDepartment: Information Technology DepartmentContact: Toby GiddingsAnalyst: Toby GiddingsPhone #: (503) 588-5047Term - Date From: August 6, 2025Expires: August 6, 2030Original Contract Amount: \$ 2,573,430.00Previous Amendments Amount: \$ -Current Amendment: \$ -New Contract Total: \$ 2,573,430.00Amd% 0%Outgoing Funds Federal Funds Reinstatement Retroactive Amendment greater than 25%Source Selection Method: 20-0285 SpecialCMS# FI1606-24

Description of Services or Grant Award

The County is implementing a new Enterprise Resource Planning (ERP). The County currently uses numerous software systems and various manual processes in efforts related to Finance and Human Resources functions. The County issued a Request for Proposal (RFP) for qualified entities who sell and/or implement ERP software for local governments. The main drivers for procuring and implementing a new ERP include: Utilizing an ERP solution which aligns with business needs, allowing Finance and Human Resources to have better insight into County data and processes to enhance delivery of programs, reducing inefficiency and improving agility, and reducing risk. The County hired Plante Moran to provide advisory services in reviewing proposals and comparing proposed costs for the County's consideration. The RFP closed December 4, 2024. Seventeen proposals were received, twelve of which were deemed minimally responsive. The selection committee narrowed the proposals from twelve to a short-list of five for demonstrations. Five demonstrations held from February 24 through March 14 included two software solutions and five implementing partners. Oracle Fusion Cloud was selected with implementation partner Sierra-Cedar. Sierra-Cedar proposed purchasing Oracle Fusion Cloud services through Mythics on the OMNIA Price Agreement.

Desired BOC Session Date:

8/6/2025

Contract should be in DocuSign by:

7/16/2025

Agenda Planning Date

7/24/2025

Printed packets due in Finance:

7/22/2025

Management Update

7/22/2025

BOC upload / Board Session email:

7/23/2025

BOC Session Presenter(s)

Jeff WhiteCode: Y

REQUIRED APPROVALS

DocuSigned by:



F4592AF8CAA542C

7/21/2025

Finance - Contracts

Date

DocuSigned by:



E4592AF8CAA542C

7/22/2025

Contract Specialist

Date

Signed by:



60C98A6F708240B

7/21/2025

Legal Counsel

Date

DocuSigned by:



DC1B351248DE4EC

7/22/2025

Chief Administrative Officer

Date



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 8/6/2025

Department: Public Works

Title: Removal of Solid Waste Management Advisory Council (SWMAC) Members

Management Update/Work Session Date: 7/29/2025 Audio/Visual aids

Time Required: 0 minutes Contact: Cory Swartwout Phone: 503-365-3178

Requested Action: Approve the removal of Solid Waste Management Advisory Council (SWMAC) members.

Issue, Description & Background: Marion County is transitioning the Solid Waste Management Advisory Council (SWMAC) to a newly restructured body known as the Materials Management Advisory Council (MMAC). This change reflects a broader shift in the County's approach to solid waste and materials management, emphasizing strategic alignment with statewide goals and evolving local needs.

To implement this new structure, all current SWMAC members will be formally removed from the council. This action is necessary to establish a new membership body that reflects the revised purpose, composition, and operational focus of the MMAC. The removal of members is not a reflection of individual performance or contributions, but rather a structural step in the reorganization process.

All SWMAC members have been formally recognized and thanked for their service during the transition process.

Financial Impacts: N/A

Impacts to Department & External Agencies: N/A

List of attachments: Roster, Order

Presenter: Brian May

Department Head Signature: Brian Nicholas Digitally signed by Brian Nicholas
Date: 2025.07.22 10:36:31 -07'00'

COUNCIL MEMBER NAMES	TERM ENDS	POSITION
Bonnie Sullivan	07/31/2026	Building/Construction – Vice-Chair
Brad Barker	06/30/2027	Citizen-at-Large
Joe Fowler	02/01/2027	Public Health
Judy Skinner	12/31/2026	Citizen-at-Large
Julie Jackson	02/26/2026	Solid Waste System Representative (Transfer Station/Compost)
Keith Bondaug-Winn	06/09/2025	Citizen-at-Large – Chair
Kevin Hines	06/25/2026	Collection Industry
Ryan Zink	10/09/2028	Community Organization (City of Salem)
Will Posegate	12/31/2027	Recycling Industry
Bill Riecke	12/31/2027	Citizen-at-Large
Vacant		Disposal Industry
Vacant		Chamber of Commerce
Vacant		Citizen-at-Large

SWMAC SUBCOMMITTEE LIST					
Nominations	Bonnie Sullivan	Joe Fowler	Will Posegate	Keith Bondaug-Winn	
SWMAC Bylaws/Handbook	Bonnie Sullivan	Keith Bondaug-Winn	Will Posegate	Julie Jackson	Ryan Zink
Budget	Bonnie Sullivan	Kevin Hines	Keith Bondaug-Winn	Ryan Zink	
Education & Outreach	Bonnie Sullivan	Keith Bondaug-Winn			
Unsheltered Waste Management	Ryan Zink	Julie Jackson	Judy Skinner	Kevin Hines	
C&D	Bonnie Sullivan	Ryan Zink	Julie Jackson	Kevin Hines	

COUNTY CONTACTS			
Brian May, ES Division Manager		503-365-3147	bmay@co.marion.or.us
Cory Swartwout, Program Coordinator		503-365-3178	cswartwout@co.marion.or.us
Commissioner Kevin Cameron - SWMAC Liaison		503-588-5212	kcameron@co.marion.or.us
Commissioner Danielle Bethell		503-588-5212	dbethell@co.marion.or.us
Commissioner Colm Willis		503-588-5212	cwillis@co.marion.or.us

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the Matter of the Removal of Council)
Members from the Solid Waste Management)
Advisory Council)

ORDER No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on August 6, 2025, to consider the removal of council members from the Solid Waste Management Advisory Council.

WHEREAS, the Board of Commissioners hold the sole authority to establish, modify, and dissolve advisory bodies and councils under its jurisdiction; and

WHEREAS, the current structure and composition of the Solid Waste Management Advisory Council no longer align with the Board's strategic goals and evolving priorities; and

WHEREAS, the Board has determined that a full restructuring of the Solid Waste Management Advisory Council is necessary in order to establish a more focused, efficient, and mission-driven body; and

WHEREAS, the decision is administrative in nature and was made independently by the Board of Commissioners, without requiring the approval or recommendation of the current council members; now, therefore,

IT IS HEREBY ORDERED that:

1. All current members of the Solid Waste Management Advisory Council are hereby removed from their positions, effective immediately, as part of the Board-directed restructuring.
2. The Board shall initiate the process to establish a newly structured council with revised roles, membership criteria, and areas of focus consistent with the Board's objectives.
3. The outgoing members shall be formally notified of this action and acknowledged for their services to the Marion County Board of Commissioners.

DATED at Salem, Oregon, this 6th day of August, 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 8/6/2025

Department: Public Works

Title: Renaming of the Solid Waste Management Advisory Council (SWMAC) to the Materials Management Advisory Council (MMAC)

Management Update/Work Session Date: 7/29/2025 Audio/Visual aids

Time Required: 0 min Contact: Cory Swartwout Phone: 503-365-3178

Requested Action: Approve the name change of the Solid Waste Management Advisory Council (SWMAC) to the Materials Management Advisory Council (MMAC).

Issue, Description & Background: The Solid Waste Management Advisory Council (SWMAC) has historically provided guidance on Marion County's solid waste system. However, recent changes in state and local materials management priorities—particularly those driven by the implementation of the Recycling Modernization Act—have prompted a reevaluation of the Council's structure and focus. To better reflect these evolving needs and to align with a broader, more integrated approach to waste reduction, recycling, and sustainable materials management, SWMAC is being renamed the Materials Management Advisory Council (MMAC). This change supports a modernized mission and membership framework that is better suited to address current and future materials management challenges.

Financial Impacts: N/A

Impacts to Department & External Agencies: N/A

List of attachments: Order

Presenter: Brian May

Department Head Signature: Brian Nicholas Digitally signed by Brian Nicholas
Date: 2025.07.22 10:41:25 -07'00'

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the Matter of Renaming the Solid Waste)
Management Advisory Council to the)
Materials Management Advisory Council)

ORDER No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on August 6, 2025, to consider the renaming of the Solid Waste Management Advisory Council to the Materials Management Advisory Council.

WHEREAS, the Board of Commissioners established the Solid Waste Management Advisory Council to provide recommendations and community input on waste-related policies and programs; and

WHEREAS, the terminology and focus of solid waste management have evolved to encompass a more holistic approach known as materials management, which includes waste reduction, reuse, recycling, composting, and sustainable resource use; and

WHEREAS, the Board recognizes the importance of aligning the name of the advisory council with its broader and more forward-looking mission and scope; and

WHEREAS, this renaming reflects the County's commitment to sustainability, circular economy principles, and best practices in environmental stewardship;

IT IS HEREBY ORDERED that:

1. The Solid Waste Management Advisory Council shall be officially renamed the Materials Management Advisory Council, effective immediately.
2. All references to the council in official documents, communications, and records shall be updated accordingly.
3. The renamed Materials Management Advisory Council shall continue to serve in an advisory capacity to the Board, with a focus on the full lifecycle of materials, consistent with modern environmental and sustainability goals.

DATED at Salem, Oregon, this 6th day of August, 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review FormMeeting date: Wednesday, August 6, 2025

Department: Sheriff's Office

Title:

Amendment #2 to the Agreement with the U.S. Forest ServiceManagement Update/Work Session Date: Tuesday, July 22, 2025 Audio/Visual aidsTime Required: 5 minutesContact: Kristy WitherellPhone: x4402

Requested Action:

Staff is recommending the board approve Amendment #2 to the Incoming Funds Intergovernmental Agreement with the U.S. Department of Agriculture - Forest Service in the amount of \$99,750.00 for a total of \$171,750.00 for the Marion County Sheriff's Office to provide Adults in Custody (AIC) work crews for the Detroit Lake sweep and post fire clean up through September 30, 2027.

Issue, Description & Background:

Marion County Sheriff's Office has been partnering with the U.S. Forest Service for more than 15 years to provide lake sweeping services to Detroit Lake and cleanup of the state parks within the Willamette national Forest. This is the second amendment of this agreement. The original agreement in 2023 was for \$34,000.00 and only written for the Detroit Lake Sweep. The second amendment in 2024 was for \$38,000.00 and was only written for the Detroit Lake Sweep. This agreement #2 is written for the Detroit Lake Sweep in 2026 and 2027 and for post fire cleanup of the state parks in the Willamette National Forest and will include \$99,750.00 in funding.

Financial Impacts:

Incoming funds of \$99,750.00 through September 30, 2027.

Impacts to Department & External Agencies:

N/A

List of attachments:

Agenda Review, Original Agreement, Amendment #1 & #2

Presenter:

Commander Hartford

Signed by:

Nicholas Hunter

574858962EE148C...

Department Head
Signature:

Contract Review Sheet

Contract for Services

SO-5331-23 - Am2
Title: **USFS Work Crew IGA**Contractor's Name: **US Department of Agriculture**Department: **Sheriff's Office**Contact: **Kristy Witherell**Analyst: **Sandra Fixsen**Phone #: **(503) 373-4402**Term - Date From: **Upon signatures**Expires: **September 30, 2027**Original Contract Amount: **\$ 34,000.00** Previous Amendments Amount: **\$ 38,000.00**Current Amendment: **\$ 99,750.00** New Contract Total: **\$ 171,750.00** Amd% **405%**
Incoming Funds Federal Funds Reinstatement Retroactive Amendment greater than 25%
Source Selection Method: **ORS190 Intergovernmental Agreement**

Description of Services or Grant Award

Amendment #2 of this agreement includes MCSO providing AIC work crews for lake sweeping and post fire clean up in the Willamette National Forest. USFS will provide **\$99,750.00** in cash payments to county and \$45,606.58 in non-cash for labor and travel expenses. The county will provide \$36,537.86 in non-cash contributions in salaries and co-op indirect costs. **The in-cash total for this agreement is \$171,750.00 through September 30, 2027.**

Amendment #1 provided AIC work crews for lake sweeping for the 2024 season, which USFS provided \$38,000.00 cash payments to county and \$17,481.20 non-cash for labor and travel. The county provided \$18,744.26 in non-cash contributions in salaries and co-op indirect costs. Total cost for project is \$74,225.46

Original IGA with the United States Department of Agriculture Forest Service Willamette National Forest, provided AIC work crew services for lake sweeping. Total project cost was \$72,641.77, of which USFS provided cash payments of \$34,000.00 for work performed and noncash contribution of \$21,394.46, and County provide noncash contribution match of \$17,247.31.

Desired BOC Session Date:	8/6/2025	Contract should be in DocuSign by:	7/16/2025
Agenda Planning Date	7/24/2025	Printed packets due in Finance:	7/22/2025
Management Update	7/22/2025	BOC upload / Board Session email:	7/23/2025
BOC Session Presenter(s)	Commander Mike Hartford		
	Code: Y		

REQUIRED APPROVALS

Finance - Contracts	Date	Contract Specialist	Date
---------------------	------	---------------------	------

Legal Counsel	Date	Chief Administrative Officer	Date
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Forest Service
U.S. DEPARTMENT OF AGRICULTURE

FS-1500-19 (VER. 05/24)

OMB No. 0596-0217

EXP: 05/31/2027

MODIFICATION OF GRANT OR AGREEMENTPAGE OF
PAGES

1 4

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 23-PA-11061800-015, Detroit Lake Sweeping	2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY: SO-5331-23	3. MODIFICATION NUMBER: 002
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): Willamette National Forest 3106 Pierce Pkwy Suite D Springfield, Oregon 97477	5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4): Willamette National Forest Detroit Ranger District 44125 N Santiam Hwy Detroit, OR, 97360	6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): MARION, COUNTY OF 100 High ST NE Salem, Oregon 97301-3640
7. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS payment use only): N/A		

8. PURPOSE OF MODIFICATION

CHECK ALL THAT APPLY:	This modification is issued pursuant to the modification provision in the grant/agreement referenced in item no. 1, above.
<input checked="" type="checkbox"/>	CHANGE IN PERFORMANCE PERIOD: Extend expiration date from 04/01/2026 to 09/30/2027, see box 9.
<input checked="" type="checkbox"/>	CHANGE IN FUNDING: Add \$99,750.00 in funds, see box 9.
<input checked="" type="checkbox"/>	ADMINISTRATIVE CHANGES: Update U.S. Forest Service contacts, see box 9.
<input checked="" type="checkbox"/>	OTHER (Specify type of modification): Add Mod 002 Statement of Work, see attachment.

Except as provided herein, all terms and conditions of the Grant/Agreement referenced in 1, above, remain unchanged and in full force and effect.

9. ADDITIONAL SPACE FOR DESCRIPTION OF MODIFICATION (add additional pages as needed):

The purpose of this modification is to extend the expiration date from 04/01/2026 to 9/30/2027 to allow the project to continue. \$99,750.00 in funds will be added and all previously obligated and unspent funds remain available. A Mod 002 Scope of Work will be added to complete additional projects that fall under MCSO Shall Statement D of this agreement.

Original Agreement: \$34,000

MOD 001: \$38,000

MOD 002: \$99,750

TOTAL: \$171,750

Update Provision V.A. PRINCIPAL CONTACTS

Update U.S Forest Service Program Manager to:

Alex Lasher

44125 N Santiam Hwy

Detroit, OR 97360

Email: sheldon.lasher@usda.gov

Telephone: 971-446-8894

Update U.S. Forest Service Administrative Contact to:

Jeff Scholten

Grants Management Specialist

Region 6 Grants and Agreements

Email: jeff.scholten@usda.gov

Update Provision IV.A. PAYMENT/REIMBURSEMENT



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

FS-1500-19 (VER. 05/24)

OMB No. 0596-0217

EXP: 05/31/2027

Invoice must be forwarded to :
 POSTAL: USDA Forest Service
 Budget & Finance
 Grants and Agreements
 4000 Masthead St, NE
 Albuquerque, NM 87109

Send a copy to:
 Alex Lasher
 44125 N Santiam Hwy
 Detroit, OR 97360
 Email: sheldon.lasher@usda.gov
 Telephone: 971-446-8894

Update Provision IV.B. ADVANCE PAYMENT:

The U.S. Forest Service may make an advance payment to the Cooperator for estimated costs for up to 90 days of expenditures. The advance payment will be made upon receipt of an advance payment request from the Cooperator. The advance payment request must include the anticipated expenses for the advance payment period, itemized by the cost element of the approved financial plan attached to this agreement. The total advance payment request must not exceed the U.S. Forest Service's share of anticipated expenses as identified on the financial plan.

The Cooperator must demonstrate liquidation of all advanced funds before any subsequent requests for payments, advance or reimbursement, will be made (advance payment liquidation includes both expense reporting and return of any unused funds from the advance), see Advance Payment Liquidation below.

ADVANCE PAYMENT REQUESTS. Requests may be documented on a Cooperator's advance payment request or SF-270. Requests must show expenses itemized by the cost element of the approved financial plan attached to this agreement (salary, supplies, travel, etc., if needed itemize in an attachment).

Advance payment requests must include, at a minimum:

1. COOPERATOR's name, address, and telephone number.
2. U.S. Forest Service agreement number.
3. Request/Invoice date and number if applicable.
4. Advance Payment Period performance start and end dates of the work to be completed.
5. Total amount requested for the advance billing period, itemized by cost element.
6. Statement that the request is for "Advance" payment.
7. Total amount of any previous advance payments received.

Advance payment requests, final financial reports, must be forwarded to:

EMAIL (preferred method): SM.FS.ASC_GA@USDA.GOV

FAX: 877-687-4894

POSTAL: USDA Forest Service

Budget and Finance,

Grants and Agreements

4000 Masthead St. NE

Albuquerque, NM 87109

Send a copy to:

Alex Lasher
 44125 N Santiam Hwy
 Detroit, OR 97360
 Email: sheldon.lasher@usda.gov
 Telephone: 971-446-8894

ADVANCE PAYMENT LIQUIDATION. When an advance payment is made by the Forest Service, the Cooperator must clearly demonstrate that they have liquidated the advanced funds within 60 days of the requested advance payment period end date. Liquidation must be documented on an expense report complimentary to the advance payment request, or a SF-425 form if



advanced was requested on a SF-270 form. Liquidation documentation must have expenses itemized by cost element, (salary, supplies, travel, etc., if needed itemize in an attachment) and include a statement that it is for "Liquidation" of an advance payment.

Any funds advanced, but not expended, must be returned to the U.S. Forest Service within 60 days following the advance payment period end date. Unexpended funds must be clearly reported on the liquidation documentation and include the name, phone number and email address of a Cooperator contact responsible to receive the electronic Bill for Collection (BFC) from the Forest Service. The BFC will include payment instructions

EARNED INTEREST-ADVANCE PAYMENT. Interest earned on Federal advance payments in amounts up to \$500 per year, may be retained by the non-Federal entity for administrative expenses. Any additional interest earned exceeding \$500 per year, on Federal advance payments must be deposited into interest-bearing accounts, unless one of the following apply:

1. The non-Federal entity receives less than \$250,000 in Federal awards per year.
2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
4. A foreign government or banking system prohibits or precludes interest-bearing accounts.

This additional earned interest must be remitted annually to the U.S. Department of Health and Human Services (HHS), Payment Management Services (PMS) through an electronic medium, using either Domestic Automated Clearing House (ACH) Returns (Direct Deposit) or a FedWire Funds Service payment. If you have questions about sending a refund, a refund that has been sent via ACH, or FedWire, you may email them at PMSCollections@psc.hhs.gov. Additional information is available on their website (<https://pms.psc.gov/grant-recipients/returning-funds-interest.html>).

Update Provision V.K. INDIRECT COST RATES- PARTNERSHIP. Indirect costs are approved for reimbursement or as a cost-share requirement and have an effective period applicable to the term of this agreement.

1. If MCSO has never received or does not currently have a negotiated indirect cost rate, they are eligible for a de minimis indirect cost rate up to 15 percent of modified total direct costs (MTDC). MTDC is defined as all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$50,000 of each subaward (regardless of the period of performance of the subawards under the award).
2. For rates greater than 15 percent and less than 25 percent, MCSO shall maintain documentation to support the rate. Documentation may include, but is not limited to, accounting records, audit results, cost allocation plan, letter of indirect cost rate approval from an independent accounting firm, or other Federal agency approved rate notice applicable to agreements.
3. For a rate greater than 25 percent, the U.S. Forest Service may require that request a federally approved rate from MCSO's cognizant audit agency no later than 3 months after the effective date of the agreement. MCSO will be reimbursed for indirect costs or allowed to cost-share at the rate reflected in the agreement until the rate is formalized in the negotiated indirect cost rate (NICRA) at which time, reimbursements for prior indirect costs or cost-sharing may be subject to adjustment.
4. Failure to provide adequate documentation supporting the indirect cost rate, if requested, could result in disallowed costs and repayment to the U.S. Forest Service.

Update Provision V.BB. COMMENCEMENT/EXPIRATION DATE. This agreement is executed as of the date of the last signature and is effective through 09/30/2027 at which time it will expire. The expiration date is the final date for completion of all work activities under this agreement.

The following provision is added to the agreement:

PAID SICK LEAVE REQUIREMENTS. Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, and its implementing regulations, including the federal contractor paid sick leave clause at 29 CFR Part 13, Appendix A, apply to the Cooperator and any subcontractors under this agreement. These regulatory requirements are incorporated by reference into this agreement as if fully set forth in this agreement.



Forest Service

U.S. DEPARTMENT OF AGRICULTURE

FS-1500-19 (VER. 05/24)
OMB No. 0596-0217
EXP: 05/31/2027

10. ATTACHED DOCUMENTATION (Check all that apply):

<input checked="" type="checkbox"/>	Revised Scope of Work
<input type="checkbox"/>	Revised Financial Plan
<input checked="" type="checkbox"/>	Other: Attachment A: Mod 002 Financial Plan.

11. SIGNATURES

AUTHORIZED REPRESENTATIVE: BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-REFERENCED GRANT/AGREEMENT.

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by:	12.B. DATE SIGNED
BRIAN HOEH (23-PA-11061800-015 Mod 002) U.S. Forest Service Grants & Agreements Specialist	

Paperwork Reduction Act Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond, to a collection of information unless it displays a valid OMB control number. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection is 0596-0217. Response to this collection of information is mandatory. The authority to collect the information Section 7 of the Granger-Thye Act (16 U.S.C. 580d) and Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751-1753). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Department of Agriculture, Clearance Officer, OIRM, 1400 Independence Avenue, SW, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB# 0596-0217), 725 17th Street NW, Washington, D.C. 20503.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TYY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

The Privacy Act of 1974, 5 U.S.C. 552a and the Freedom of Information Act, 5 U.S.C. 552 govern the confidentiality to be provided for information received by the Forest Service.

**SIGNATURE PAGE FOR
USFS WORK CREW IGA - SO-5331-23 AMD #2
between
MARION COUNTY
and
US DEPARTMENT OF AGRICULTURE**

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

Chair Date

Commissioner Date

Commissioner Date

Authorized Signature: _____
Department Director or designee Date

Authorized Signature: _____
Chief Administrative Officer Date

Reviewed by Signature: _____
Marion County Legal Counsel Date

Reviewed by Signature: _____
Marion County Contracts & Procurement Date

U.S. Forest Service

OMB 0596-0217

FS-1500-17B

Attachment: A

USFS Agreement No.: 23-PA-11061800-015
Cooperator Agreement No.: Mod. No.: 2**Agreements Financial Plan (Short Form)****Financial Plan Matrix:**

Note: All columns may not be used. Use depends on source and type of contribution(s).

COST ELEMENTS	FOREST SERVICE CONTRIBUTIONS		COOPERATOR CONTRIBUTIONS		(e) Total
	(a) Noncash	(b) Cash to Cooperator	(c) Noncash	(d) In-Kind	
Direct Costs					
Salaries/Labor	\$30,184.21	\$99,750.00	\$32,908.10	\$0.00	\$162,842.31
Travel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$9,473.68	\$0.00	\$0.00	\$0.00	\$9,473.68
Supplies/Materials	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Printing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other					\$0.00
Subtotal	\$39,657.89	\$99,750.00	\$32,908.10	\$0.00	\$172,315.99
Coop Indirect Costs		\$0.00	\$3,629.76		\$3,629.76
FS Overhead Costs	\$5,948.68				\$5,948.68
Total	\$45,606.58	\$99,750.00	\$36,537.86	\$0.00	
Total Project Value:					\$181,894.44

Matching Costs Determination	
Total Forest Service Share = (a+b) ÷ (e) = (f)	(f) 79.91%
Total Cooperator Share (c+d) ÷ (e) = (g)	(g) 20.09%
Total (f+g) = (h)	(h) 100.00%

WORKSHEET FOR

FS Non-Cash Contribution Cost Analysis, Column (a)**Salaries/Labor****Standard Calculation**

Job Description	Cost/Day	# of Days	Total
Forestry Technician (GS05), crew, oversight @ 1 hour per crew day.	\$20.00	105	\$2,105.26
Forestry Technician (GS07), boat captain	\$250.00	105	\$26,315.79
Program Manager (GS09), program admin	\$300.00	3	\$789.47
Program Staff (GS11), program oversight	\$370.00	3	\$973.68
Total Salaries/Labor			\$30,184.21

Travel**Standard Calculation**

Travel Expense	Employees	Cost/Trip	# of Trips	Total
Total Travel				\$0.00

Equipment**Standard Calculation**

Piece of Equipment	# of Units	Cost/Day	# of Days	Total
FS Boat Fuel		\$90.00	105	\$9,473.68
Total Equipment				\$9,473.68

Supplies/Materials**Standard Calculation**

Supplies/Materials	# of Items	Cost/Item	Total
			\$0.00
Total Supplies/Materials			\$0.00

Other Expenses**Standard Calculation**

Item	# of Units	Cost/Unit	Total
			\$0.00
Total Other			\$0.00

Subtotal Direct Costs

\$39,657.89

Forest Service Overhead Costs

Current Overhead Rate	Subtotal Direct Costs	Total
15.00%	\$39,657.89	\$5,948.68
Total FS Overhead Costs		\$5,948.68

TOTAL COST**\$45,606.58**

WORKSHEET FOR

Cooperator Non-Cash Contribution Cost Analysis, Column (c)

Salaries/Labor				
Standard Calculation				
Job Description		Cost/Day	# of Days	Total
Lieutenant, program admin		\$1,107.90	5.00	\$5,539.50
Sergeant, program oversight		\$1,180.50	22.00	\$25,971.00
Support Services Technician, program staff		\$408.20	2.00	\$816.40
Budget Analyst 2		\$581.20	1.00	\$581.20
Total Salaries/Labor				\$32,908.10

Travel

Standard Calculation				
Travel Expense	Employees	Cost/Trip	# of Trips	Total
				\$0.00
Total Travel				\$0.00

Supplies/Materials

Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
				\$0.00
Total Supplies/Materials				\$0.00

Other Expenses

Standard Calculation				
Item		# of Units	Cost/Unit	Total
				\$0.00
Total Other				\$0.00

Subtotal Direct Costs

\$32,908.10

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs		Total
11.03%	\$32,908.10		\$3,629.76
Total Coop. Indirect Costs			\$3,629.76

TOTAL COST

\$36,537.86

23-PA-11061800-015 Mod 2
Scope of Work

In addition to lake sweeping, there will be additional tasks added to the SOW for this agreement to assist with burned area recovery. These include:

Recreation site and facility maintenance and cleanup:

Projects will include restoration and rehabilitation of burned area recreation sites within developed facilities and recreation sites including campgrounds and day use areas, and dispersed camping sites. The projects consist of repairs to and installation of minor recreation facilities such as signs, barrier posts, fencing, handrails, decking, docks, and picnic tables; repair and maintenance to access trails, refurbishing sign boards, scraping and painting of facilities, and tread work and surfacing of paths. The Projects may include restoration, and rehabilitation of burned area recreation sites. The project also consists of trash and debris cleanup, vegetation clearing, wood cutting, slash piling, pulling weeds, planting and restoration work within campgrounds and/or dispersed sites. Project entails use of hand tools such as rakes, posthole diggers, shovels, pulaskis, hammers, loppers, and power tools such as power drills, leaf blowers or weed eaters as allowed by the Cooperator. Project involves bending, lifting, pushing, pulling, and twisting. Specialty tools unique and specific to a project such as augers and weed wrenches, will be provided by the Forest Service, some of which would be operated by Forest Service staff or Cooperator Supervisor if inmate use is not allowed by the Cooperator.

Invasive Weed Removal:

Assist in the removal of invasive weeds in burned areas throughout the District. Several weed populations have grown back in disturbed areas such as scotch broom, tansy ragwort and knapweeds and they need to be pulled and/or cut. These sites are along Highway 22, miscellaneous roads, along the river and various other sites throughout the Detroit Ranger District. Specific maps of sites and direction will be produced, and direction and consultation will be given throughout the duration of the project. Work will include hand pulling, lopping, digging, and cutting. Tools needed are shovels, Pulaski's and weed wrenches.



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 8/6/2525

Department: Public Works

Title: Consider Order to Establish a Local Access Road Continuing Maintenance Program

Management Update/Work Session Date: 5/13/2025 Audio/Visual aids

Time Required: 10 min Contact: Max Hepburn Phone: 503-566-4157

Requested Action: Adopt the enclosed Board Order establishing a Local Access Road Continuing Maintenance Program authorizing limited maintenance to be performed by the County on specified local access roads.

Issue, Description & Background: Once a rare occurrence, the issuance of emergency orders by the Marion County Board of Commissioners to perform urgent maintenance of local access roads to address hazards to public health and safety has become more commonplace. Establishing a continuing program to perform limited maintenance will allow Public Works to quickly address public safety issues on those roads under the program. Limited maintenance of those roads proposed for the program will be conducted on an as-needed basis with the intent to prevent deterioration of the driving surface that would otherwise result in a hazard to public health and safety if left unaddressed.

Financial Impacts: Cost of maintenance per-mile-of-road is dependent on whether a road is paved or unpaved, and the condition of that surface. The 7.25 miles of road proposed for the program will result in an additional average annual maintenance cost of approximately \$80,000. Sufficient maintenance funds exist within the County Road Fund (Fund 130) to provide the limited maintenance proposed.

Impacts to Department & External Agencies: Establishing the Local Access Road Continuing Maintenance Program will add 7.25 road miles to be maintained by Public Works.

List of attachments: Board Order

Presenter: Max Hepburn

Department Head Signature: Brian Nicholas Digitally signed by Brian Nicholas
Date: 2025.07.16 07:45:00 -07'00'

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the matter of establishing a Local Access)
Road Continuing Maintenance Program and)
authorizing the expenditure of county moneys)
on certain local access roads.

ORDER No.

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, August 6, 2025.

WHEREAS, ORS 368.031 authorizes a county governing body to spend county moneys on local access roads if recommended by the county road official, if the public use of the road justifies the expenditures, and if the county governing body enacts an order designating the work as either a single project or a continuing program; and

WHEREAS, the county road official has recommended the establishment of a Local Access Road Continuing Maintenance Program as described in the attached Exhibit A; and

WHEREAS, the county road official has recommended a list of roads whereby the public use of the road justifies the expenditure of county moneys as identified in the attached Exhibit B; now therefore

IT IS HEREBY ORDERED THAT THE DIRECTOR OF PUBLIC WORKS shall establish a Local Access Road Continuing Maintenance Program as described in Exhibit A; and

IT IS HEREBY FURTHER ORDERED that the county shall maintain those local access roads identified in Exhibit B pursuant to ORS 368.031 under the continuing program.

DATED at Salem, Oregon, this 6th day of August 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

EXHIBIT A

County Commissioners

Danielle Bethell, Chair

Colm Willis

Kevin Cameron

Chief Administrative Officer

Jan Fritz

**Director**

Brian Nicholas, PE

Deputy Director

Dennis Mansfield

MARION COUNTY PUBLIC WORKS

ROAD OFFICIALS REPORT

RECOMMENDATION TO ESTABLISH A LOCAL ACCESS ROAD SURFACE MAINTENANCE PROGRAM

FINDINGS

In recent years, the Marion County Board of Commissioners has issued emergency orders to authorize the Public Works Department to expend County Road Funds to maintain the driving surface of certain Local Access Roads (LARs) where the condition of such roads presents a hazard to public health and safety. Under Oregon Revised Statute (ORS) 368.031, counties have jurisdiction over LARs but do not assume maintenance responsibility for them. Maintenance, therefore, typically falls to the property owners abutting the roadway, resulting in poorly maintained roads that can become so deeply potholed and rutted as to become nearly untraversable, blocking access to emergency vehicles and essential services.

This is a persistent problem that has grown more acute over time as LAR infrastructure ages without receiving any notable maintenance. Because of this, the issuance of emergency orders to perform urgent maintenance of LARs, once a rare occurrence, has now become common place. According to ORS 368.041, many of these LARs cannot be adopted into the County Road system because the road right-of-way width is less than 50 feet. More generally, these roads were never adopted into the County Road system because the right-of-way is not clearly defined, they were not constructed in conformance with county standards of the time, were constructed without permits, or were simply never petitioned for adoption.

ORS 368.031 allows a county governing body to spend county monies on Local Access Roads only if the work is an emergency or if:

- (a) The county road official recommends the expenditure;
- (b) The public use of the road justifies the expenditure proposed; and
- (c) The county governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

RECOMMENDATION

To address this persistent public health and safety need in a prudent and cost-effective manner, I recommend the Marion County Board of Commissioners adopt an order creating a continuing program to maintain the driving surface of the following Local Access Roads:

1. Roads that are ineligible for adoption into the County Road system due to insufficient right-of-way width, or
2. Roads having a right-of-way that is not well defined and for which the right-of-way would be overly cumbersome or costly to retrace.

The recommended board order would authorize the Public Works Department to expend County Road Funds for limited maintenance of these LARs to prevent the deterioration of the driving surface to the point where a public safety hazard exists. The maintenance work recommended for authorization includes:

1. pothole repair,
2. grading of gravel roads, including the placement of new rock and asphalt millings,
3. ditching and culvert flushing,
4. asphalt preservation, including slurry seal, chip seal, cape seal and thin asphalt overlay,
5. structural overlay of existing asphalt pavement where less costly alternatives are not feasible,
6. asphalt paving of gravel roads where such pavement will yield long term savings to the county, and
7. minor, ancillary work necessitated by these maintenance activities such as stormwater management and conveyance facilities, pavement markings, and road signs.

It is recommended that the proposed continuing maintenance program exclude road reconstruction, urbanization, enforcement of existing encroachments, and roadside vegetation management.



Brian Nicholas, Director,
Public Works Department

7/16/2025

Date

EXHIBIT B
Roads to be Included in the
Local Access Road Continuing Maintenance Program

4TH ST NE - NCR 3900
ASH LN SE - NCR 3103
BALM CT NE - NCR 3508
ELDIN AV NE - NCR 3525
ELMA AV NE - NCR 3342 (Between Hudson Avenue NE and State Street SE)
GREENLEA WY SE - NCR 3249
HOFFMAN RD NE - NCR 3145
HUSKEY LN SE - NCR 3780
JULIA RD - Between Boones Ferry Road NE and OR 551
KEENE LN SE - NCR 3788
KENWOOD AV NE - NCR 3395
LARUSSA CT NE - NCR 3082
LETTEKEN WY NE - NCR 3321
LEWIS DR SE - NCR 3204
LILAC LN NE - NCR 3322
MILTON ST NE - NCR 3327
SANDRINGHAM DR NE - NCR 3461
SANTIAM WY SE - NCR 3907
SANTIAM PARK RD SE - Access Road to North Santiam County Park from OR 22
SCHAFER RD NE - NCR 3036
SHIPMAN LN SE - NCR 3845
SHIRLEY AV NE - NCR 3846
SHIRLEY CT NE - NCR 3891
SUNNYBROOK LN SE - NCR 3205



OREGON

Local Access Road Continuing Maintenance Program

PRESENTED BY:

MAX HEPBURN, PE – LAND DEVELOPMENT ENGINEERING & PERMITS SUPERVISOR

MARION COUNTY PUBLIC WORKS

5155 SILVERTON ROAD NE

SALEM, OR 97305

AUGUST 6, 2025

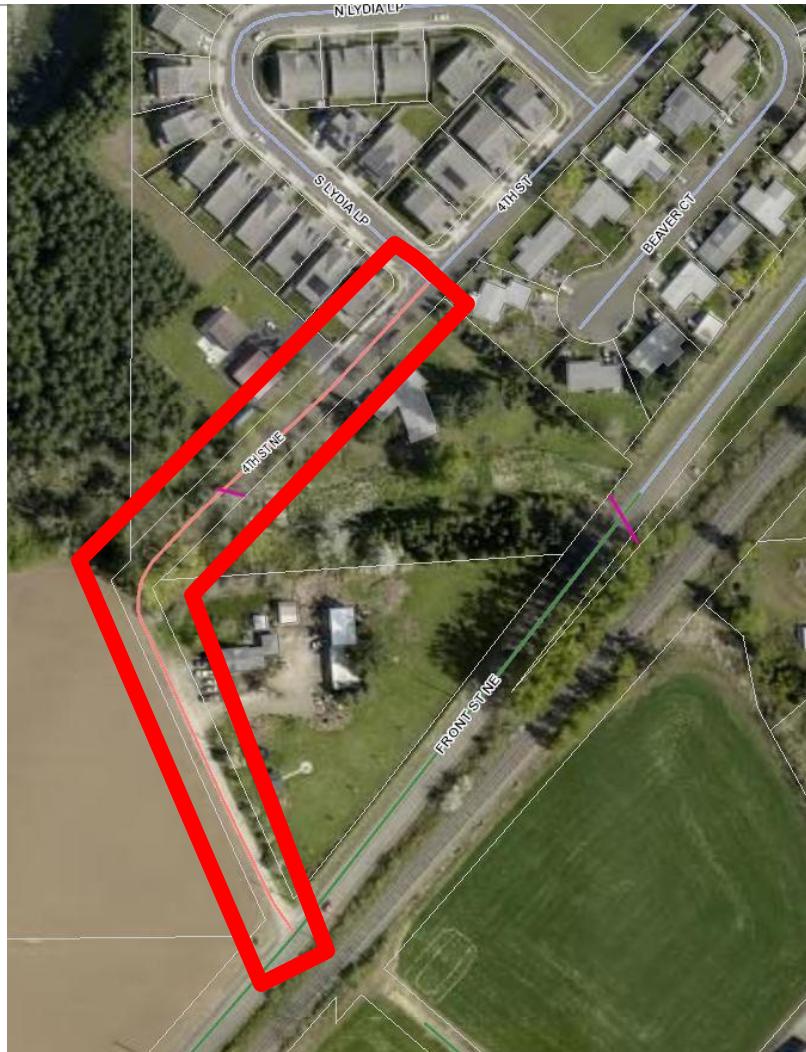
Program Purpose

- Prevent public safety hazards by maintaining driving surfaces of Local Access Roads (also known as NCRs).
- Limited maintenance includes:
 - Pothole repair
 - Grading and placement of rock and millings on gravel roads
 - Ditching and culvert flushing
 - Asphalt preservation (e.g. slurry seal, chip seal, cape seal, thin overlay)
 - Structural overlay if less costly alternatives are not feasible
 - Asphalt paving of gravel roads if yield long-term savings to the County
 - Ancillary work necessitated by these maintenance activities (e.g. management of stormwater facilities, pavement markings, roadside vegetation)

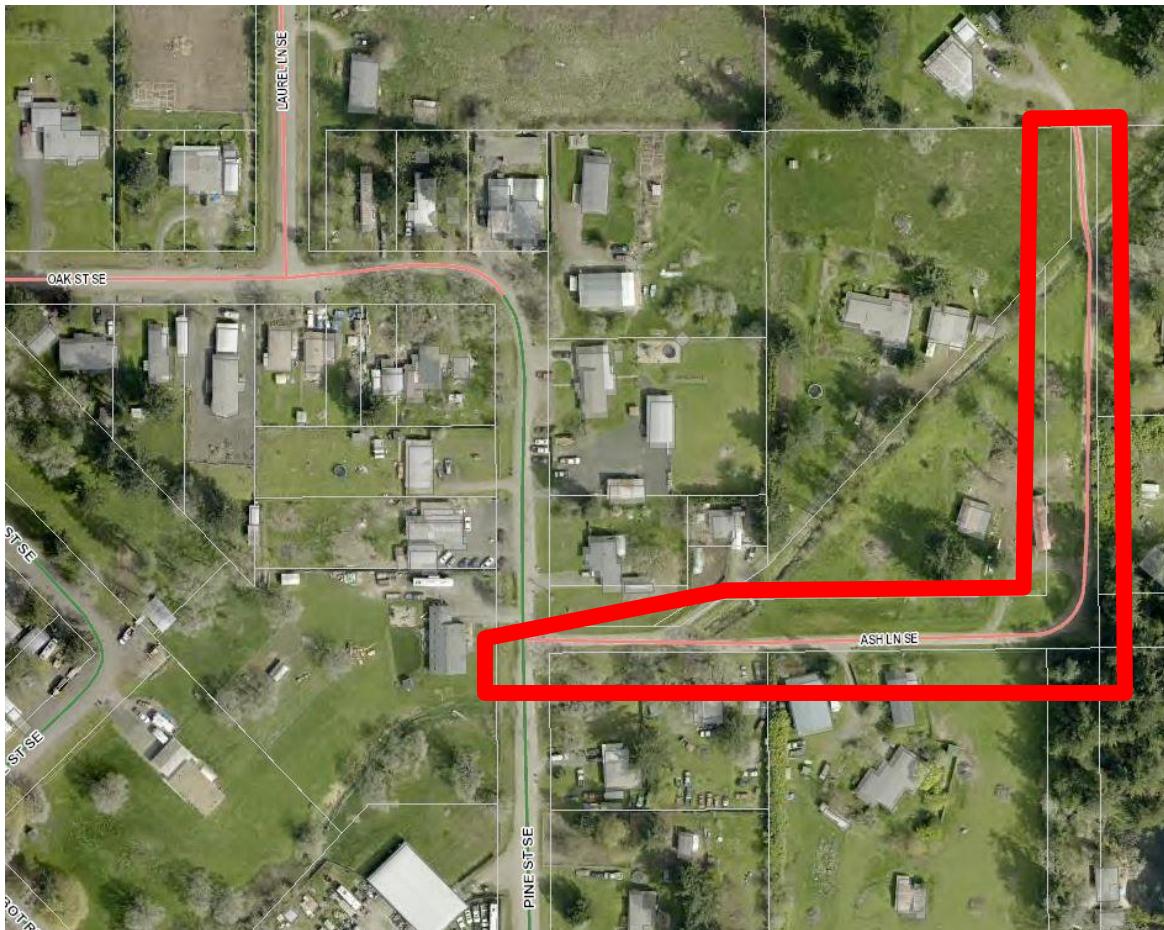
Roads Proposed for Program

- 4th Street NE
- Ash Lane SE
- Balm Court NE
- Eldin Avenue NE
- Elma Avenue NE (State Street to Hudson Avenue)
- Greenlea Way SE
- Hoffman Road NE
- Huskey Lane SE
- Julia Road
- Keene Lane SE
- Kenwood Avenue NE
- Larussa Court NE
- Letteken Way NE
- Lewis Drive SE
- Lilac Lane NE
- Milton Street NE
- Sandringham Drive NE
- Santiam Way SE
- Santiam Park Road SE
- Schafer Road NE
- Shipman Lane SE
- Shirley Avenue NE
- Shirley Court NE
- Sunnybrook Lane SE

4th Street NE



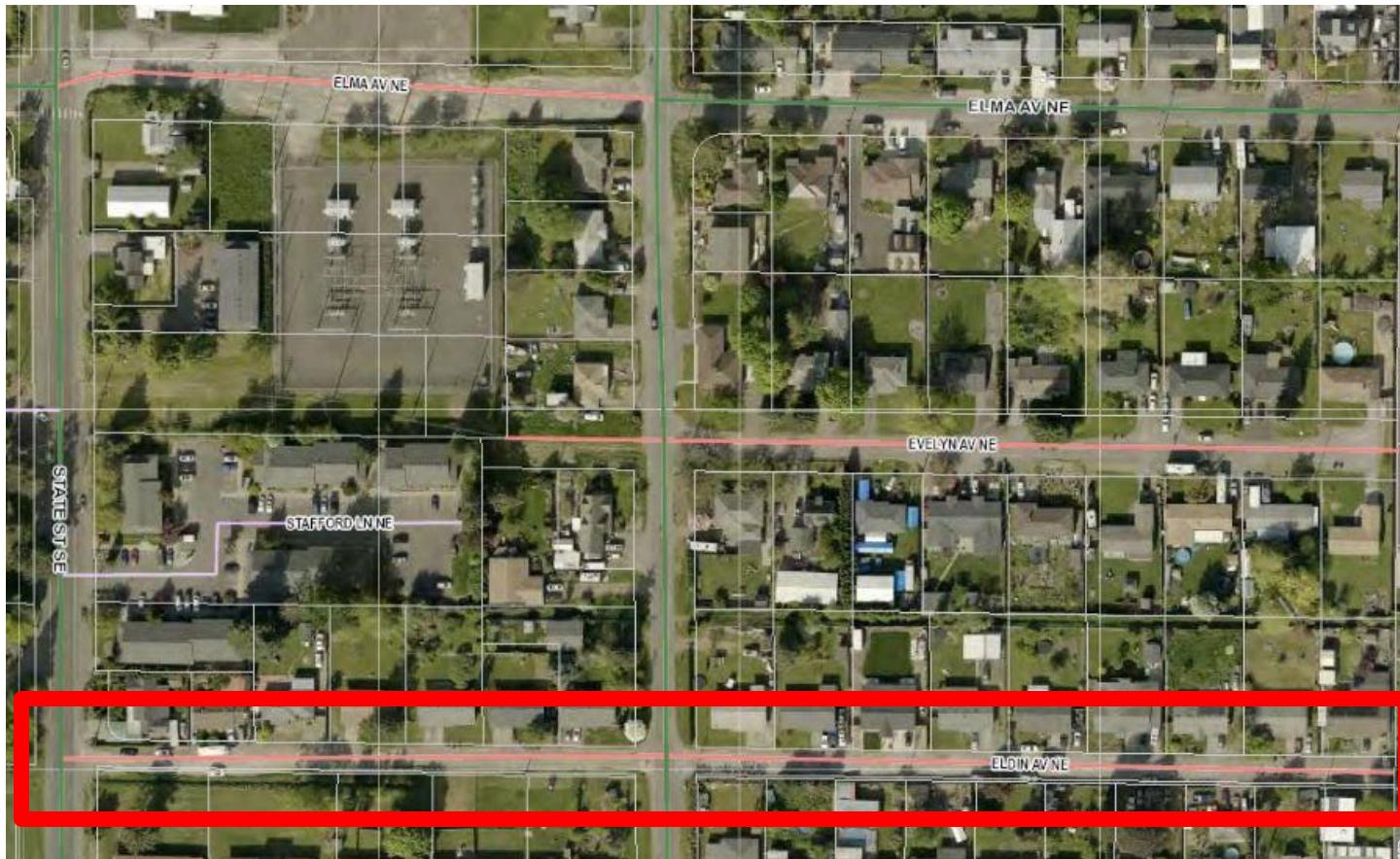
Ash Lane SE



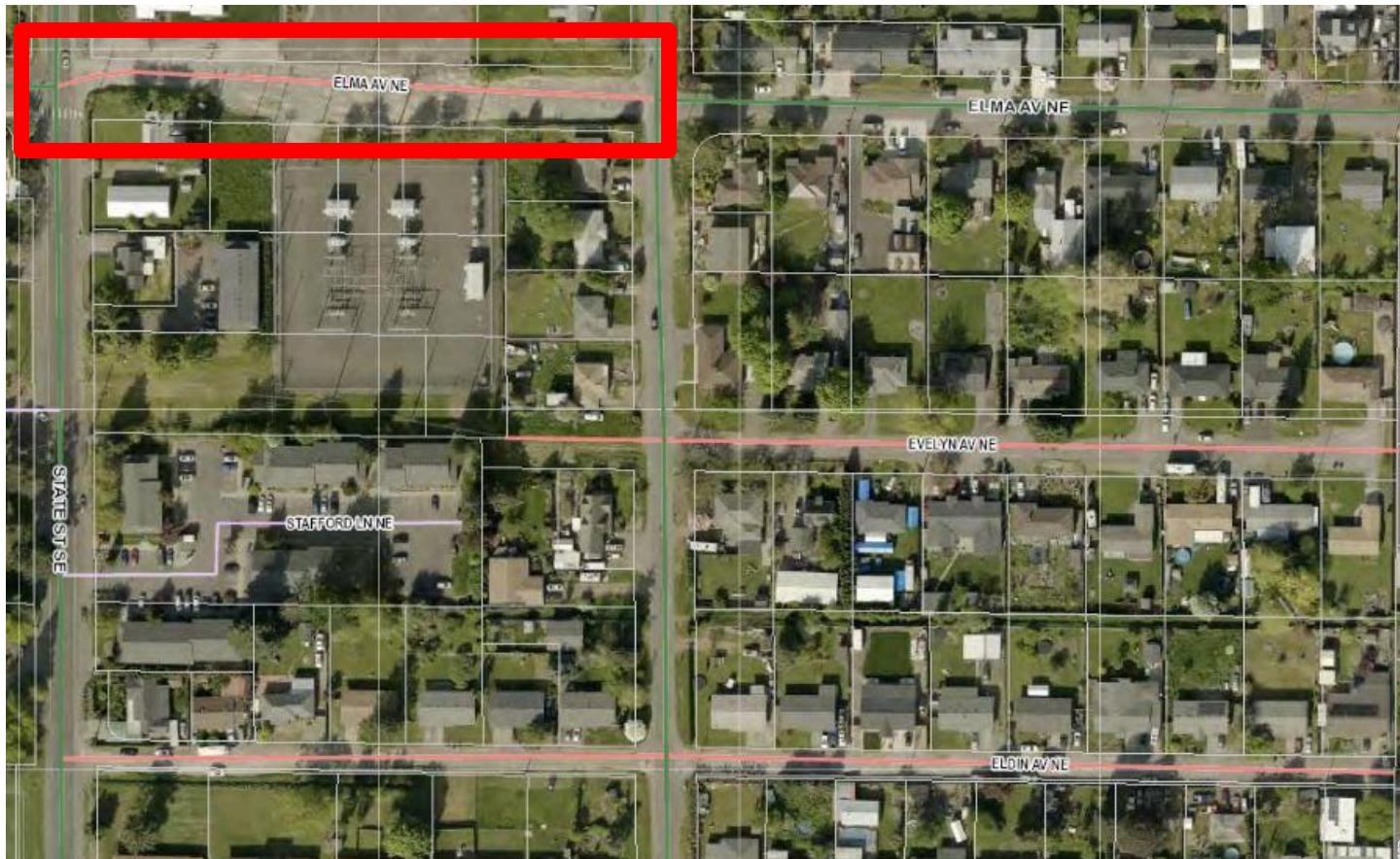
Balm Court NE



Eldin Avenue NE



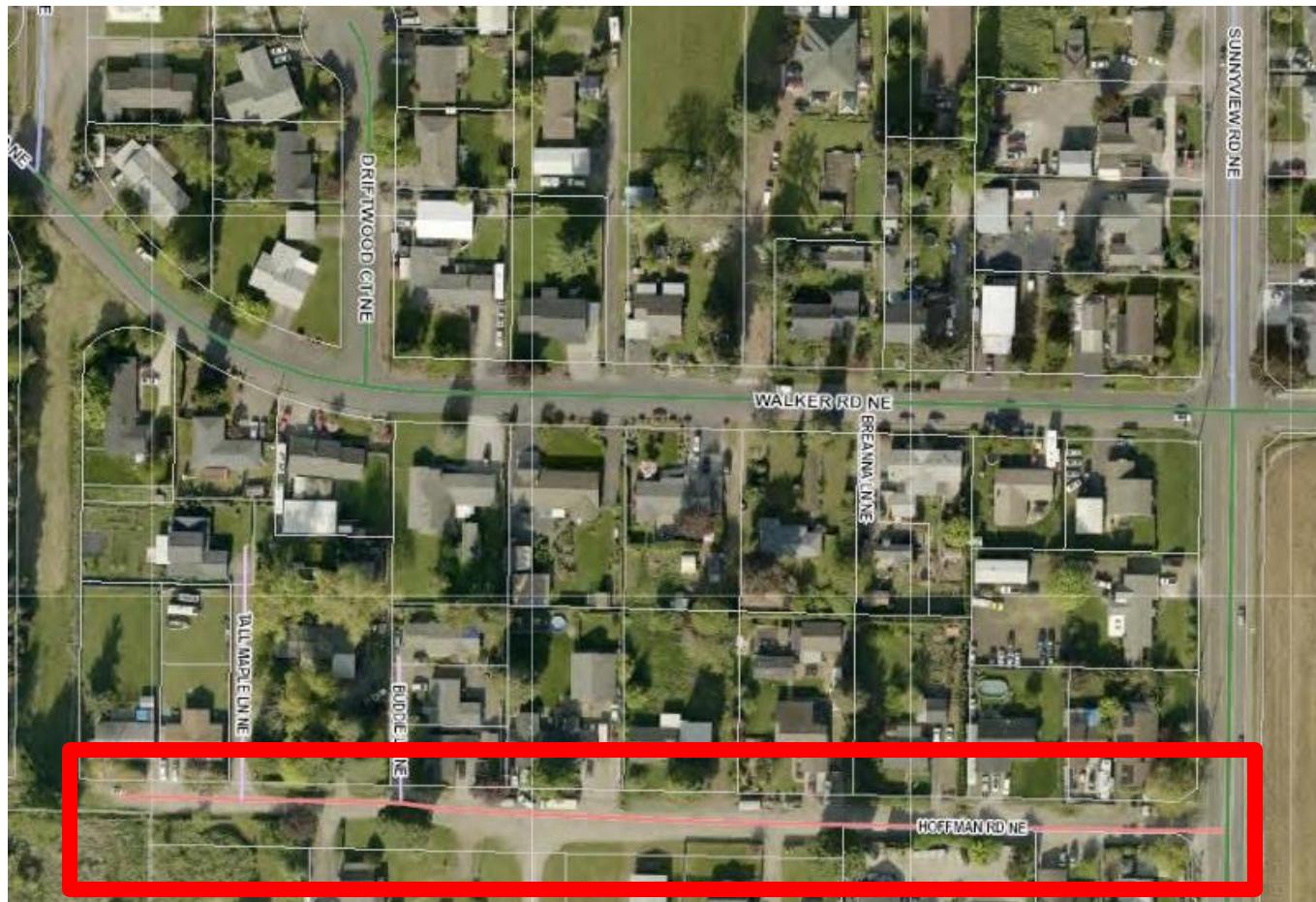
Elma Avenue NE



Greenlea Way SE



Hoffman Road NE



Huskey Lane SE



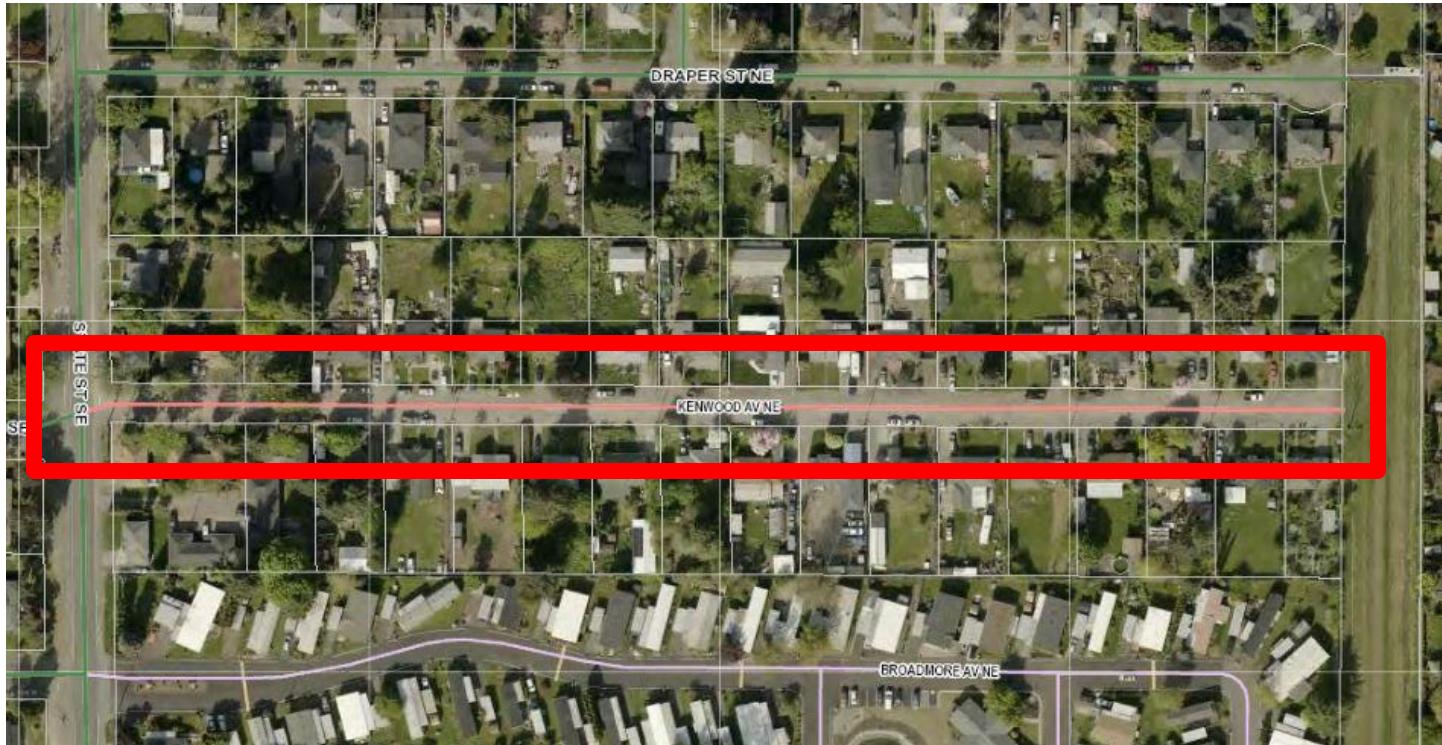
Julia Road



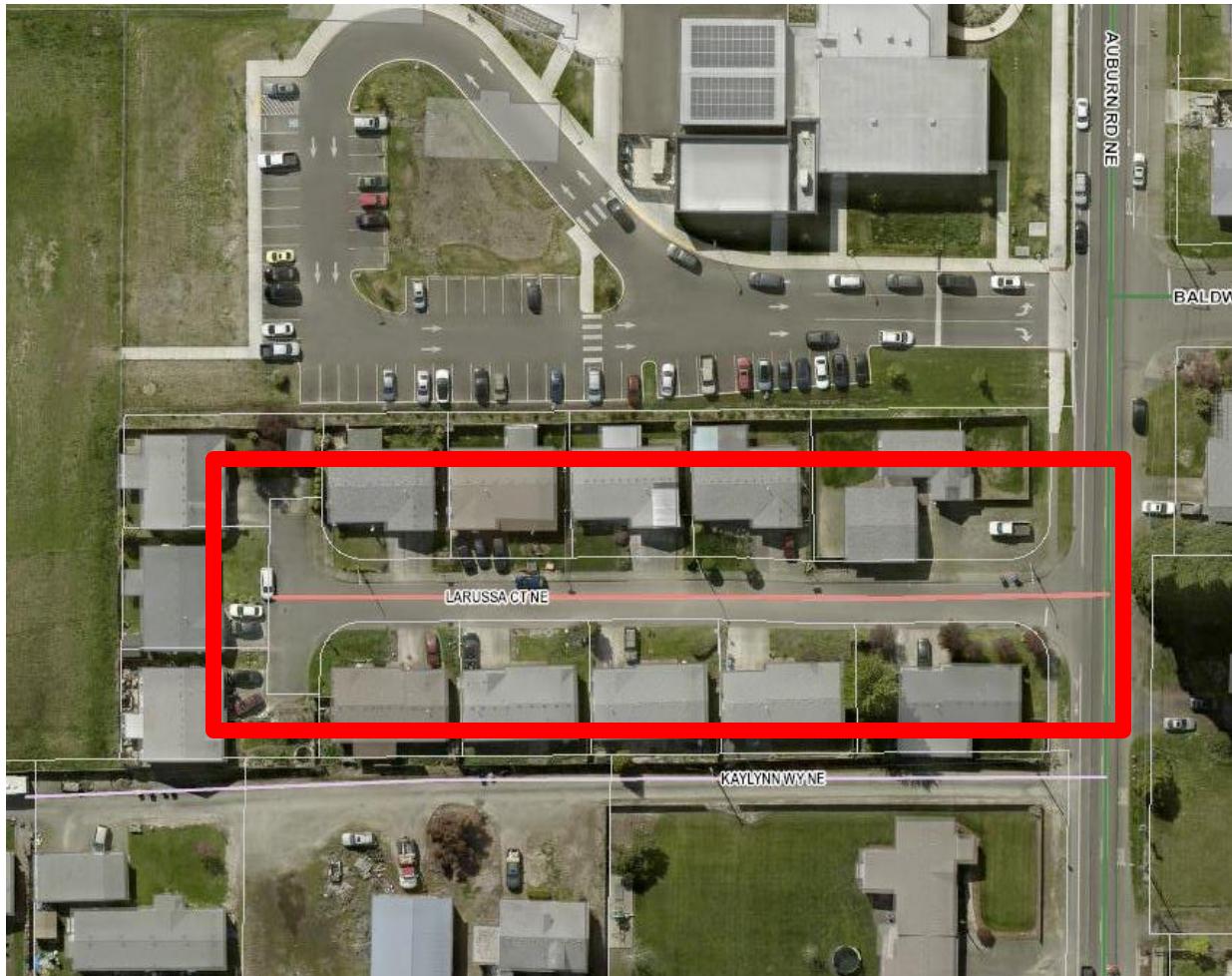
Keene Lane SE



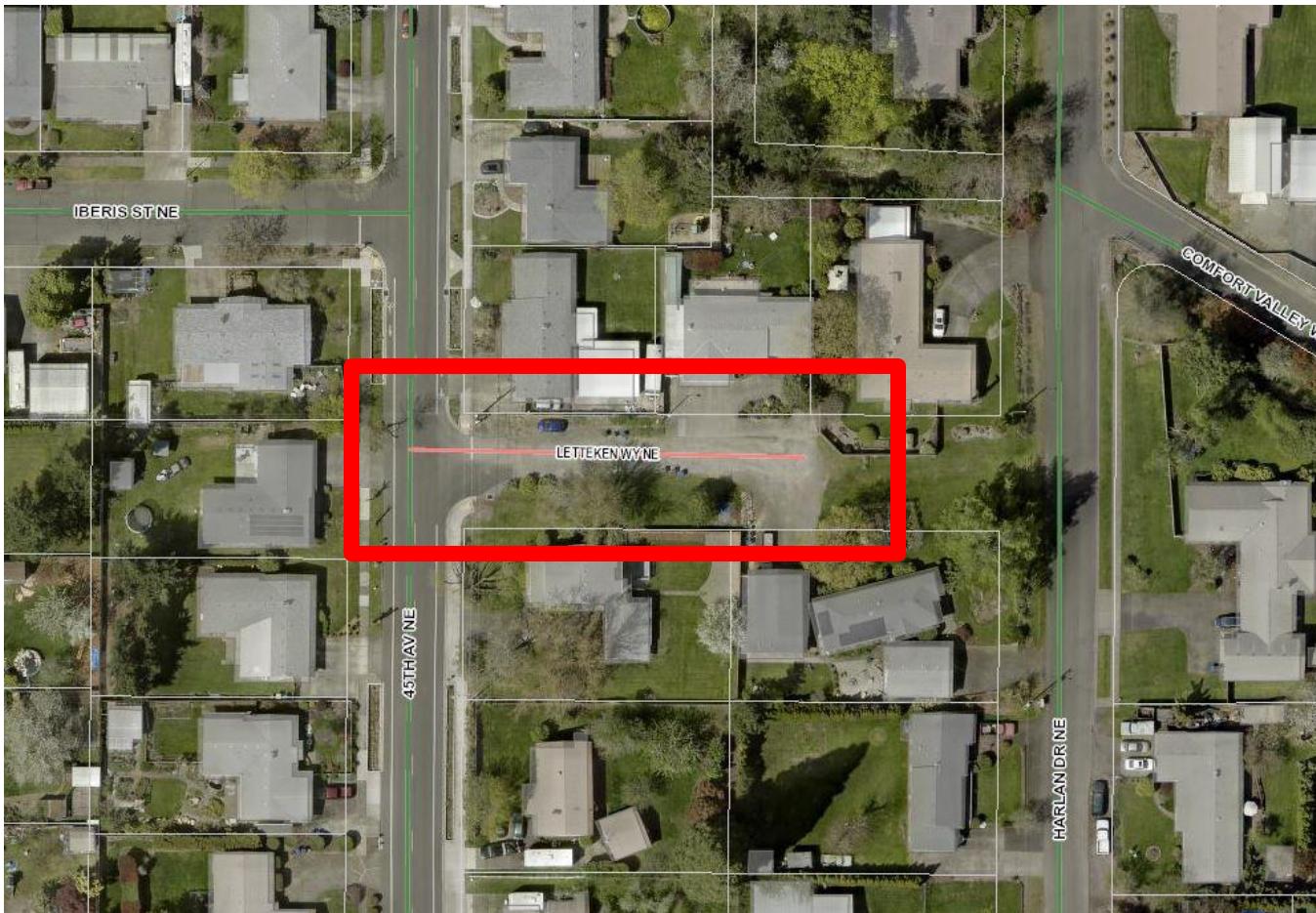
Kenwood Avenue NE



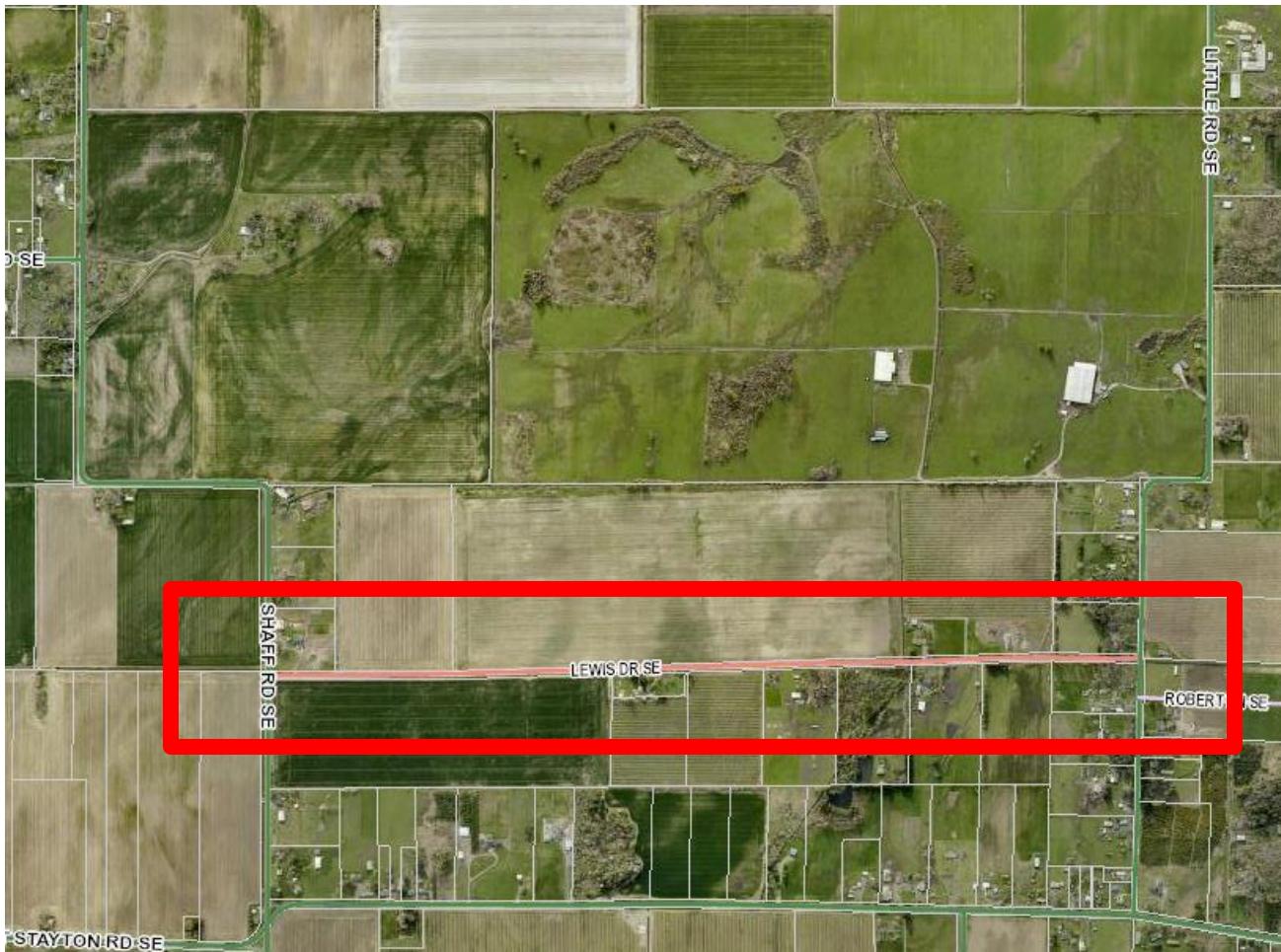
Larussa Court NE



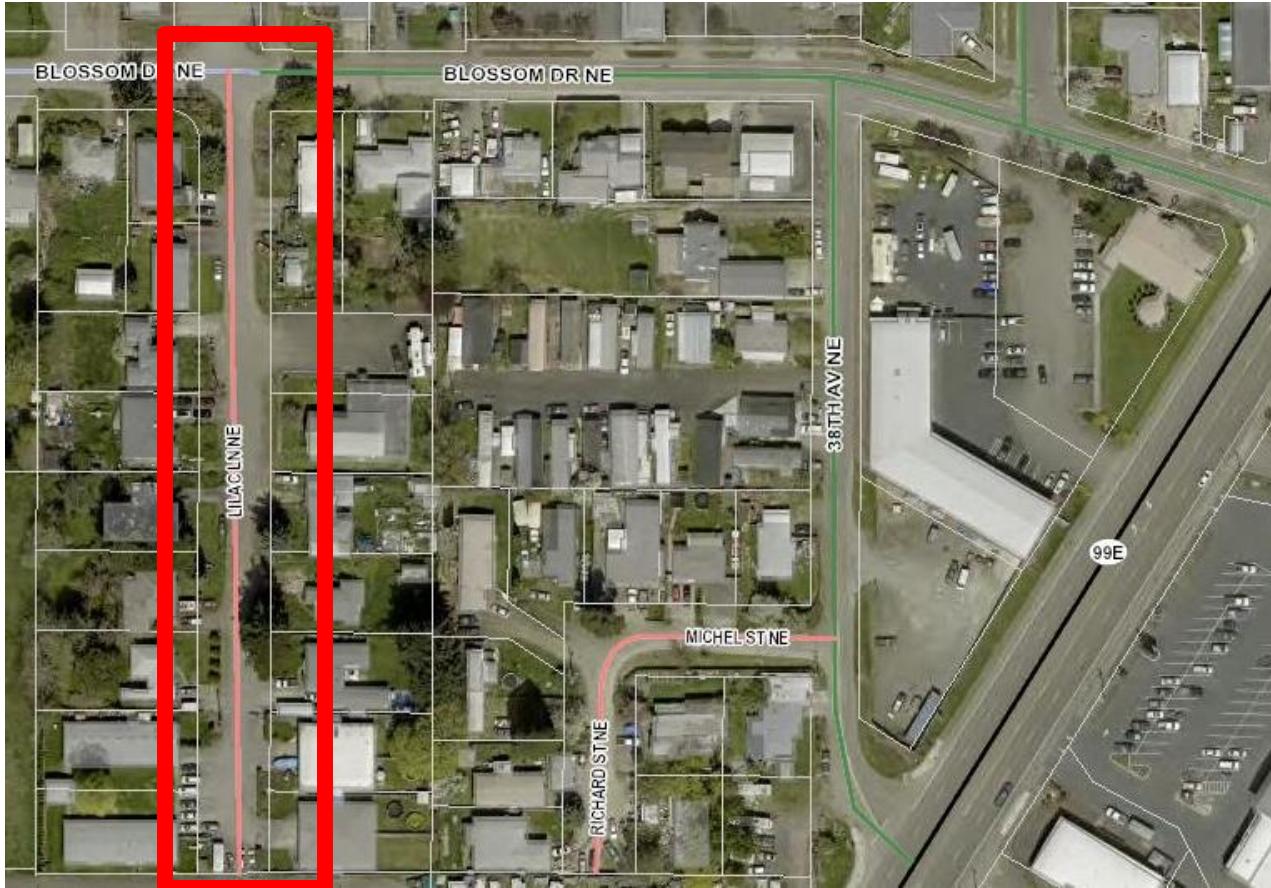
Letteken Way NE



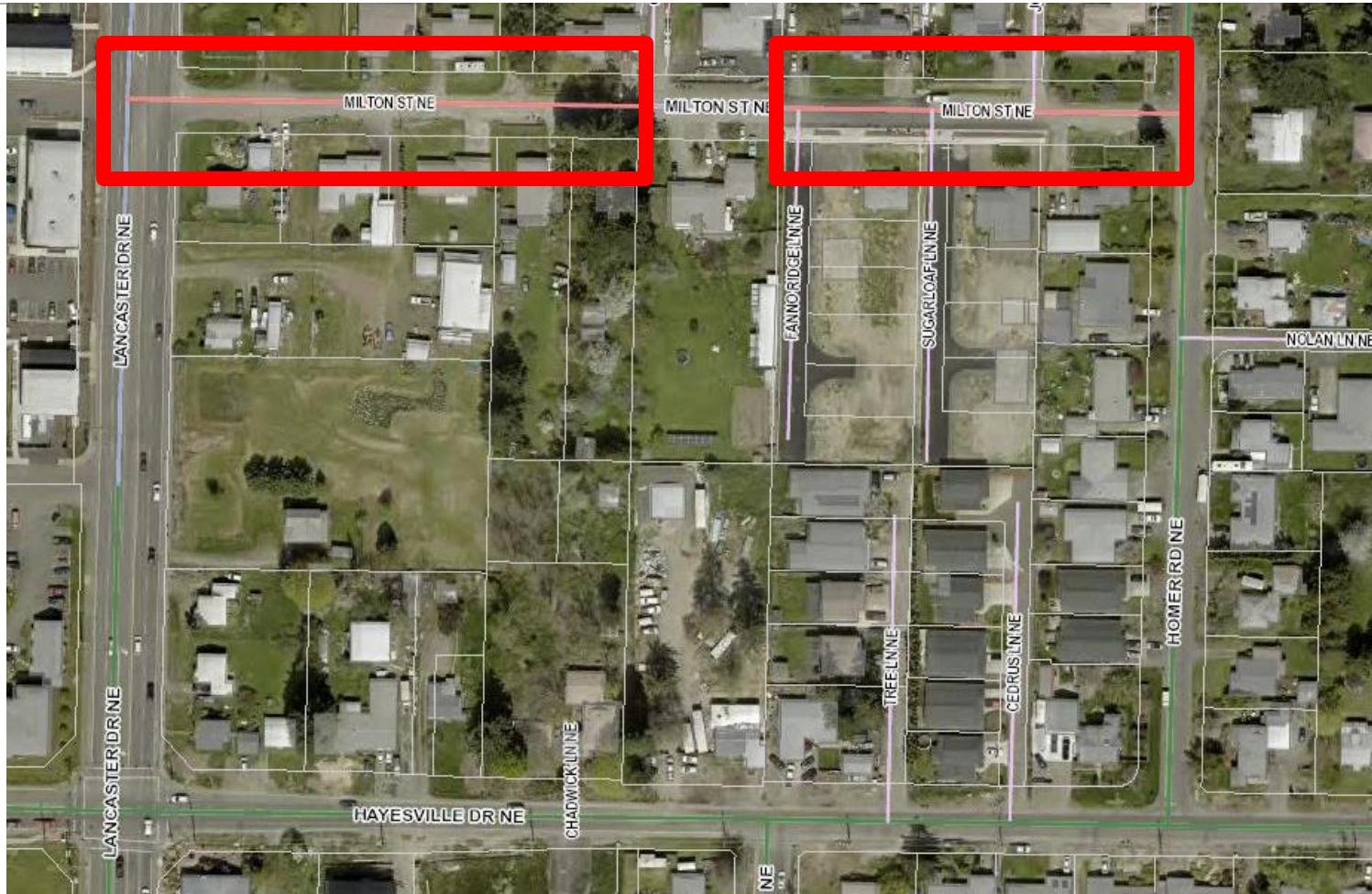
Lewis Drive SE



Lilac Lane NE



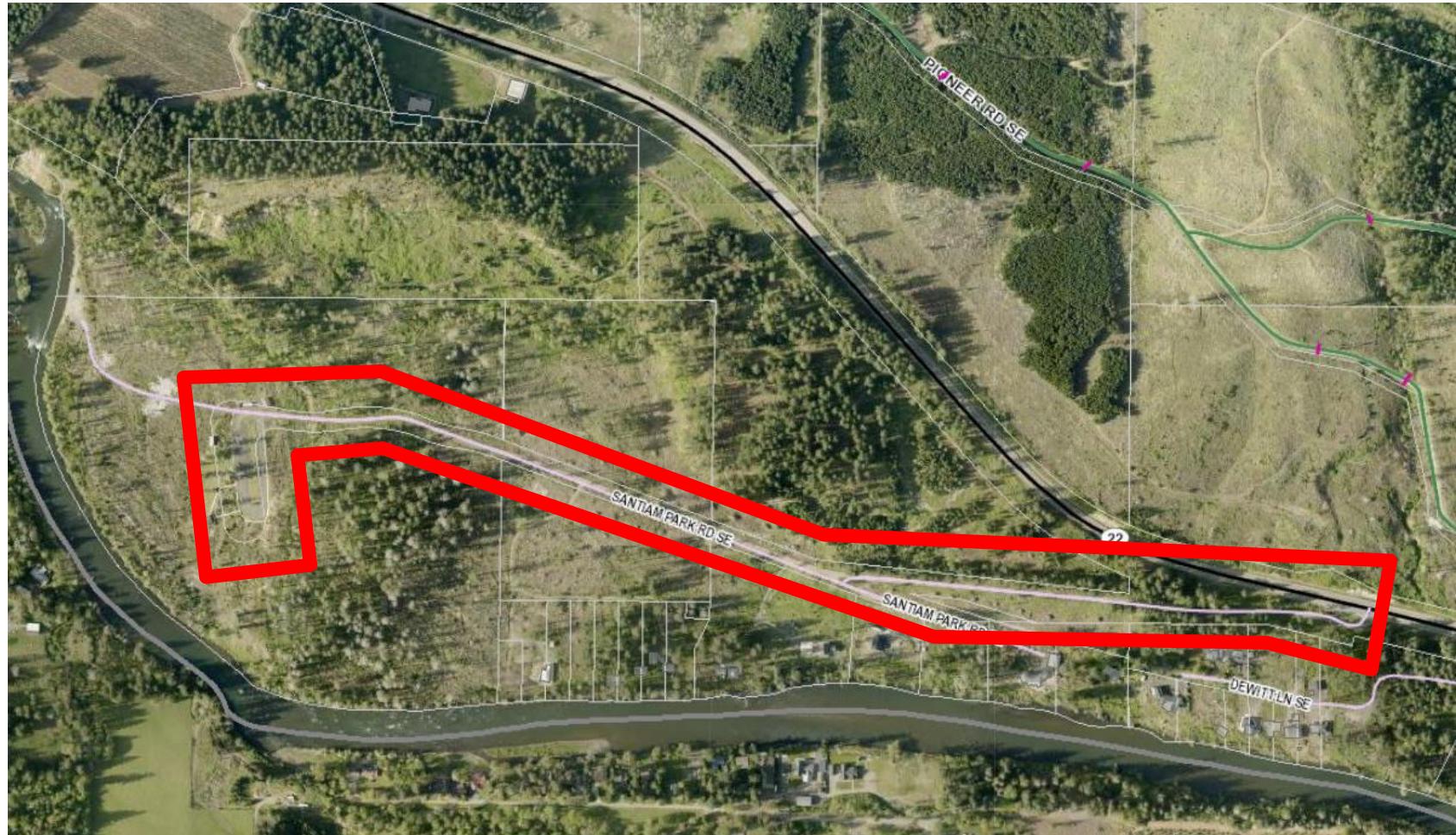
Milton Street NE



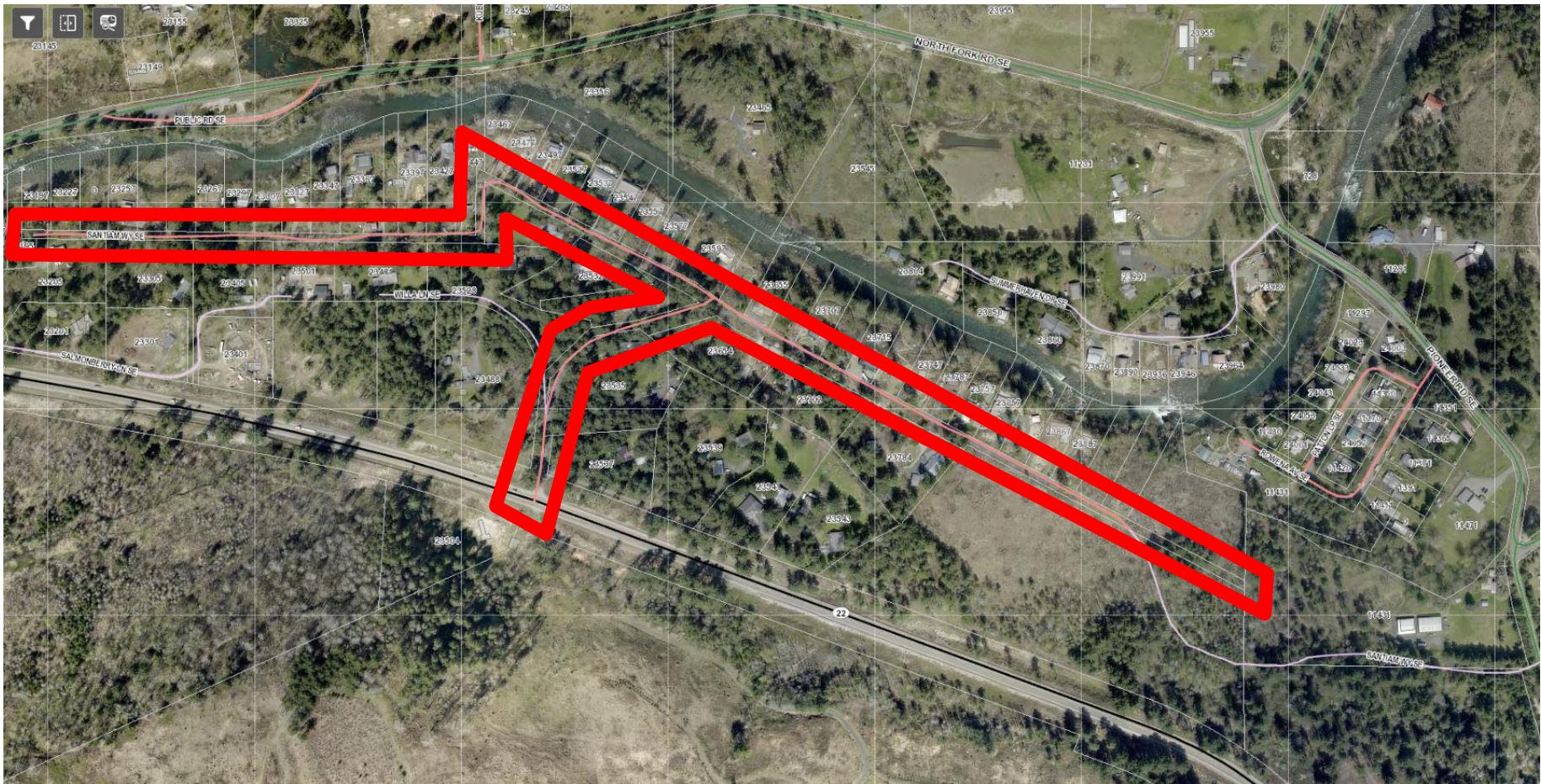
Sandringham Drive NE



Santiam Park Road



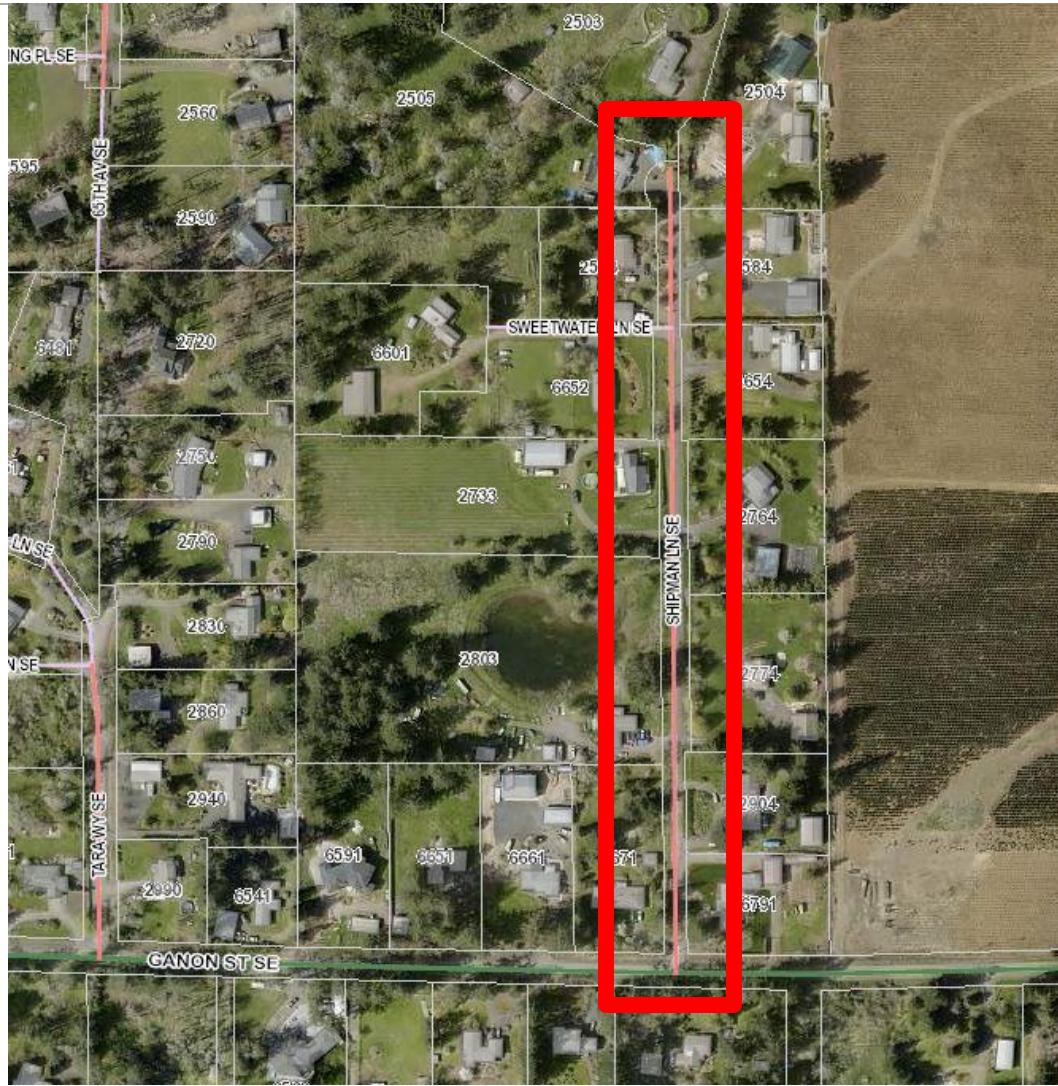
Santiam Way SE



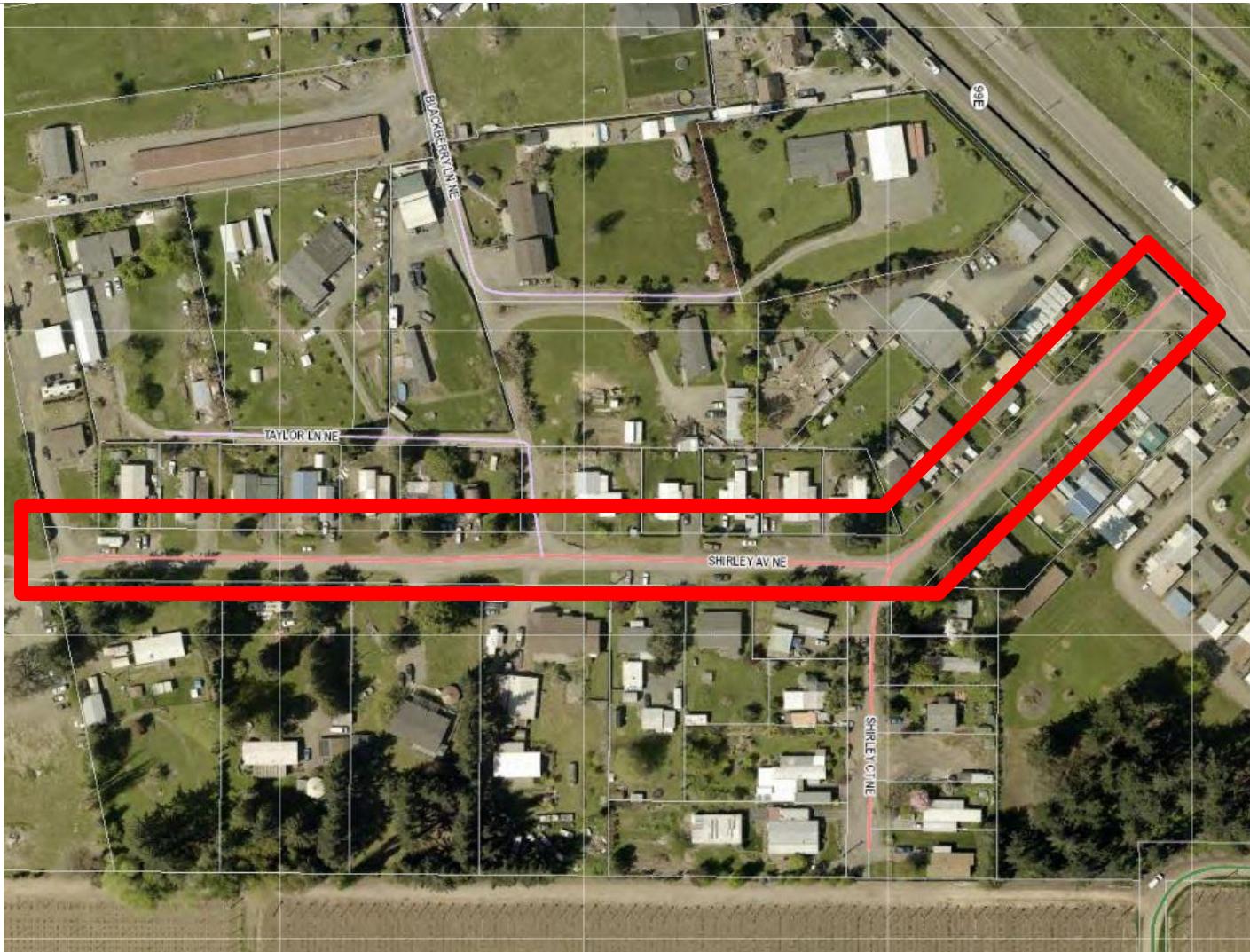
Schafer Road NE



Shipman Lane SE



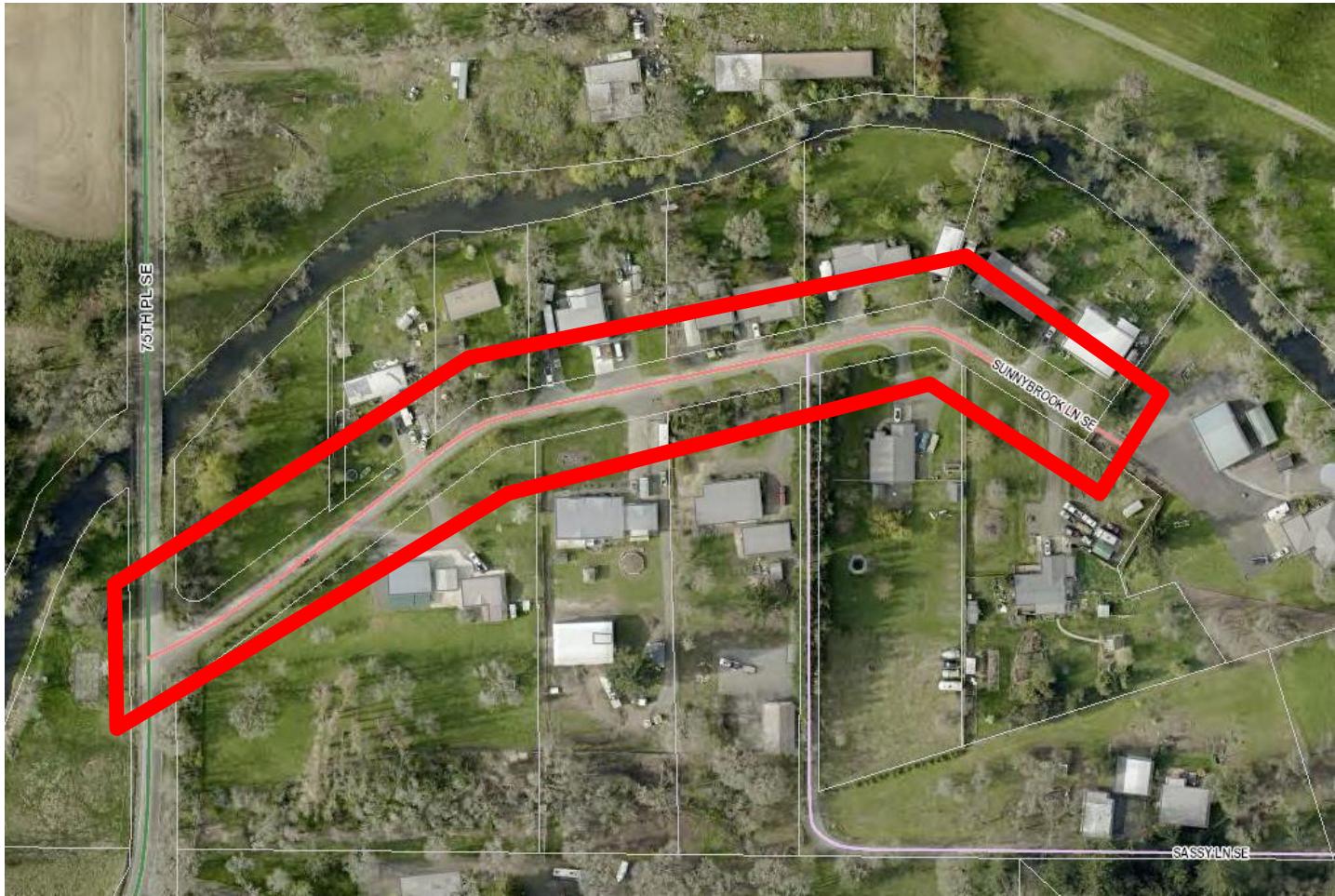
Shirley Avenue NE



Shirley Court NE



Sunnybrook Lane SE





MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 6, 2025

Department: Legal Counsel

Title:

Street Vendor Ordinance

Management Update/Work Session Date: 7/22/2025 Audio/Visual aids

Time Required: 15 min Contact: Steve Elzinga Phone: 503-588-5220

Requested Action:

Hold public hearing and consider adopting new Street Vendor Ordinance

Issue, Description & Background:

The Board directed county counsel to draft a potential street vendor ordinance. County counsel went through several drafts and sought feedback from the Marion County Farm Bureau, Sheriff's office, Health and Human Services Department, Board's office, and several city attorneys.

Street vendors, if not properly regulated, create health and safety hazards, such as: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right of way. Many street vendors have historically trespassed on municipal property or private property.

Financial Impacts:

Fiscal impact is undetermined and will depend on the number of applications received and extent of enforcement.

Impacts to Department & External Agencies:

Health and Human Services Department will process permit applications. Sheriff's Office will handle most enforcement. Legal Counsel will handle any hearings. City partners will need to decide whether to opt in for their cities.

List of attachments:

Proposed Ordinance

Presenter:

Steve Elzinga

Department Head
Signature:

Steve Elzinga

Digitally signed by Steve Elzinga
Date: 2025.07.23 15:32:21 -07'00'

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

An ordinance amending and updating)
the Marion County Code Chapter 10.10)
relating to Street Vending)

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS
FOLLOWS:

SECTION 1. PURPOSE

The purpose of this ordinance is to amend and update the provisions of the Marion County Code Chapter 10.10 relating to Street Vending.

SECTION 2. NEW MCC Chapter 10.10.210

The Marion County Code 10.10.210 (Purpose and Findings) is added to read as follows:

- A. The purpose of this article is to provide a safer environment on and near roads within the county by accomplishing the following objectives:
 1. Improve safety for street vendors.
 2. Improve safety for all drivers, bicyclists, and pedestrians.
 3. Enhance traffic flow on roads and sidewalks within Marion County.
 4. Allow for better emergency vehicle access.
 5. Protect property owners and businesses near roads.

6. Protect consumers from the health risks of food sold by street vendors who did not grow or package that food and are not licensed or inspected.

B. The Board of Commissioners finds that:

1. Street vendors, if not properly regulated, create safety hazards, including but not limited to: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right of way.
2. Many street vendors have historically operated on municipal property or private property without permission, violating property rights and creating liability risks for property owners.
3. There are significant health risks from food sold by street vendors who did not grow or package that food and are not licensed or inspected.
4. This article will help accomplish the goals in subsection A.

SECTION 2. NEW MCC Chapter 10.10.220

The Marion County Code 10.10.220 (Definitions) is added to read as follows:

A. “County property” means any property owned or leased by the county. The term “county property” includes any plaza owned or leased by the county in common with another owner or lessee. The term “county property” does not include any public road.

B. “Immediate family member” means the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law, or grandchild of the property owner.

C. “Permitted Street Vendor” means a person who has applied for and been granted a permit for activities as a street vendor under this ordinance.

D. “Park” means to park, stand or stop as those three terms are defined within the Oregon Vehicle Code and set forth in the Oregon Revised Statutes.

E. “Person” means an individual, corporation, partnership, association or other entity.

F. “Public road” means any city or county road, including the entire width of the right-of-way, within Marion County. This includes:

- a. Any road that has been designated as a county road under the provisions of ORS [368.016](#);
- b. Any local access road that is subject to the county’s jurisdiction under ORS [368.031](#); and
- c. For any city that opts into this ordinance, any city road under the jurisdiction of that city per ORS 373.320, ORS Chapter 373, or other authority.

G. “Street vendor” or “street vending”:

- a. Means any person or entity offering street vendor products for sale at a non-permanent location within a public road or within 50 feet of the public road’s right-of-way.

- b. Does not include any person or entity on their own private property or any person on private property owned by an immediate family member.
- c. Does not include a person or entity whose business is licensed or permitted by a government body to operate for a specific purpose, so long as operating for that specific purpose within the requirements of that license or permit, such as a retail firework sales permit, a temporary restaurant license, or a conditional use permit.
- d. Does not include a person or entity offering street vendor products for sale within a public road while that public road is closed for a government-permitted temporary event like a parade or farmers market, so long as the person or entity is following applicable regulations for the temporary event.
- e. Does not include a person or entity who is operating within a city under a city code provision allowing business within a public road next to their permitted business, so long as the person or entity is in full compliance with that city's requirements.

H. “Street vendor equipment” means any vehicle, equipment, or other materials used by a street vendor for staging, marketing, or selling street vendor products.

I. “Street vendor products” means anything marketed or sold by a street vendor, including perishable goods and non-perishable goods.

J. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, including both motorized and nonmotorized.

SECTION 3. NEW MCC Chapter 10.10.230

The Marion County Code 10.10.230 (Prohibitions and Permit) is added to read as follows:

- A. No person shall engage in street vending without a permit.
- B. Permit restrictions:
 - a. A permitted street vendor must have on their person and display upon request a copy of the permit and government-issued legal identification showing they are one of the listed individuals under the permit.
 - b. A permitted street vendor shall only engage in street vending in a location where there is legal access from the public road and a location for safe and legal parking by customers.
 - c. A permitted street vendor may not operate on private property without written permission of the property owner.
 - d. A permitted street vendor may not operate on county property.
 - e. A permitted street vendor may not park on or obstruct a public road while engaging in street vending.
 - f. A permitted street vendor may not operate in a manner that obstructs a sidewalk, bike lane, or multiuse path along a public road.

- g. A permitted street vendor shall be at least 100 feet away from any other permitted street vendor.
- h. A permitted street vendor shall not leave any street vendor equipment or street vendor products unattended.
- i. Notwithstanding any other requirement, a permitted street vendor may operate an ice cream truck that drives and parks temporarily on public roads so long as the following requirements are met:
 - i. Any food sold is commercially sealed and prepackaged.
 - ii. Driving must be within the speed limit and not more than 10 miles per hour below the speed limit.
 - iii. Parking may not be in a location that obstructs traffic.
 - iv. Parking may not be in a location that is likely to attract children to travel to the ice cream truck in an unsafe way or manner.
 - v. Parking may not be in the same location longer than five minutes, except if operating in a city that allows for a longer period of time, then parking may not be in the same location longer than the time allowed by that city's code.
 - vi. Noise ordinance requirements of the county or applicable city must be followed.
 - vii. Operation may not occur between 10pm and 7am.

C. Permit applications:

- a. Application for a permit shall be submitted to the Marion County Health and Human Services Environmental Health Program along with

an appropriate application fee. The amount of the application fee shall be determined by the Marion County Board of Commissioners by order.

- b. Marion County Environmental Health Program shall designate an application form for use in applying for a permit under this section.

The application form shall require all of the following:

- i. If the applicant is an entity, the full legal name, address, and contact information of a named individual responsible for ensuring compliance with permit requirements.
- ii. If the applicant is an individual, the individual's full legal name, address, and contact information.
- iii. The full legal name of all individuals covered under the street vendor permit.
- iv. Proof of insurance for the street vendor, including coverage for all individuals covered under the street vendor permit.

Coverage must include at least \$1,000,000 in commercial general liability coverage.

- v. The applicant must agree to indemnify the county for any activities by the applicant under the permit.
- vi. If the street vendor will be operating on private property, written proof of property owner consent is required, and the property owner's phone number must be included. Written proof could include a fully executed rental or lease agreement,

although financial terms and other similar confidential terms may be redacted.

- vii. Certification that a copy of the street vendor permit will be kept with all individuals or entities who will operate under the permit for marketing or selling street vendor products.
- c. A permit is valid for one year.

SECTION 4. NEW MCC Chapter 10.10.240

The Marion County Code 10.10.240 (Enforcement responsibility and authority) is added to read as follows:

- A. Enforcement by Marion County may be via a Marion County Enforcement Officer, by any designee of the Marion County Sheriff, or by any designee of the Marion County Health and Human Services Administrator.
- B. Outside the city limits of any incorporated city, this article may be enforced by Marion County.
- C. Within the city limits of any incorporated city, the governing body of a city may opt in to this ordinance. A city may choose to allow enforcement by Marion County and/or by that city's law enforcement officers or other city-determined enforcement officers. If a city does not specify who may enforce, then Marion County may enforce within that city's city limits.

SECTION 5. NEW MCC Chapter 10.10.250

The Marion County Code 10.10.250 (Penalties) is added to read as follows:

- A. Operating as a street vendor without a permit in violation of Marion County Code 10.10.230(A) is subject to a daily fine of up to \$1,000.
- B. Operating as a permitted street vendor in violation of any of the requirements in Marion County Code 10.10.230(B) or (C) is subject to a daily fine of up to \$500, except that violation of Marion County Code 10.10.230(B)(a) is subject to a daily fine of up to \$1,000.
- C. Street vendor equipment may be impounded, towed, and held until a fine is paid.
- D. Non-perishable street vendor products may be impounded and held until a fine is paid.
- E. If a fine is not paid within 30 days, the County may dispose of impounded street vendor equipment or non-perishable street vendor products:
 - a. as unclaimed property;
 - b. via auction with proceeds to first cover the fine, holding costs, and auction costs and any excess treated as unclaimed property;
 - c. in the manner provided by MCC 10.20.040; or
 - d. via any other method allowed by law.

SECTION 6. NEW MCC Chapter 10.10.260

The Marion County Code 10.10.260 (Hearings) is added to read as follows:

- A. A person whose property is seized under this ordinance may request a hearing before the Marion County hearings officer to contest the validity of the impoundment. A request must be made within five calendar days of the

impoundment. The request shall be made to a person designated by the impounding entity to receive such requests.

- B. When a timely request for a hearing is made, a hearing shall be held before the Marion County hearings officer. The hearing shall be set for four calendar days after the request is received excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. The hearings officer shall render a written determination. The hearings officer shall provide a copy of the written determination to the person requesting the hearing.
- C. The impounding agency shall have the burden of proving by a preponderance of the evidence that there was probable cause to believe that, at or just prior to the time the enforcing entity stopped the person, the person committed an offense described in this ordinance.
- D. An enforcing officer who ordered the vehicle impounded may submit an affidavit or official report to the hearings officer in lieu of making a personal appearance at the hearing.
- E. If the hearings officer finds that the impoundment was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the property is liable for usual customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the property liable for costs of the hearing. The decision of the hearings officer is a final decision.

F. If the hearings officer finds that impoundment of the property was improper, the hearings officer shall order the property released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the property is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the property for towing and storage charges, the hearings officer shall order it paid by the impounding agency. The decision of the hearings officer is a final decision.

G. If a person entitled to lawful possession of property impounded under this ordinance sufficiently establishes for the impounding agency that the property was being operated without the consent of the person entitled to lawful possession at the time that the property was impounded, the impounding agency shall waive the fee under this ordinance. For purposes of this section, proof that a person entitled to lawful possession of the property reported the property as stolen to a police agency prior to impoundment of the property shall be conclusive evidence that the property was being operated without the consent of the person.

SECTION 6. SEVERABILITY

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

No enforcement of this ordinance shall occur regarding activities occurring within two weeks of the effective date to allow for a period of public education and encouragement of voluntary compliance.

Adopted this _____ day of _____, 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Recording Secretary



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 6, 2025

Department: Legal Counsel

Title:

Street Vendor Ordinance

Management Update/Work Session Date: 7/22/2025 Audio/Visual aids

Time Required: 15 min Contact: Steve Elzinga Phone: 503-588-5220

Requested Action:

Hold public hearing and consider adopting new Street Vendor Ordinance

Issue, Description & Background:

The Board directed county counsel to draft a potential street vendor ordinance. County counsel went through several drafts and sought feedback from the Marion County Farm Bureau, Sheriff's office, Health and Human Services Department, Board's office, and several city attorneys.

Street vendors, if not properly regulated, create health and safety hazards, such as: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right of way. Many street vendors have historically trespassed on municipal property or private property.

Financial Impacts:

Fiscal impact is undetermined and will depend on the number of applications received and extent of enforcement.

Impacts to Department & External Agencies:

Health and Human Services Department will process permit applications. Sheriff's Office will handle most enforcement. Legal Counsel will handle any hearings. City partners will need to decide whether to opt in for their cities.

List of attachments:

Proposed Ordinance

Presenter:

Steve Elzinga

Department Head
Signature:

Steve Elzinga

Digitally signed by Steve Elzinga
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BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

An ordinance amending and updating)
the Marion County Code Chapter 10.10)
relating to Street Vending)

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS
FOLLOWS:

SECTION 1. PURPOSE

The purpose of this ordinance is to amend and update the provisions of the Marion County Code Chapter 10.10 relating to Street Vending.

SECTION 2. NEW MCC Chapter 10.10.210

The Marion County Code 10.10.210 (Purpose and Findings) is added to read as follows:

- A. The purpose of this article is to provide a safer environment on and near roads within the county by accomplishing the following objectives:
 1. Improve safety for street vendors.
 2. Improve safety for all drivers, bicyclists, and pedestrians.
 3. Enhance traffic flow on roads and sidewalks within Marion County.
 4. Allow for better emergency vehicle access.
 5. Protect property owners and businesses near roads.

6. Protect consumers from the health risks of food sold by street vendors who did not grow or package that food and are not licensed or inspected.

B. The Board of Commissioners finds that:

1. Street vendors, if not properly regulated, create safety hazards, including but not limited to: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right of way.
2. Many street vendors have historically operated on municipal property or private property without permission, violating property rights and creating liability risks for property owners.
3. There are significant health risks from food sold by street vendors who did not grow or package that food and are not licensed or inspected.
4. This article will help accomplish the goals in subsection A.

SECTION 2. NEW MCC Chapter 10.10.220

The Marion County Code 10.10.220 (Definitions) is added to read as follows:

A. “County property” means any property owned or leased by the county. The term “county property” includes any plaza owned or leased by the county in common with another owner or lessee. The term “county property” does not include any public road.

B. “Immediate family member” means the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law, or grandchild of the property owner.

C. “Permitted Street Vendor” means a person who has applied for and been granted a permit for activities as a street vendor under this ordinance.

D. “Park” means to park, stand or stop as those three terms are defined within the Oregon Vehicle Code and set forth in the Oregon Revised Statutes.

E. “Person” means an individual, corporation, partnership, association or other entity.

F. “Public road” means any city or county road, including the entire width of the right-of-way, within Marion County. This includes:

- a. Any road that has been designated as a county road under the provisions of ORS [368.016](#);
- b. Any local access road that is subject to the county’s jurisdiction under ORS [368.031](#); and
- c. For any city that opts into this ordinance, any city road under the jurisdiction of that city per ORS 373.320, ORS Chapter 373, or other authority.

G. “Street vendor” or “street vending”:

- a. Means any person or entity offering street vendor products for sale at a non-permanent location within a public road or within 50 feet of the public road’s right-of-way.

- b. Does not include any person or entity on their own private property or any person on private property owned by an immediate family member.
- c. Does not include a person or entity whose business is licensed or permitted by a government body to operate for a specific purpose, so long as operating for that specific purpose within the requirements of that license or permit, such as a retail firework sales permit, a temporary restaurant license, or a conditional use permit.
- d. Does not include a person or entity offering street vendor products for sale within a public road while that public road is closed for a government-permitted temporary event like a parade or farmers market, so long as the person or entity is following applicable regulations for the temporary event.
- e. Does not include a person or entity who is operating within a city under a city code provision allowing business within a public road next to their permitted business, so long as the person or entity is in full compliance with that city's requirements.

H. “Street vendor equipment” means any vehicle, equipment, or other materials used by a street vendor for staging, marketing, or selling street vendor products.

I. “Street vendor products” means anything marketed or sold by a street vendor, including perishable goods and non-perishable goods.

J. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, including both motorized and nonmotorized.

SECTION 3. NEW MCC Chapter 10.10.230

The Marion County Code 10.10.230 (Prohibitions and Permit) is added to read as follows:

- A. No person shall engage in street vending without a permit.
- B. Permit restrictions:
 - a. A permitted street vendor must have on their person and display upon request a copy of the permit and government-issued legal identification showing they are one of the listed individuals under the permit.
 - b. A permitted street vendor shall only engage in street vending in a location where there is legal access from the public road and a location for safe and legal parking by customers.
 - c. A permitted street vendor may not operate on private property without written permission of the property owner.
 - d. A permitted street vendor may not operate on county property.
 - e. A permitted street vendor may not park on or obstruct a public road while engaging in street vending.
 - f. A permitted street vendor may not operate in a manner that obstructs a sidewalk, bike lane, or multiuse path along a public road.

- g. A permitted street vendor shall be at least 100 feet away from any other permitted street vendor.
- h. A permitted street vendor shall not leave any street vendor equipment or street vendor products unattended.
- i. Notwithstanding any other requirement, a permitted street vendor may operate an ice cream truck that drives and parks temporarily on public roads so long as the following requirements are met:
 - i. Any food sold is commercially sealed and prepackaged.
 - ii. Driving must be within the speed limit and not more than 10 miles per hour below the speed limit.
 - iii. Parking may not be in a location that obstructs traffic.
 - iv. Parking may not be in a location that is likely to attract children to travel to the ice cream truck in an unsafe way or manner.
 - v. Parking may not be in the same location longer than five minutes, except if operating in a city that allows for a longer period of time, then parking may not be in the same location longer than the time allowed by that city's code.
 - vi. Noise ordinance requirements of the county or applicable city must be followed.
 - vii. Operation may not occur between 10pm and 7am.

C. Permit applications:

- a. Application for a permit shall be submitted to the Marion County Health and Human Services Environmental Health Program along with

an appropriate application fee. The amount of the application fee shall be determined by the Marion County Board of Commissioners by order.

- b. Marion County Environmental Health Program shall designate an application form for use in applying for a permit under this section.

The application form shall require all of the following:

- i. If the applicant is an entity, the full legal name, address, and contact information of a named individual responsible for ensuring compliance with permit requirements.
- ii. If the applicant is an individual, the individual's full legal name, address, and contact information.
- iii. The full legal name of all individuals covered under the street vendor permit.
- iv. Proof of insurance for the street vendor, including coverage for all individuals covered under the street vendor permit.
Coverage must include at least \$1,000,000 in commercial general liability coverage.
- v. The applicant must agree to indemnify the county for any activities by the applicant under the permit.
- vi. If the street vendor will be operating on private property, written proof of property owner consent is required, and the property owner's phone number must be included. Written proof could include a fully executed rental or lease agreement,

although financial terms and other similar confidential terms may be redacted.

- vii. Certification that a copy of the street vendor permit will be kept with all individuals or entities who will operate under the permit for marketing or selling street vendor products.
- c. A permit is valid for one year.

SECTION 4. NEW MCC Chapter 10.10.240

The Marion County Code 10.10.240 (Enforcement responsibility and authority) is added to read as follows:

- A. Enforcement by Marion County may be via a Marion County Enforcement Officer, by any designee of the Marion County Sheriff, or by any designee of the Marion County Health and Human Services Administrator.
- B. Outside the city limits of any incorporated city, this article may be enforced by Marion County.
- C. Within the city limits of any incorporated city, the governing body of a city may opt in to this ordinance. A city may choose to allow enforcement by Marion County and/or by that city's law enforcement officers or other city-determined enforcement officers. If a city does not specify who may enforce, then Marion County may enforce within that city's city limits.

SECTION 5. NEW MCC Chapter 10.10.250

The Marion County Code 10.10.250 (Penalties) is added to read as follows:

- A. Operating as a street vendor without a permit in violation of Marion County Code 10.10.230(A) is subject to a daily fine of up to \$1,000.
- B. Operating as a permitted street vendor in violation of any of the requirements in Marion County Code 10.10.230(B) or (C) is subject to a daily fine of up to \$500, except that violation of Marion County Code 10.10.230(B)(a) is subject to a daily fine of up to \$1,000.
- C. Street vendor equipment may be impounded, towed, and held until a fine is paid.
- D. Non-perishable street vendor products may be impounded and held until a fine is paid.
- E. If a fine is not paid within 30 days, the County may dispose of impounded street vendor equipment or non-perishable street vendor products:
 - a. as unclaimed property;
 - b. via auction with proceeds to first cover the fine, holding costs, and auction costs and any excess treated as unclaimed property;
 - c. in the manner provided by MCC 10.20.040; or
 - d. via any other method allowed by law.

SECTION 6. NEW MCC Chapter 10.10.260

The Marion County Code 10.10.260 (Hearings) is added to read as follows:

- A. A person whose property is seized under this ordinance may request a hearing before the Marion County hearings officer to contest the validity of the impoundment. A request must be made within five calendar days of the

impoundment. The request shall be made to a person designated by the impounding entity to receive such requests.

- B. When a timely request for a hearing is made, a hearing shall be held before the Marion County hearings officer. The hearing shall be set for four calendar days after the request is received excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. The hearings officer shall render a written determination. The hearings officer shall provide a copy of the written determination to the person requesting the hearing.
- C. The impounding agency shall have the burden of proving by a preponderance of the evidence that there was probable cause to believe that, at or just prior to the time the enforcing entity stopped the person, the person committed an offense described in this ordinance.
- D. An enforcing officer who ordered the vehicle impounded may submit an affidavit or official report to the hearings officer in lieu of making a personal appearance at the hearing.
- E. If the hearings officer finds that the impoundment was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the property is liable for usual customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the property liable for costs of the hearing. The decision of the hearings officer is a final decision.

F. If the hearings officer finds that impoundment of the property was improper, the hearings officer shall order the property released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the property is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the property for towing and storage charges, the hearings officer shall order it paid by the impounding agency. The decision of the hearings officer is a final decision.

G. If a person entitled to lawful possession of property impounded under this ordinance sufficiently establishes for the impounding agency that the property was being operated without the consent of the person entitled to lawful possession at the time that the property was impounded, the impounding agency shall waive the fee under this ordinance. For purposes of this section, proof that a person entitled to lawful possession of the property reported the property as stolen to a police agency prior to impoundment of the property shall be conclusive evidence that the property was being operated without the consent of the person.

SECTION 6. SEVERABILITY

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

No enforcement of this ordinance shall occur regarding activities occurring within two weeks of the effective date to allow for a period of public education and encouragement of voluntary compliance.

Adopted this _____ day of _____, 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Recording Secretary



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 6, 2025

Department: Legal Counsel

Title:

Street Vendor Order

Management Update/Work Session Date: 7/22/2025 Audio/Visual aids

Time Required: 3 min Contact: Steve Elzinga Phone: 503-588-5220

Requested Action:

If Street Vendor Ordinance is adopted, then adopt board order setting application fee.

Issue, Description & Background:

The proposed Street Vendor Ordinance requires the street vendor permit application fee to be set by board order. Staff propose a \$50 fee to help cover permit processing costs.

Financial Impacts:

Fiscal impact is undetermined and will depend on the number of applications received.

Impacts to Department & External Agencies:

Health and Human Services Department will process permit applications and receive the permit fees.

List of attachments:

Proposed Order

Presenter:

Steve Elzinga

Department Head Signature:

Steve Elzinga

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Date: 2025.07.31 12:09:46 -07'00'

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the matter of setting the)
application fee amount for)
the new street vendor permit)

ORDER No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, August 6, 2025, to consider an order setting an application fee for the new street vendor permit; and

WHEREAS, pursuant to newly adopted MCC 10.10.230(C)(a), each applicant for a street vendor permit must pay an application fee determined by the Marion County Board of Commissioners by order; NOW, THEREFORE,

IT IS HEREBY ORDERED that the Board adopts a \$50 application fee for street vendor permits.

DATED this 6th day of August 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner