

# AMBULANCE SERVICE AREA PLAN CURRY COUNTY, OREGON



**2014**

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Appendices

- ASA Maps & Fire District Boundaries (North, Central, South)
- 911 Map
- Incorporated City Maps
- Notification and Response Times
- Copy of Mutual Aid Agreement (Example)
- Amendment to County Code, Article Two Division One, dated October 18, 2004 (Includes Exhibit "A" only)
- Amendment to County Code, Article Two Division One, dated May 18, 2009
- Amendment to County Code, Article Two Division One, dated March 19, 2014
- Port Orford Community Ambulance Resolution, dated December 5, 2013
- ORS Chapter 244

**I. CERTIFICATION BY GOVERNING BODY OF COUNTY AMBULANCE SERVICE PLAN**

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

- a) Each subject or item contained in the Curry County Ambulance Service Plan was addressed and considered in the adoption of this plan;
- b) In our judgment, the ambulance service areas (ASA's) established in this plan provide for the efficient and effective provision of ambulance services; and
- c) To the extent they are applicable, the County has complied with ORS 682.062(2) (3) and 682.063 and existing local ordinances and rules.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

BOARD OF CURRY COUNTY COMMISSIONERS

Susan Brown, Chair

David Brock Smith, Vice Chair

David G. Itzen, Commissioner

## **II. OVERVIEW OF CURRY COUNTY**

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

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

The population of the county as of January 2012 was approximately 22,295. The Cities of Brookings, with a population of 6,370; Gold Beach 2,280; and Port Orford 1,135; are the county's only cities and are located on U.S. Highway 101 that runs north and south, adjacent to the Pacific Ocean, through the county. Most of the inhabitants reside in or around the three incorporated cities located in the county. Lumber, agriculture, commercial and sport fishing, recreation and tourism, provide the basis of the county's economy.

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

### **III. DEFINITIONS**

1. "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability.
2. "Ambulance Service" has the meaning given that term by ORS 682.027.
3. "Ambulance Service Area (ASA)" means a geographic area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.
4. "Ambulance Service Plan" means a written document, which outlines a process for establishing a county emergency medical services system. A plan addresses the need for and coordination of ambulance services by establishing ambulance service areas for the entire county and by meeting the other requirements of these rules. Approval of a plan will not depend upon whether it maintains an existing system of providers or changes the system. For example, a plan may substitute franchising for an open market system.
5. "Ambulance Service Provider" means a licensed ambulance service that responds to 9-1-1 dispatched calls or provides pre-arranged non-emergency transfers or emergency or non-emergency inter-facility transfers.
6. "County Government or County Governing Body (County)" means a Board of County Commissioners or a County Court.
7. "Division" means the Public Health Division, Oregon Health Authority.
8. "Emergency Medical Service (EMS)" means those pre-hospital functions and services whose purpose is to prepare for and respond to medical emergencies, including rescue and ambulance services, patient care, communications and evaluation.
9. "Notification Time" means the length of time between the initial receipt of the request for emergency medical service by either a provider or a PSAP, and the notification of all 4 responding emergency medical service personnel.
10. "Provider" means any public, private or volunteer entity providing EMS.
11. "Response Time" means the length of time between the notification of each provider and the arrival of each provider's emergency medical service units at the incident scene.

#### **IV. BOUNDARIES**

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

Maps depicting boundaries for the ASA's, PSAP location and 9-1-1 coverage, fire districts, and incorporated cities, are located in the Appendix of this plan. Larger and more detailed maps are on file in the Curry County Offices of Emergency Services.

#### **ASA Narrative Description**

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

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

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

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

Beginning at the Pacific Ocean and the southerly section line of Sec. 30 T34S R14WWM; Thence easterly along the section lines to the southeast corner of Sec. 25 T34S R 14WWM; Thence north along the section line to the northeast corner of Sec. 25 T34S R 14WWM; Thence easterly along the section lines to southeast corner of Sec. 20 T34S R13WWM; Thence north along the section line to the northeast corner of Sec. 20 T34S R13WWM; Thence east along the section line to the southeast corner of Sec. 16 T34S R13WWM; Thence north along the section line to the northeast corner of Sec. 16 T34S R13WWM; Thence east along the section line to the southeast corner of Sec. 10 T34S R13WWM; Thence north along the section lines to the northwest corner of Sec. 2 T34S R13WWM; Thence east along the section lines to the southeast corner of Sec. 32 T33S R12WWM; Thence north along the section lines to the southwest corner of Sec. 21 T33S R12WWM; Thence east to the Curry County-Coos County line; Thence south and east along the Curry County-Coos County line to the junction of the Curry County-Coos County-Douglas County line; Thence along the Curry County- Douglas County line to the junction of the Curry County-Douglas County-Josephine County line;

Thence southwesterly along the Curry County-Josephine County line to the southeast corner of Sec. 12 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 13 T37S R12WWM;

Thence west along the section line to the southwest corner of Sec. 13 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 26 T37S R12WWM; Thence west along the section lines to the southwest corner of Sec. 27 T37S R12WWM; Thence south along the section line to the southeast corner of Sec. 33 T37S R12WWM; Thence west along the section lines to the northwest corner of Sec. 27 T37-1S R12WWM; Thence south along the section line to the southwest corner of Sec. 27 T37Y2S R12WWM; Thence westerly along the section lines to the northwest corner of Sec. 11 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 15 T38S R13WWM; Thence westerly along the section lines to the southeast corner of Sec. 16 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 33 T38S R13WWM; Thence westerly along the section line to the southwest corner of Sec. 32 T38S R13WWM; Thence southerly along the section lines to the southeast corner of Sec. 7 T39D R13WWM; Thence westerly along the section lines to the Pacific Ocean.

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

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

**ASA Maps and Fire District Boundaries (See Appendices Maps)**

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

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

**Incorporated Cities (See Appendix Maps)**

## **Alternatives to Reduce Response Times**

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

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

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

## **V. SYSTEM ELEMENTS**

### **9-1-1 Dispatched Calls**

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

### **Pre-Arranged Non-Emergency Transfers and Interfacility Transfers**

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

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

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

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

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

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

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

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

1. Information received from the public, dispatch center, pre hospital care providers, hospitals, or county EMS administration.

2. Types of information received are written or verbal complaints, patient care report forms, radio transmission tapes, notification and response time incident cards, trauma registry forms, etc.

### **Level of Care**

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

An ambulance operating in Curry County and providing intermediate life support level care must consist of one licensed EMT and one licensed EMT Intermediate/AEMT. The EMT Intermediate/AEMT must always be with the patient in the patient compartment of the ambulance when intermediate level care is required or rendered.

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

### **Personnel**

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

### **Medical Supervision**

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

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

1. comply with the requirements listed in OAR 847-035-0020 and OAR 847-035-0025;
2. hold at least one meeting a year with the EMTs affiliated with the respective ambulance services;
3. designate an EMT coordinator who shall conduct case reviews in the physician's absence and send summaries of the reviews and problems identified and proposed problem resolution to the physician; and
4. provide or authorize at least one case review meeting for all EMTs quarterly.

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

## **Patient Care Equipment**

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

## **Vehicles**

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

## **Training**

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

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

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

## **Quality Assurance**

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

## **Structure**

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

1. One (1) physician with emergency care experience;
2. One (1) EMT or paramedic;
3. One (1) hospital administrator;
4. One (1) registered nurse with emergency medical care experience;
5. One (1) law enforcement officer;

6. One (1) representative of a fire department;
7. One (1) representative of a dispatch center;
8. Two (2) members of the public who are not included in categories specified by subsections 1-7.

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

### **Process**

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

Quality assurance in Curry County shall be accomplished through frequent case review, peer review, and periodic review by the medical directors and/or ambulance governing bodies (see respective Provider Profiles for definitions of governing bodies). Complaints regarding violation of this ASA Plan, or questions involving pre-hospital care provided, shall be submitted in writing to the Board who shall forward it to the Administrator, who may call a meeting of the Committee. The Administrator, and/or the Committee shall then review the matter and make recommendations or changes on such complaints or questions to the Board.

The Board shall also resolve any problems involving system operations (changing protocols to address recurring problems, etc.). Ongoing input may be provided by consumers, providers or the medical community to any individual on the Board, the Administrator, or members of the Committee. This individual, in turn, will present the complaint, concern, idea or suggestion (in writing) to the full Board for consideration.

### **Problem Resolution**

Problems involving protocol deviation by EMT's or dispatchers shall be referred to the respective medical director or dispatch supervisor. Problems involving a non-compliant provider shall be referred to the Board.

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

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

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

## **Penalties**

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

## **Nuisance**

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

## **VI. COORDINATION**

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

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

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

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

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

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

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

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

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

Existence of this Committee will:

1. prevent needless attention of state regulatory agencies to problems that can be resolved locally;
2. increase local awareness of potential problems that may exist; and
3. increase the awareness of ambulance medical directors regarding area concerns and activities.

### **Complaint Review Process**

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

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

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

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

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

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

### **Disaster Response**

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

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

When resources other than ambulances are required for the provision of emergency medical services The Emergency Services Coordinator shall be responsible for coordinating all county EMS resources any time that the Mass Casualty Incident (MCI) Plan is implemented.

The Emergency Services Coordinator shall work directly with local agencies, departments and governments to coordinate necessary resources during any implementation of the MCI Plan. During a disaster, a request for additional resources shall be made through the appropriate PSAP to the County Emergency Management Office.

## **Out of County Resources**

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

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

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

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

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

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

The plan shall identify the responsibility of the provider concerning:

1. coordination;
2. communication;
3. move up;
4. triage; and
5. transportation.

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

Coordination:

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

## **EMS Responder Guidelines:**

The senior EMT on the first EMS unit to arrive at the scene shall become the triage officer and shall:

1. Assess nature and severity of the incident;
2. Advise the appropriate PSAP of the situation;
3. Request appropriate fire and police services, if not already at the scene;
4. Request initiation of EMS mutual aid if needed;
5. Alert area hospital(s) of the situation; and
6. Establish and organize the transportation of all injured or ill patients.

Additional EMS units arriving at the scene shall:

1. Check-in with Incident-Commander;
2. Effect needed rescue, if trained and equipped to do so;
3. Provide emergency medical care and transport patient(s) to the appropriate hospital(s).

## **Response to Terrorism**

Response to a terrorism incident will share many of the elements of any other disaster response. The exception will be that the terrorism incident is a crime scene, and coordination of patient care with the law enforcement personnel in charge will be required. There is also a very high likelihood that there is a hazardous materials component to the response, so coordination with ranking fire/ hazmat officials may also be required. This coordination is especially critical to ensure the safety of EMS personnel and equipment.

## **Personnel and Equipment Resources**

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

### **Additional Ambulances:**

1. Rotary-wing air ambulances:
  - a. U.S. Coast Guard (Coos Bay, Oregon) - (541) 756-4141
  - b. Mercy Flights (Medford, Oregon) - (541) 779-6552
  - c. REACH (Corvallis and Coos Bay, Oregon) – (800) 705-1728
2. Fixed-wing air ambulances:
  - a. Cal-Ore Life Flight (Crescent City, California; Brookings, Oregon) - (800) 705-1728
  - b. Mercy Flights (Medford, Oregon) - (541) 779-6552
3. Ground ambulances:
  - a. Bay Cities Ambulance Service (Coos Bay, Oregon) -(541) 269-1155 or (541) 347-3973

- b. Del Norte Ambulance Service (Crescent City, California) - (707) 464-9551

### **Non-Transporting EMS Provider**

The ASA Committee may recommend best practices for certification, equipment, standards of care, clinical protocols and patient hand-off procedures for all non-transporting EMS providers. Individual agency Medical Directors and Administration will be responsible for implementing and supervising agency's adherence to these recommendations.

### **Hazardous Materials:**

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

1. O.E.R.S. (provides notification and activation of state agencies, federal agencies, and some private agencies.), 1-800-452-0311
2. CHEMTREC, 1-800-424-9300

### **Search and Rescue and Specialized Rescue:**

1. Curry County Sheriff's Office - 9-1-1 or (541) 247-3242
2. Oregon Civil Air Patrol - 1-800-452-0311
3. U.S. Coast Guard - since the Pacific Ocean falls under the jurisdiction of the U.S. Coast Guard, they will provide specialized aircraft and watercraft for rescue operations. These units shall respond from North Bend, Oregon, (541) 756--4141.

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

### **Extrication:**

1. Brookings Fire and Rescue Department - 9-1-1
2. Gold Beach Fire Department - 9-1-1
3. Port Orford Fire Department -9-1-1
4. Harbor Fire Department - 9-1-1
5. Langlois Fire Department - 9-1-1
6. Curry County Road Dept., heavy equipment - (541) 247-7097

### **Towing of Vehicles weighing over 2 ½ tons:**

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

2. Carpenter Auto - (541) 469-6511
3. 10-10 Towing - (541) 469-1010
4. Norris Auto Body - (541) 247-6170
5. Mast Brothers- (541) 347-9908 or (541) 271-3019

### **Emergency Communications and Systems Access**

#### **Telephone Access:**

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

#### **Dispatch Procedures:**

1. The appropriate personnel shall be notified by the dispatcher via radio-pagers within two (2) minutes of receipt of a life threatening call.
2. The dispatcher will obtain from the caller, and relay to the first responders the following:
  - a. Location of the incident;
  - b. Nature of the incident; and
  - c. Any specific instructions or information that may be pertinent to the incident.
3. EMS personnel shall inform the dispatch center by radio when any of the following occurs:
  - a. In-service;
  - b. En route to scene or destination and type or response;
  - c. Arrival on scene or destination;
  - d. Transporting patient(s) to hospital or medical facility, the number of patients, and name of facility; and
  - e. Arrival at receiving facility.
4. Ambulance personnel shall inform the receiving hospital by radio at the earliest possible time of the following:
  - a. Unit identification number;
  - b. Age and sex of each patient;
  - c. Condition and chief complaint of the each patient;
  - d. Vital signs of each patient;
  - e. Treatment rendered; and
  - f. Estimated time of arrival.

#### **Radio System:**

1. The PSAP shall:
  - a. Restrict access to authorized personnel only;

- b. Meet state fire marshal standards;
  - c. Maintain radio consoles capable of communication directly with all first response agencies dispatched by them via the following frequencies: primary 155.325 for ASA 1 and 2, 154.385 ASA 3; and secondary 155.340 (HEAR);
  - d. Maintain radio logs which contain all information required by the Federal Communications Commission and Oregon Revised Statutes;
  - e. Utilize plain English or 12-code; and
  - f. Be equipped with a back-up power source capable of maintaining all functions of the center.
2. The ambulance service provider shall equip and maintain 50 watt or greater, multi-channel radios in each ambulance that allows for the transmission and reception on primary 155.325 for ASA 1 and 2, 154.385 ASA 3; and secondary 155.340 (HEAR). Each ambulance crew shall have one five (5) watt, portable hand-held radio with a minimum of two (2) channel capability. All ambulances in County shall be equipped to communicate on the following frequencies primary 155.325 for ASA 1 and 2, 154.385 ASA 3; and secondary 155.340 (HEAR). In most instances, once an ambulance crew has been summoned by the dispatcher, there is further capability of radio communications between the ambulance and the dispatcher via mobile or hand-held radios. Requests for mutual aid, other resources or agencies, etc., generally must be arranged with the third-party assistance of the dispatch center (via radio).

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

**Emergency Medical Services Dispatcher Training:**

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

**VII. PROVIDER SELECTION**

**Initial Assignment of Ambulance Service Provider**

Any person wishing to provide ambulance services within Curry County shall submit a letter of intent to bid within thirty (30) days of the announcement regarding an opening of an Ambulance Service Area (ASA). All bid proposals shall be submitted to the County EMS Administrator. The proposals shall be reviewed by the County ASA Request for Proposal (RFP) Evaluation Committee. This committee shall recommend the assignment of an ASA to the Board of Commissioners. Assignment of all ASA's shall be made by the Board of Commissioners. Assignment of an ASA shall be valid for five (5) year terms commencing on the first day of contract implementation and subject to provisions of suspension or revocation as set forth in this plan.

### **Reassignment of an ASA**

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

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

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

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

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

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

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

## **VIII. CURRY COUNTY ORDINANCES AND RULES**

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

### **Exceptions/Amendments to County Ambulance Ordinances/Rules**

Amendment to County Code, Article Two Division One, dated October 18, 2004

Amendment to County Code, Article Two Division One, dated May 18, 2009

Amendment to County Code, Article Two Division One, dated March 19, 2014

Port Orford Community Ambulance Resolution, dated December 5, 2013

## **APPENDICES**

ASA Maps & Fire District Boundaries (North, Central, South)

911 Map

Incorporated City Maps

Notification and Response Times

Copy of Mutual Aid Agreement (Example)

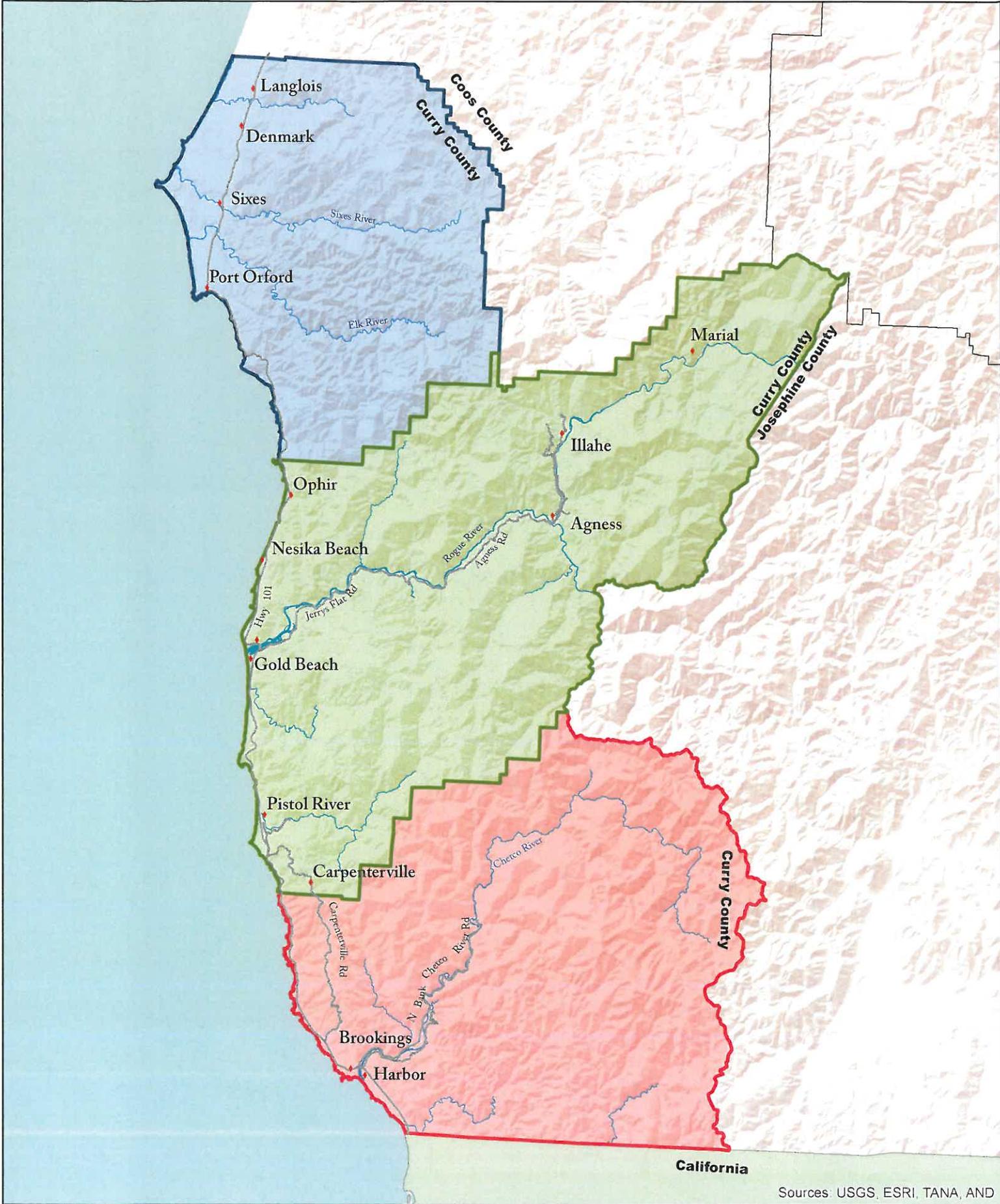
Amendment to County Code, Article Two Division One, dated October 18, 2004 (Includes Exhibit "A" only)

Amendment to County Code, Article Two Division One, dated May 18, 2009

Amendment to County Code, Article Two Division One, dated March 19, 2014

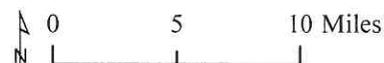
Port Orford Community Ambulance Resolution, dated December 5, 2013

ORS Chapter 244

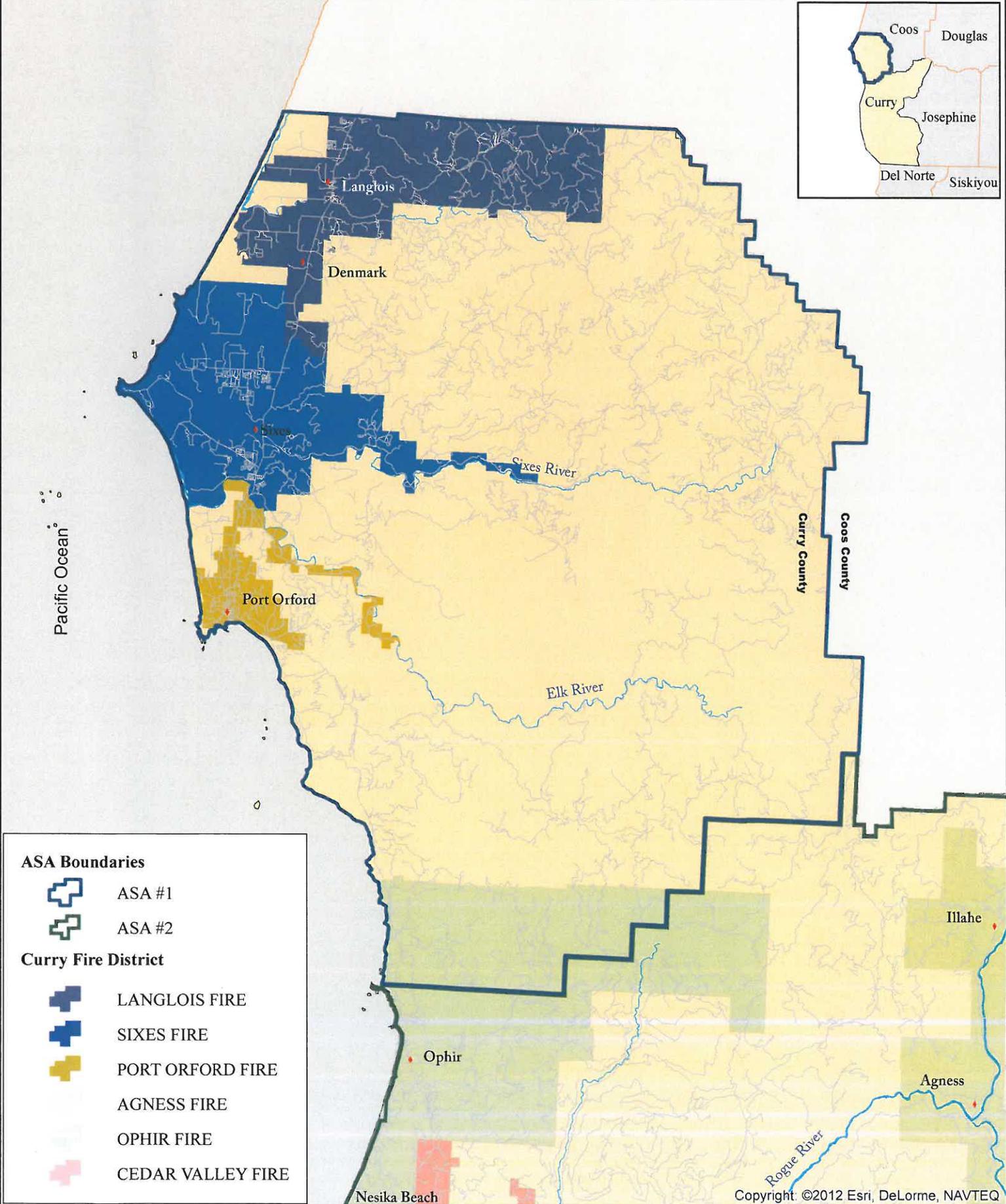
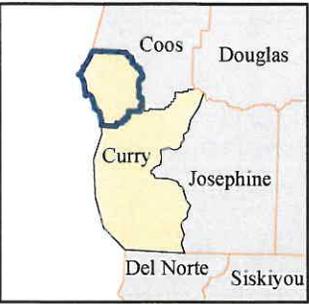


Sources: USGS, ESRI, TANA, AND

Ambulance Service Area Plan  
Curry County, OR

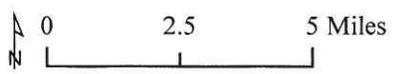


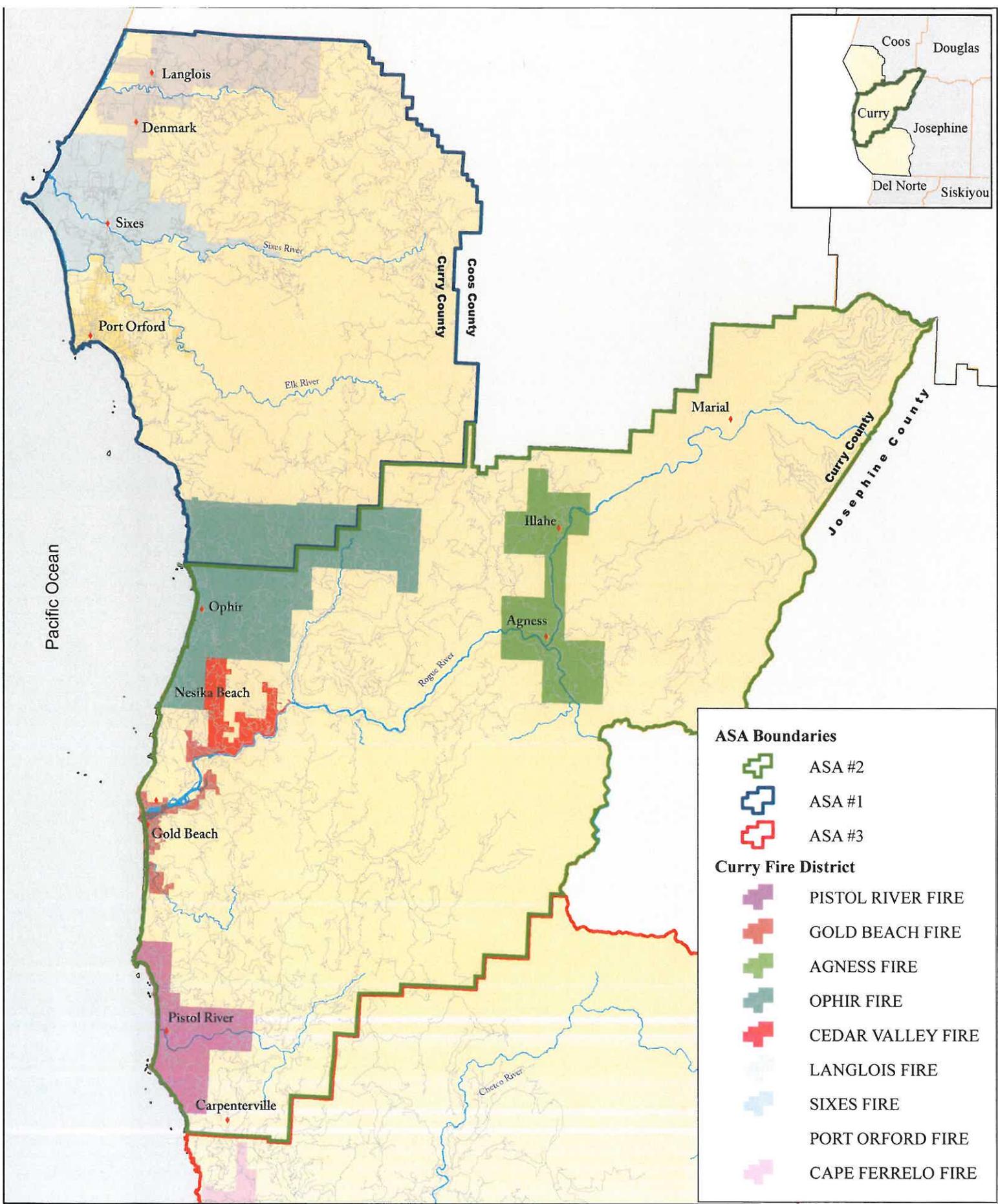
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**Ambulance Service Area (ASA) #1  
Curry County, OR**

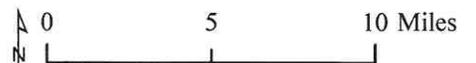
Approximate Range  
Highway 101 Mile Post: 315 - 286





**Ambulance Service Area (ASA) #2**  
Curry County, OR

Approximate Range  
Highway 101 Mile Post: 345 - 315

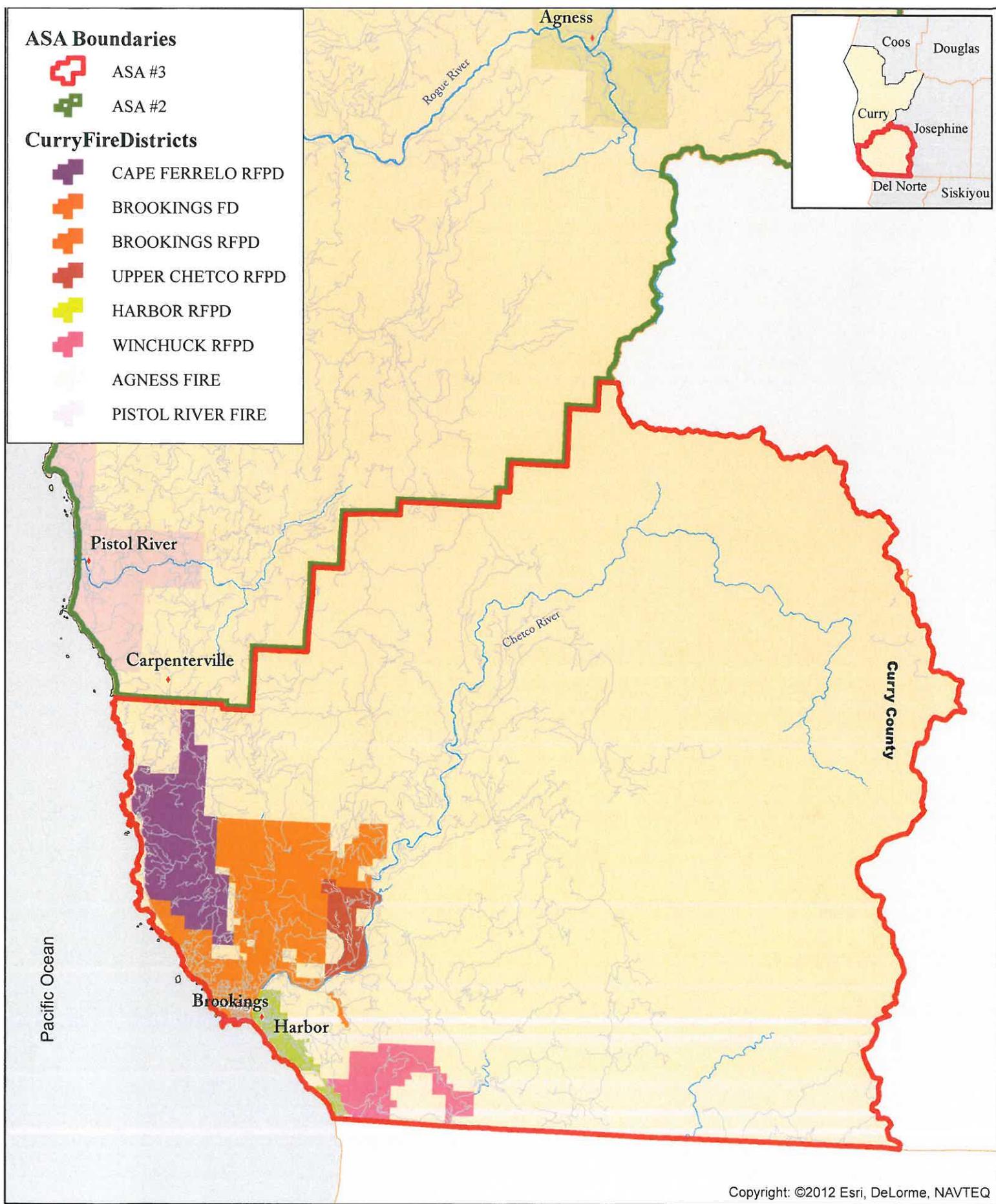


**ASA Boundaries**

- ASA #3
- ASA #2

**CurryFireDistricts**

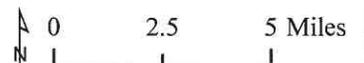
- CAPE FERRELO RFPD
- BROOKINGS FD
- BROOKINGS RFPD
- UPPER CHETCO RFPD
- HARBOR RFPD
- WINCHUCK RFPD
- AGNESS FIRE
- PISTOL RIVER FIRE

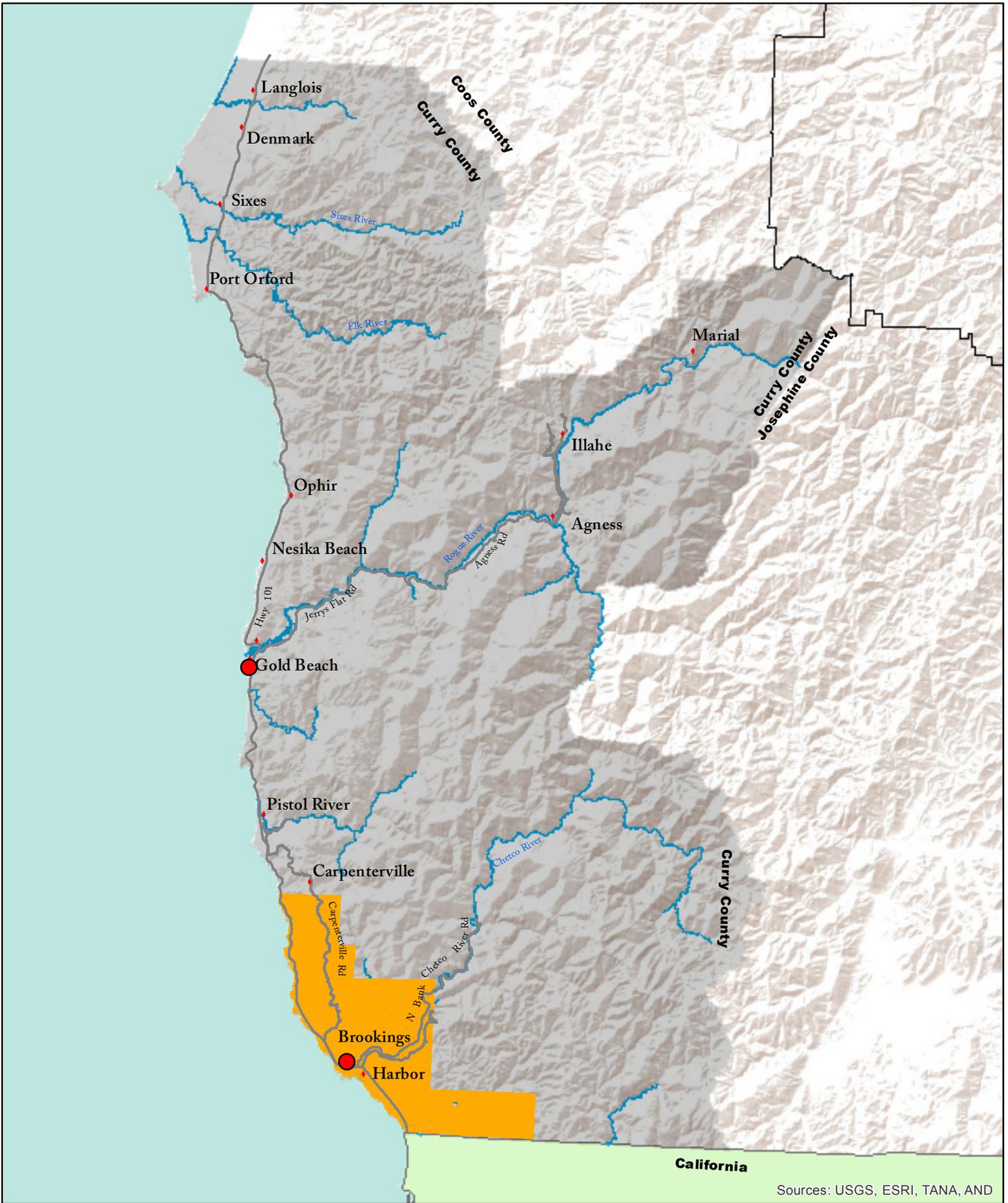


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**Ambulance Service Area (ASA) #3**  
**Curry County, OR**

Approximate Range  
Highway 101 Mile Post: 363 - 345





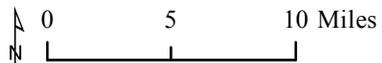
Sources: USGS, ESRI, TANA, AND

# Curry County, OR

● PSAP Locations

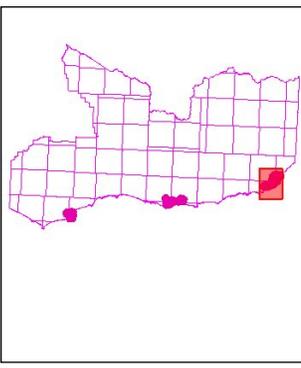
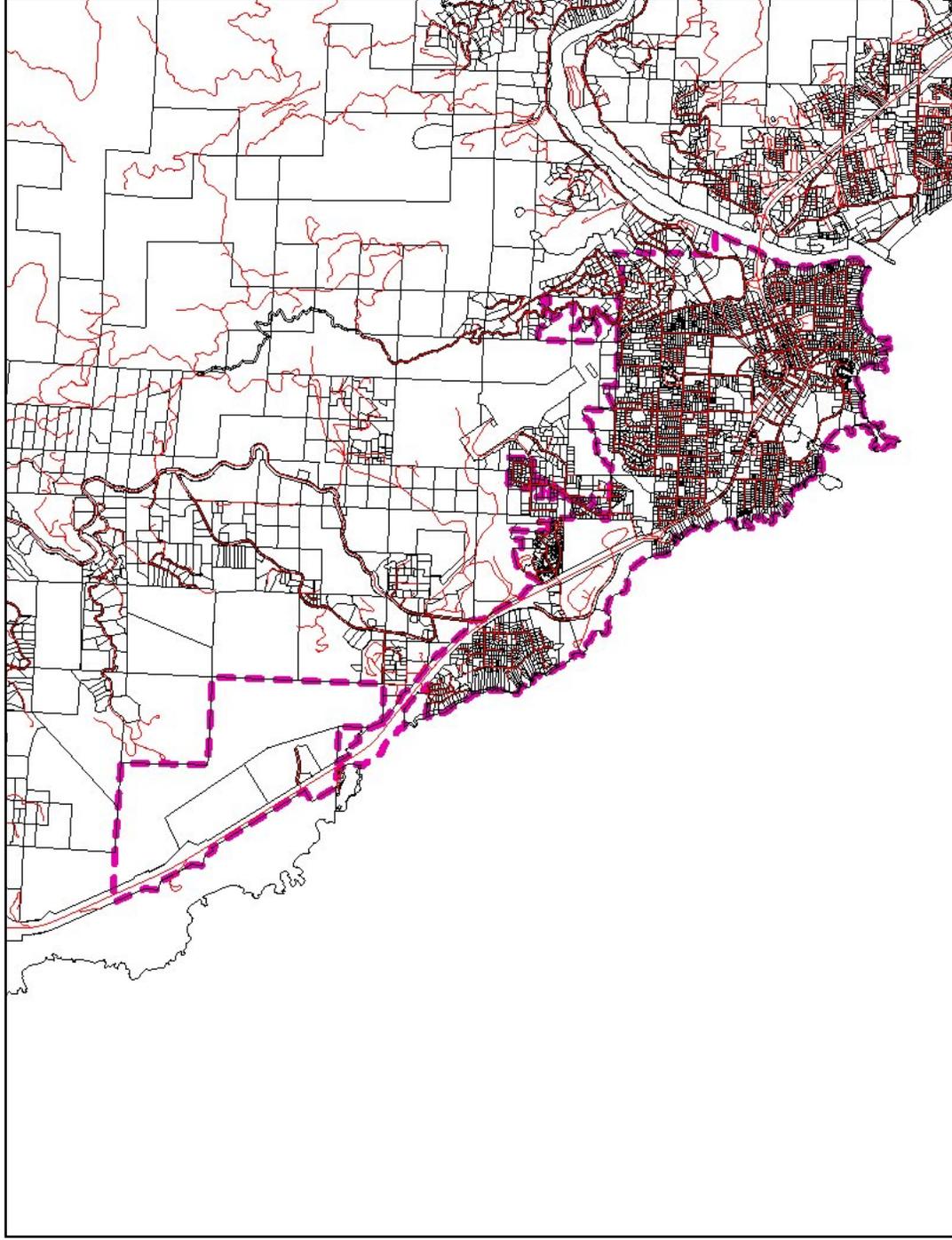


Brookings PSAP  
Curry PSAP



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. NAD83 ORSouth; Brookings GIS, jr, 3/31/14

# Brookings City Limits



**Legend**

- ROADS ORTHO CORRECTED
- PARCELS
- CITY LIMITS

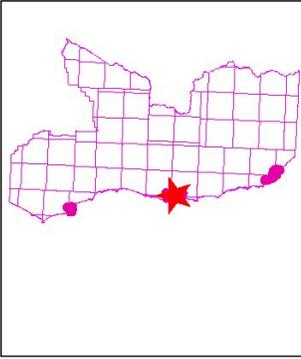
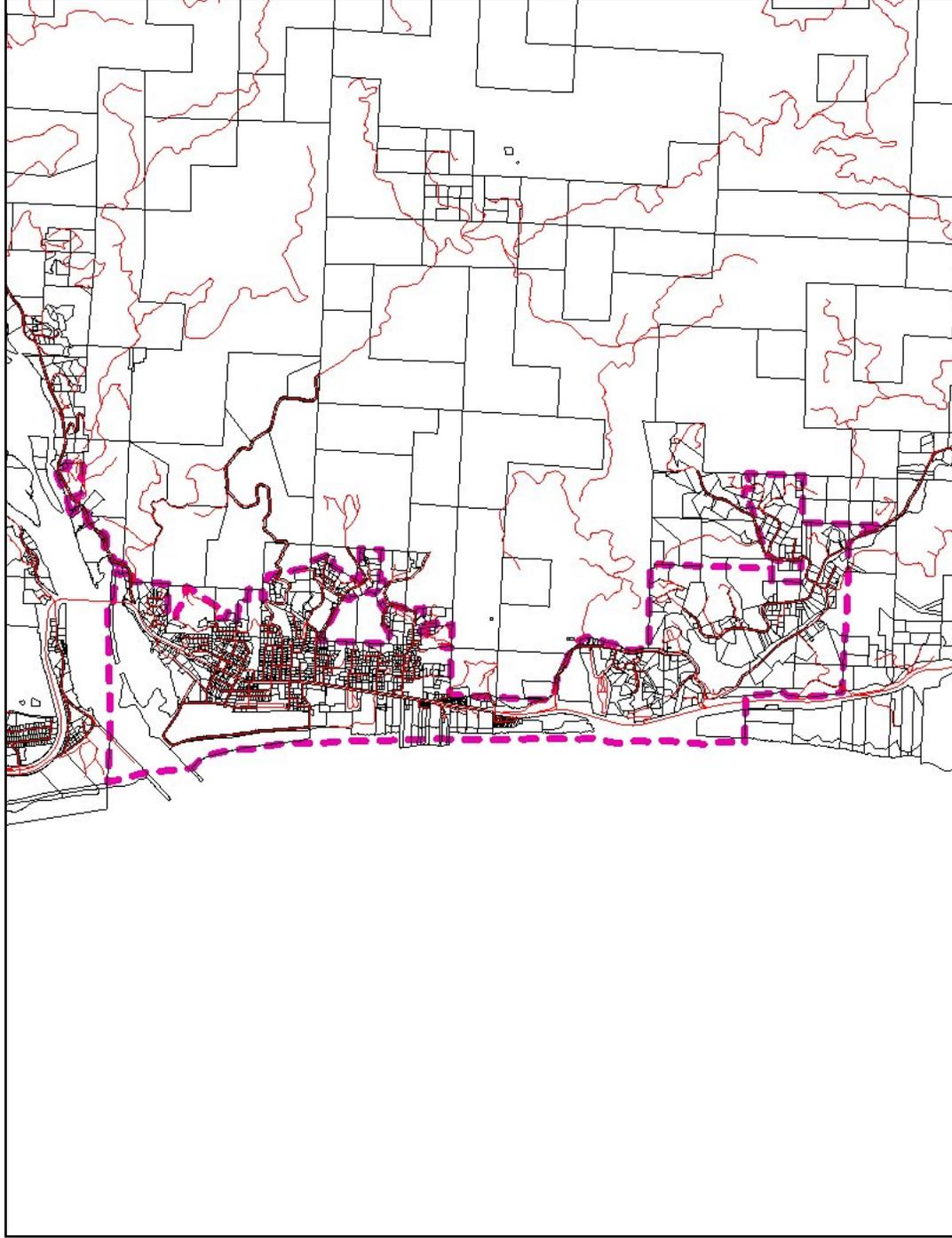
Scale: 1:61,392



Map center: 42° 4' 35" N, 124° 18' 43" W

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# Gold Beach City



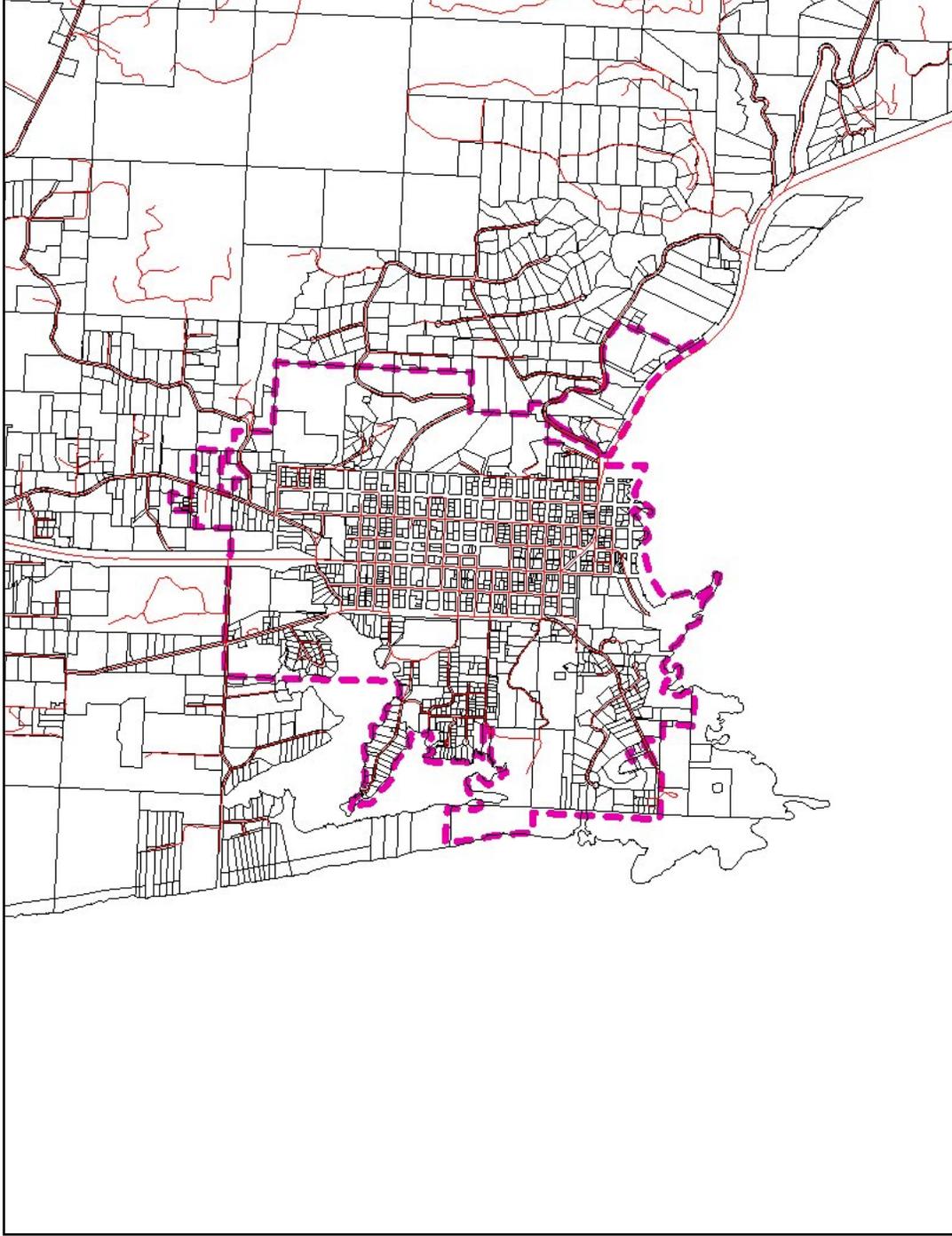
- Legend**
- ROADS ORTHO CORRECTED
  - PARCELS
  - CITY LIMITS



Map center: 42° 23' 51" N, 124° 24' 47" W

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# Port Orford City



- Legend**
- ROADS ORTHO CORRECTED
  - PARCELS
  - CITY LIMITS



0 3250 6500 9750 ft.

Map center: 42° 44' 55" N, 124° 30' 1" W

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**SOUTHERN CURRY COUNTY AMBUALNCE SERVICE AREA  
RESPONSE TIMES**

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

8 minutes within city limits of Brookings	90%
15 minutes out of city limits of Brookings within the UGB	90%
45 minutes rural areas	90%
4.5 hours Frontier Roaded Areas	90%
24 hours Frontier Roadless Areas	90%
Inside city limits, on scene	8 minutes
Deer Park Road-North	8 minutes
Chetco River Bridge-South	8 minutes
East Harris Heights	8 minutes
Hampton Road	8 minutes
Brooke Lane	8 minutes
Meadow Lane	8 minutes
Marina Heights to the fork	8 minutes
North Bank Chetco Road-Worlton Place	8 minutes
West-the Pacific Ocean shoreline	8 minutes
North 101, on scene	22 minutes
Whales Head RV Park	10 minutes
Martin Ranch Road	15 minutes
Thomas Creek Bridge	15 minutes
Burnt Hill Salmon Ranch	18 minutes
Pistol River Flat	22 minutes
Cape Ferrelo Road	8 minutes
Cape Ferrelo Road-Homestead Market	12 minutes
Cape Ferrelo Road-Carpenterville Road	15 minutes
DeMoss road	8 minutes
Duley Creek Road	12 minutes
Blandau's Ranch	20 minutes
East, on scene	4.5 hours

North Bank Chetco River Road	
Thompson Road	10 minutes
Mountain View Road to end	15 minutes
Riverside Market	12 minutes
Gardner Ridge Road	15 minutes
Gardner Ridge Road to end	45 minutes
Loeb State Park	15 minutes
Second Bridge	20 minutes
Little Redwood	25 minutes
South Fork Bridge	30 minutes
Vulcan Lake Trail Head	3 hours
Windy Valley Trail Head	3 hours
South Bank Chetco River Road	
River Bend RV Park	10 minutes
Jacks Creek Bridge	12 minutes
Mt. Emily Road	15 minutes
Fallert's Ranch	20 minutes
South, on scene	35 minutes
Harbor Shopping Center	8 minutes
Southcoast Shopping Center	8 minutes
West/East Benham Lane	10 minutes
Pedrolli Drive	15 minutes
Port of Brookings Harbor	8 minutes
Oceanview Drive-North end	15 minutes
Oceanview Drive-South end	20 minutes
South Bank Winchuck-Stateline Road	15 minutes
Del-Cur Supply	10 minutes
Lucky "L" Ranch	25 minutes
North Bank Winchuck Road	10 minutes
Lawrence Lane	15 minutes
Grover's Place	20 minutes
Ludlem House	35 minutes
Winchuck Campground	25 minutes
Donnelly Place	30 minutes

**CENTRAL CURRY AMBULANCE SERVICE AREAS  
RESPONSE TIMES**

EMT's respond to 911 dispatch within 7 minutes, with an addition of 5 minutes added to call lengthened by traffic, weather, and road conditions.

10 minutes in the city limits of Gold Beach	90%
20 minutes out of the city limits of Gold Beach	90%
35 minutes rural areas	90%
4.5 hours Frontier Roaded Areas	90%
24 hours Frontier Roadless Areas	90%
Gold Beach North	
101 Frankport North Service Area	30 minutes
Ophir	25 minutes
Cedar Valley Road-Miller Creek	30 minutes
Nesika Beach	20 minutes
Otter Point-Hubbard Mound	15 minutes
Gold Beach North Bank Rogue River	
Cedar Valley Road Junction	20 minutes
Lobster Creek	30 minutes
Gold Beach-Jerry's Flat-Agness Road	
Champion Mill Site	20 minutes
Lobster Creek Bridge	25 minutes
Quosatana Creek	30 minutes
Copper Canyon	45 minutes
Agness	55 minutes
Gold Beach South	
Hunter Creek	15 minutes
Cape Sebastian	20 minutes
Pistol River	25 minutes
Boardman State Park South Service Area Boundary	30 minutes
Carpenterville Area	30 minutes
Frontier Area East of Hwy 101	
To end of drivable forest roads	6 hours
Roaded areas accessible from Coos, Douglas, or Josephine Counties	8 hours
Roadless Areas	
By Helicopter (subject to weather availability and permission to land by governing agency)	5 hours
By foot or horseback	24 hours

**AGNESS RESCUE SQUAD  
RESPONSE TIMES**

EMT's respond to 911 dispatch within 7 minutes, one EMT in 3 minutes, and one 5 minutes, with an addition of 5 minutes added to call lengthened by traffic, weather, and road conditions.

15 minutes within Agness Area	90%
45 minutes North Top of Agness, Powers Pass	90%
45 minutes East Agness, Josephine County Line, Bear Camp	90%
45 minutes West Agness, Lake of the Woods, Lookout Junction	90%
3 hours Upper River Area, Foster Bar to Paradise Bar	90%
4.5 hours Frontier Roaded Areas	90%
24 hours Frontier Roadless Areas	90%
South Agness to Lucas Lodge	14 minutes
South Agness to Spud Road and Residents	20 minutes
South Agness to Gold Beach	50 minutes
North Agness to Illahe Area, Big Bend, Foster Creek	8 minutes
North Agness to top of Agness, Powers Pass	45 minutes
West Agness to end of Sundown Road	14 minutes
West Agness to Lake of the Woods, Lookout Junction	45 minutes
East Agness to Oak Flat	20 minutes
East Agness to Josephine County Line, Bear Camp	45 minutes
Upper Rogue River Area Foster Bar to Paradise bar	3 hours
Frontier Roaded Areas	
To end of drivable forest roads	6 hours
Roaded Areas accessible from Coos, Douglas or Josephine Counties	8 hours
Roadless Areas	
By Helicopter (subject to weather availability and permission to land by governing agency)	5 hours
By foot or horseback	24 hours

**NORTH CURRY COUNTY AMBUALNCE SERVICE AREA  
RESPONSE TIMES**

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

8 minutes within city limits of Port Orford	90%
15 minutes out of city limits of Port Orford	90%
45 minutes rural areas	90%
4.5 hours Frontier Roded Areas	90%
24 hours Frontier Roadless Areas	90%
Port Orford to Coos County Line	25 minutes
Port Orford to Langlois	20 minutes
101 Langlois Mountain (average mph off 101: 20-30 mph)	
John Guynup 6 ½ miles up	15 minutes from 101
McClouds (North on Langlois Mountain)	30 minutes from 101
Kalina (South on Langlois Mountain)	30 minutes from 101
Port Orford North (Average mph off 101: 20-30 mph)	
Floras Creek Road	15 minutes
North End of Floras Lake (West)	12 minutes
South End of Floras Lake (West)	10 minutes
Denmark	12 minutes
Pacific High School	10 minutes
Sixes Store (Average 20-30 mph)	8 minutes
Sixes to Plumtree (up Sixes Road)	15 minutes
Cape Blanco and 101	8 minutes
101 to End of Cape Blanco Road	15 minutes
Elk River Road and 101	6 minutes
6 miles up Elk River from 101	18 minutes
Port Orford South	
Hubbards Creek	8 minutes
Humbug Mountain	10 minutes
Brush Creek	15 minutes
Muscle Creek (Traffic and Weather factor)	30 minutes
Frontier Area East of Hwy 101	
To end of drivable forest roads	6 hours
Roded areas accessible from Coos County	8 hours
Roadless Areas	
By Helicopter (subject to weather, availability and permission to land by governing agency)	5 hours
By foot or horseback	24 hours

CURRY COUNTY  
AMBULANCE SERVICE AREA  
MUTUAL AID AGREEMENT

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

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

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

NOW THEREFORE, it is agreed as follows:

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

by either Party upon reasonable notice.

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

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

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Signature	Title	Date
-----------	-------	------

---

Signature	Title	Date
-----------	-------	------

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

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

FILED WITH  
NOV 08 2004  
CURRY COUNTY CLER

The Board of Curry County Commissioners ordains as follows:

SECTION 1                      TITLE

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

SECTION 2                      AUTHORITY

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

SECTION 3                      PURPOSE

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

SECTION 4                      ADOPTION

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

SECTION 5                      REPEALER

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

SECTION 6                      SEVERANCE CLAUSE

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

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

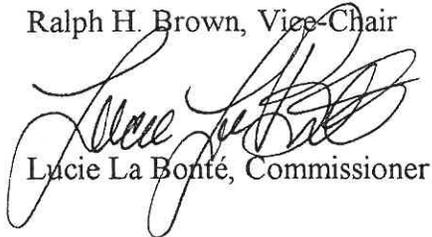
ADOPTED this 18<sup>th</sup> day of October, 2004.

BOARD OF CURRY COUNTY COMMISSIONERS

  
Marlyn Schäfer, Chair

Absent

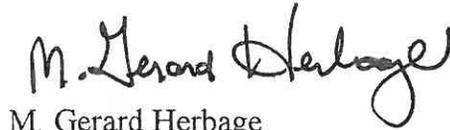
Ralph H. Brown, Vice-Chair

  
Lucie La Bonté, Commissioner

Attest:

  
Recording Secretary

Reviewed as to Form:

  
M. Gerard Herbage  
Curry County Legal Counsel

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

**SECTION 2.01.010 TITLE**

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

**SECTION 2.01.020 AUTHORITY**

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

**SECTION 2.01.030 POLICY AND PURPOSE**

The Curry County Board of Commissioners finds:

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

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

## **SECTION 2.01.040     DEFINITIONS**

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

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

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

**SECTION 2.01.050 EXEMPTIONS**

This Ordinance shall not apply to:

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

**SECTION 2.01.055 PROHIBITED ACTIVITIES**

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

Administrator and/or his designee

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

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

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

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

#### **SECTION 2.01.060     ADMINISTRATION**

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

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

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

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

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

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

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

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

**SECTION 2.01.110 REVIEW OF APPLICATION FOR FRANCHISE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Franchisee:

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

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

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

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

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

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

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

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

**SECTION 2.01.210 REGULATIONS OF AMBULANCE SERVICE**

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

**SECTION 2.01.220 INITIAL RESPONDER**

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

**SECTION 2.01.230 MISCELLANEOUS MATTERS**

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

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

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

ORDINANCE NO. 09-02

The Board of Curry County Commissioners ordains as follows:

**SECTION I    TITLE**

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

**SECTION II   AUTHORITY**

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

**SECTION III   FINDINGS**

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

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

#### SECTION IV REPEALER

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

#### SECTION V ADOPTION

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

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

#### SECTION VI SEVERANCE CLAUSE

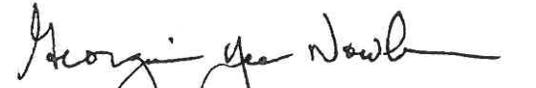
If any section, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of the Ordinance. It is expressly declared that every other section,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

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

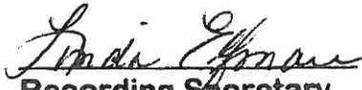
BOARD OF CURRY COUNTY COMMISSIONERS

*Bill Waddle*  
Bill Waddle, Chair

  
George Rhodes, Vice Chair

  
Georgia Yee Nowlin, Commissioner

Attest:

  
Recording Secretary

Approved as to Form:

  
M. Gerard Herbage  
Curry County Legal Counsel

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

## **ATTACHMENT "A"**

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

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

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

In the Matter of an Amendment     )  
To the Curry County Code            )  
Regarding Article Two Division     )     ORDINANCE NO. 14-02  
One- The Curry County Ambulance   )  
Service Ordinance                    )

The Board of Curry County Commissioners ordains as follows:

Section 1     TITLE

This ordinance shall be known as Ordinance 14-02, an ordinance amending the Curry County Code.

Section 2     AUTHORITY

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

Section 3     FINDINGS

- A. Both CAL-ORE Life Flight (CAL-ORE) and the Port Orford Community Ambulance (POCA) have requested to Liaison Commissioner Susan Brown that the Board of Curry County Commissioners modify the Curry County Ambulance Service Ordinance to allow each entity another five year extension to their respective franchises, and to allow them exclusive rights to non-emergent ambulance transports as part of the ASA franchise.
- B. On January 15, 2014, the Ambulance Service Area Advisory Committee heard the above-referenced suggestions, and moved to recommend to the Board of Curry County Commissioners that it amend the Curry County Ambulance Service Ordinance to implement the suggestions.

Section 4      ADOPTION

Attachment "A" is adopted as an amendment to Ordinance 04-13 as amended, and becomes part of the Curry County Code (Ordinance 96-7, as amended.)

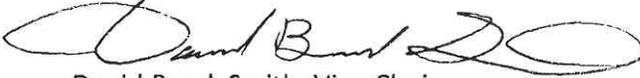
Section 5      SEVERANCE CLAUSE

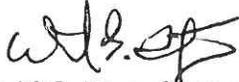
If any section, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance. It is expressly declared that every other section,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

DATED this 19 day of March, 2014.

BOARD OF CURRY COUNTY COMMISSIONERS

  
Susan Brown, Chair

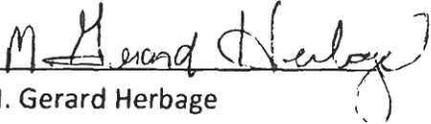
  
David Brock Smith, Vice Chair

  
David G. Itzen, Commissioner

Attest:

  
Recording Secretary

Approved as to Form:



M. Gerard Herbage

Curry County Legal Counsel

First Reading: 3/5/14

Second Reading: 3/19/14

Emergency Adoption: No

Effective Date: 6/17/14

## ATTACHMENT "A"

Section 2.01.030(4) is amended to read:

Each of these designated emergency ambulance providers are also the only authorized non-emergency ambulance service providers.

Section 2.01.080 is amended to read:

Effective July 1, 1994, no person shall provide emergency ambulance service in Curry County, Oregon unless such person is franchised in accordance with the applicable provisions of this ordinance. Effective June 17, 2014, this section is also applicable to all non-emergency ambulance service providers.

Section 2.01.130 is amended to read:

This subsection describes the procedure for processing an informal request for a franchise renewal. This is an alternative method available (instead of subsection 3 above) for applying for a franchise renewal. A franchise may apply on a written form provided by the county for a renewal by the end of the third year of an original five-year franchise. Following receipt of the application, the ASA Committee may recommend a franchise renewal. The Board has the discretion to renew the current franchise agreement for an additional five-year term without invoking the RFP process so long as the present franchise is in compliance with the criteria described in this ordinance and the franchise agreement under this section, three consecutive renewals (may be allowed following each term of a franchise that is awarded under subsection 4 above).

Section 2.01.180(2) is amended to read:

The provision of emergency or non-emergency ambulance services by any person in violation of this ordinance, or regulation promulgated thereunder, is a nuisance and the Court may, in addition to other remedies provided by law or by this ordinance, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such ambulance service.

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

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

RESOLUTION

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

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

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

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

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

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

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

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

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

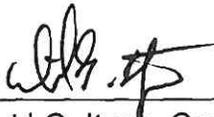
BOARD OF CURRY COUNTY COMMISSIONERS



David Brock Smith, Chair

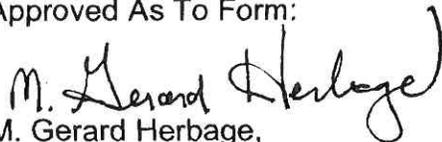


Susan Brown, Vice-Chair



David G. Itzen, Commissioner

Approved As To Form:



M. Gerard Herbage,  
Curry County Legal Counsel

## Chapter 244 — Government Ethics

### 2013 EDITION GOVERNMENT ETHICS

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#### GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or

(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

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

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

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

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

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

(b) "Gift" does not mean:

(A) Contributions as defined in ORS 260.005.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) "Relative" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

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

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

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

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

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

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

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

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

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

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

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

(3) This section does not prohibit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) This subsection does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## REPORTING

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

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

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

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

(d) The Deputy Attorney General.

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

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

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

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

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

(q) The following officers of the State Treasurer:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The Deputy Attorney General.

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

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

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans' Affairs.

(U) Executive director of Oregon Government Ethics Commission.

(V) Director of the State Department of Energy.

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

- (Q) Board of Commissioners of the Port of Portland.
- (R) Employment Relations Board.
- (S) Public Employees Retirement Board.
- (T) Oregon Racing Commission.
- (U) Oregon Transportation Commission.
- (V) Water Resources Commission.
- (W) Workers' Compensation Board.
- (X) Oregon Facilities Authority.
- (Y) Oregon State Lottery Commission.
- (Z) Pacific Northwest Electric Power and Conservation Planning Council.

- (AA) Columbia River Gorge Commission.
- (BB) Oregon Health and Science University Board of Directors.
- (CC) Capitol Planning Commission.
- (DD) Higher Education Coordinating Commission.
- (EE) Oregon Growth Board.

(q) The following officers of the State Treasurer:

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

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

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

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

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

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

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

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

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

(a) Directors of the Cash Management Division and the Debt Management Division.

(b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and mortgage real estate investment officers and assistant investment officers.

(c) Fixed income and short term fund investment analysts.

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

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

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

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

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

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

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

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

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

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

(5) All expenses with an aggregate value exceeding \$50 received by the public official during the preceding calendar year when participating in a convention, mission, trip or other meeting described in ORS 244.020 (6)(b)(F), including the name and address of the organization, unit of government, tribe or corporation paying the expenses, the nature of the event and the date and amount of the expense.

(6) All expenses with an aggregate value exceeding \$50 received by the public official during the preceding calendar year when participating in a mission, negotiations or economic development activities described in ORS 244.020 (6)(b)(H), including the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

(7) All honoraria and other items allowed under ORS 244.042 with a value exceeding \$15 that are received by the public official, candidate or member of the household of the public official or candidate during the preceding calendar year, the provider of each honorarium or item and the date and time of the event for which the honorarium or item was received.

(8) The name, principal address and brief description of each source of income exceeding an aggregate amount of \$1,000, whether or not taxable, received by the public official or candidate, or a member of the household of the public official or candidate, during the preceding calendar year, if the source of that income is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority. [1974 c.72 §5; 1975 c.543 §4; 1987 c.566 §11; 1991 c.770 §7; 1993 c.743 §12; 2003 c.14 §116; 2007 c.877 §19; 2009 c.68 §6]

**244.070 Additional statement of economic interest.** A public official or candidate shall report the following additional economic interest for the preceding calendar year only if the source of that interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority:

(1) Each person to whom the public official or candidate or a member of the household of the public official or candidate owes or has owed money in excess of \$1,000, the interest rate on money owed and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(2) The name, principal address and brief description of the nature of each business in which the public official or candidate or a member of the household of the public official or candidate has or has had a personal, beneficial interest or investment, including stocks or other securities, in excess of \$1,000, except for individual items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

(3) Each person for whom the public official or candidate has performed services for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 c.72 §6; 1975 c.543 §5; 1987 c.566 §12; 2007 c.877 §20; 2009 c.68 §7]

**244.080** [Subsection (1) enacted as 1974 c.72 §8; subsection (2) enacted as 1975 c.543 §7(1); 1977 c.588 §4; 1987 c.566 §13; repealed by 2007 c.865 §41]

**244.090 Report on association with compensated lobbyist.** (1) Each public official or candidate required to file a statement of economic interest under this chapter shall include on the statement the name of any compensated lobbyist who, during the preceding calendar year, was associated with a business with which the public official or candidate or a member of the household of the public official or candidate was also associated.

(2) Subsection (1) of this section does not apply if the only relationship between the public official or candidate and the lobbyist is that the public official or candidate and lobbyist hold stock in the same publicly traded corporation.

(3) As used in this section, "lobbyist" has the meaning given that term in ORS 171.725. [1974 c.72 §7; 1975 c.543 §6; 1987 c.566 §14; 2007 c.865 §32]

**244.100 Statements of expenses or honoraria provided to public official.** (1) Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020 (6)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

(2) Any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received. [1975 c.543 §11; 1991 c.677 §1; 2007 c.865 §6; 2007 c.877 §21a; 2009 c.68 §8]

**244.105** [2007 c.877 §23; 2009 c.68 §9; renumbered 244.218 in 2009]

**244.110 Statements subject to penalty for false swearing.** (1) Each statement of economic interest required to be filed under ORS 244.050, 244.060, 244.070 or 244.090, or by rule under ORS 244.290, and each trading statement required to be filed under ORS 244.055 shall be signed and certified as true by the person required to file it and shall contain a written declaration that the statement is made under the penalties of false swearing.

(2) A person may not sign and certify a statement under subsection (1) of this section if the person knows that the statement contains information that is false.

(3) Violation of subsection (2) of this section is punishable as false swearing under ORS 162.075. [1974 c.72 §22; 1977 c.588 §5; 2007 c.865 §7; 2009 c.68 §10]

**244.115 Filing required for member of Congress or candidate; filing date.** (1) Each member of Congress from this state and each candidate for nomination or election to the office of United States Representative in Congress or United States Senator from this state shall file with the Oregon Government Ethics Commission a copy of the federal ethics filing required under federal law or by congressional rule.

(2) The member or candidate shall file the information required under subsection (1) of this section not later than 30 days after the filing date required under federal law or congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies of the filing and indicate on the filing that the filing was not made with the commission by the member or candidate.

(3) All filings made under this section are public records available for public inspection. [1991 c.160 §7; 2007 c.865 §33]

## CONFLICTS OF INTEREST

**244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.** (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

**244.130 Recording of notice of conflict; effect of failure to disclose conflict.** (1) When a public official gives notice of an actual or potential conflict of interest, the public body as defined in ORS 174.109 that the public official serves shall record the actual or potential conflict in the official records of the public body. In addition, a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided to the Oregon Government Ethics Commission within a reasonable period of time.

(2) A decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [1974 c.72 §11; 1975 c.543 §8; 1993 c.743 §16; 2007 c.865 §9]

**244.135 Method of handling conflicts by planning commission members.** (1) A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

(a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

(b) Any business in which the member is then serving or has served within the previous two years; or

(c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]

## APPLICATION OF CHAPTER

**244.160 Filing of statement of economic interest by public official of political subdivision other than city or county.** (1) Any political subdivision in this state, other than a city or county, by resolution may require any public official of the subdivision to file a verified statement of economic interest with the Oregon Government Ethics Commission.

(2) The political subdivision shall file a copy of the resolution with the commission. [1974 c.72 §9; 2007 c.865 §34]

**244.162 Information provided to persons required to file statement of economic interest.** (1) A person designated by a public body as defined in ORS 174.109 shall provide information explaining the requirements of ORS 244.050, 244.060, 244.070 and 244.090 to each newly elected or appointed public official serving the public body who is required to file a verified statement of economic interest under ORS 244.050. The information must be received by the public official either at the first meeting attended by the public official or before the public official takes the oath of office, whichever occurs first.

(2) At the time of fulfilling duties under subsection (1) of this section, the person designated by the public body shall provide to each newly elected or appointed public official serving the public body a copy of the statements and explanation provided to the public body under subsection (3) of this section.

(3) The Oregon Government Ethics Commission shall provide copies of the statements described in ORS 244.060, 244.070 and 244.090 and an explanation of the requirements of the law relating to the statements to each public body that is served by a public official who is required to file a statement described in ORS 244.060, 244.070 or 244.090.

(4) A newly elected or appointed public official serving a public body who is not informed of the filing requirements under ORS 244.050, 244.060, 244.070 and 244.090 and provided with a copy of the statements and explanation as required under this section before attending the first meeting or taking the oath of office may resign that office within 90 days thereafter or before the next date specified in ORS 244.050 for the filing of a statement, whichever is later, without filing a verified statement of economic interest and without incurring a sanction or penalty that might otherwise be imposed for not filing. [Formerly 244.195]

**244.165 Rules or policies of state agency or association of public bodies; commission approval; effect.** (1) For the purpose of protecting against violations of the provisions of this chapter, a state agency, as defined in ORS 183.750, or a statewide association of public bodies, as defined in ORS 174.109, may adopt rules or policies interpreting the provisions of this chapter. The rules or policies must be consistent with the provisions of this chapter. A state agency or a statewide association of public bodies may submit rules or policies adopted under this subsection to the Oregon Government Ethics Commission for review.

(2) Upon receiving rules or policies submitted under subsection (1) of this section, the commission shall review the rules and policies to determine whether the rules and policies are consistent with the provisions of this chapter. The commission, by a vote of a majority of the members of the commission, shall approve or reject the rules or policies. The commission shall notify the state agency or statewide association of public bodies in writing of the commission's approval or rejection. A written notice of rejection shall explain the reasons for the rejection.

(3) Unless the applicable rule or policy is amended or repealed by the state agency or the statewide association of public bodies, the commission may not impose a penalty under ORS 244.350 or 244.360 on a public official for any good faith action the official takes in compliance with a rule or policy that was adopted by the state agency that the official serves, or by a statewide association of which the public body that the official serves is a member, and approved by the commission under subsection (2) of this section. [2007 c.865 §5; 2007 c.877 §39b]

**244.170** [1975 c.216 §1a; repealed by 2003 c.14 §117]

## NEPOTISM

**244.175 Definitions for ORS 244.177 and 244.179.** As used in ORS 244.177 and 244.179:

(1) "Governing body" has the meaning given that term in ORS 192.610.

(2) "Public body" has the meaning given that term in ORS 174.109. [2007 c.865 §26b; 2009 c.689 §3; 2013 c.42 §2]

**244.177 Employment of relative or member of household; exceptions.** (1) Except as provided in subsections (2) to (4) of this section:

(a) A public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of this chapter.

(b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, "participate" does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.

(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the public body that the public official serves or over which the public official exercises jurisdiction or control.

(b) Paragraph (a) of this subsection does not apply to the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household to a position as an unpaid member of a governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) This section does not prohibit a public body from appointing, employing, promoting, discharging, firing or demoting a person who is a relative or member of the household of a public official serving the public body. [2007 c.865 §26c]

**244.179 Supervision of relative or member of household; exceptions.** (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) to (4) of this section, a public official acting in an official capacity may not directly supervise a person who is a relative or member of the household.

(2) A member of the Legislative Assembly may directly supervise a person who:

(a) Is a relative or member of the household; and

(b) Serves as a public official in a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official acting in an official capacity may directly supervise a person who is a relative or member of the household if the person serves as an unpaid volunteer.

(b) Paragraph (a) of this subsection does not apply to service by a person in a position as an unpaid member of a governing body that a public official of whom the person is a relative or member of the household serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household serving as an unpaid volunteer described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) A public body may adopt policies specifying when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household. [2007 c.865 §26d]

**244.180** [1975 c.216 §2; 1987 c.566 §16; 2005 c.22 §186; repealed by 2007 c.865 §41]

**244.190** [1975 c.216 §3; 1987 c.566 §17; 2005 c.22 §187; repealed by 2007 c.865 §41]

**244.195** [1979 c.332 §2; 2007 c.865 §10; renumbered 244.162 in 2007]

**244.200** [1975 c.216 §5; repealed by 1983 c.350 §62 (244.201 enacted in lieu of 244.200 and 244.210)]

**244.201** [1983 c.350 §63 (enacted in lieu of 244.200 and 244.210); 1995 c.712 §95; repealed by 2007 c.865 §41]

## LEGAL EXPENSE TRUST FUND

**244.205 Legal expense trust fund; establishment; eligible legal expenses.** (1) Subject to the authorization of the Oregon Government Ethics Commission as described in ORS 244.209, a public official may establish a legal expense trust fund if the public official incurs or reasonably expects to incur legal expenses described in subsection (2) of this section.

(2) Proceeds from the trust fund may be used by the public official to defray legal expenses incurred by the public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. The legal expenses must be incurred in connection with:

(a) The issuance of a court's stalking protective order under ORS 30.866 or 163.738;

(b) The issuance of a citation under ORS 163.735;

(c) A criminal prosecution under ORS 163.732;

(d) A civil action under ORS 30.866; or

(e) Defending the public official in a proceeding or investigation brought or maintained by a public body as defined in ORS 174.109.

(3) Except as provided in subsection (2) of this section, a public official may not use proceeds from the trust fund for any personal use.

(4) A public official may not establish or maintain more than one legal expense trust fund at any one time.

(5) The provisions of ORS chapter 130 do not apply to a trust fund established under ORS 244.205 to 244.221. [2007 c.877 §29; 2009 c.505 §1]

**244.207 Use of fund proceeds.** (1) The proceeds of a legal expense trust fund may be used to:

(a) Defray legal expenses described in ORS 244.205;

(b) Defray costs reasonably incurred in administering the trust fund, including but not limited to costs incident to the solicitation of funds; and

(c) Discharge any tax liabilities incurred as a result of the creation, operation or administration of the trust fund.

(2) The proceeds of a trust fund may also be used to defray or discharge expenses, costs or liabilities incurred before the fund was established if the expenses, costs or liabilities are related to the legal proceeding for which the fund was established. [2007 c.877 §30]

**244.209 Application to establish fund; commission review and authorization.** (1) A public official may apply to establish a legal expense trust fund by filing an application with the Oregon Government Ethics Commission. The application must contain:

(a) A copy of an executed trust agreement described in subsection (2) of this section;

(b) A sworn affidavit described in subsection (3) of this section signed by the public official; and

(c) A sworn affidavit described in subsection (4) of this section signed by the trustee.

(2) The trust agreement must contain the following:

(a) A provision incorporating by reference the provisions of ORS 244.205 to 244.221; and

(b) A designation of a trustee under ORS 244.211.

(3) The affidavit of the public official must state:

(a) The nature of the legal proceeding that requires establishment of the trust fund;

(b) That the public official will comply with the provisions of ORS 244.205 to 244.221; and

(c) That the public official is responsible for the proper administration of the trust fund.

(4) The affidavit of the trustee must state that the trustee:

(a) Has read and understands ORS 244.205 to 244.221; and

(b) Consents to administer the trust fund in compliance with ORS 244.205 to 244.221.

(5) Upon receiving an application under this section, the commission shall review the trust agreement, the affidavits and any supporting documents or instruments filed to determine whether the application meets the requirements of ORS 244.205 to 244.221. If the commission determines that the application meets the requirements of ORS 244.205 to 244.221, the commission shall grant written authorization to the public official to establish the trust fund.

(6) The commission shall review the quarterly statements required under ORS 244.217 and shall monitor the activities of each trust fund to ensure continued compliance with ORS 244.205 to 244.221.

(7) Unless subject to the attorney-client privilege, all documents required to be filed relating to the creation and administration of a trust fund are public records subject to disclosure as provided in ORS 192.410 to 192.505.

(8) A public official may not establish a legal expense trust fund without receiving prior written authorization of the commission as described in this section.

(9) A public official may file an amendment to a trust agreement approved as part of a trust fund under this section. The commission shall approve the amendment if the commission determines the amendment meets the requirements of ORS 244.205 to 244.221. [2007 c.877 §31; 2009 c.505 §3]

**244.210** [1975 c.216 §4; repealed by 1983 c.350 §62 (244.201 enacted in lieu of 244.200 and 244.210)]

**244.211 Duties of trustee.** (1) The trustee of a legal expense trust fund is responsible for:

- (a) The receipt and deposit of contributions to the trust fund;
- (b) The authorization of expenditures and disbursements from the trust fund;
- (c) The filing of quarterly statements required under ORS 244.217; and
- (d) The performance of other tasks incident to the administration of the trust fund.

(2) The public official who establishes the trust fund may either serve as the public official's own trustee or may appoint and certify to the Oregon Government Ethics Commission the name and address of a trustee. Any default or violation by the trustee shall be conclusively considered a default or violation by the public official. [2007 c.877 §32; 2009 c.505 §2]

**244.213 Contributions to fund.** (1) Except as provided in subsection (3) of this section, any person may contribute to a legal expense trust fund established under ORS 244.205 to 244.221.

(2) A person may make contributions of moneys to a legal expense trust fund in unlimited amounts. Pro bono legal assistance and other in-kind assistance may also be provided without limit and is considered a contribution subject to the reporting requirements of ORS 244.217.

(3) A political committee as defined in ORS 260.005 that is a principal campaign committee may not contribute to a legal expense trust fund. [2007 c.877 §33]

**244.215 Fund account.** (1) A trustee of a legal expense trust fund shall establish a single exclusive account in a financial institution, as defined in ORS 706.008. The financial institution must be located in this state and must ordinarily conduct business with the general public in this state.

(2) The trustee shall maintain the account in the name of the trust fund.

(3) All expenditures made by the trustee shall be drawn from the account and:

- (a) Issued on a check signed by the trustee; or
- (b) Paid using a debit card or other form of electronic transaction.

(4) A contribution received by a trustee shall be deposited into the account not later than seven calendar days after the date the contribution is received. This subsection does not apply to in-kind contributions received.

(5) This section does not prohibit the transfer of any amount deposited in the account into a certificate of deposit, stock fund or other investment instrument.

(6) The account may not include any public or private moneys or any moneys of any other person, other than contributions received by the trustee.

(7) A trustee shall retain a copy of each financial institution account statement from the account described in this section for not less than two years after the date the statement is issued by the financial institution. [2007 c.877 §34]

**244.217 Statement of contributions received and expenditures made.** (1) The trustee of a legal expense trust fund shall, according to the schedule described in subsection (3) of this section, file with the Oregon Government Ethics Commission a statement for the applicable reporting period showing contributions received by the trustee and expenditures made from the trust fund account established under ORS 244.215.

(2) Each statement shall list:

(a) The name and address of each person who contributed an aggregate amount of more than \$75, and the total amount contributed by that person;

(b) The total amount of contributions not listed under paragraph (a) of this subsection as a single item, but shall specify how those contributions were obtained;

(c) The amount and purpose of each expenditure and the name and address of each payee; and

(d) The name and address of any person contributing pro bono legal assistance and the fair market value of the assistance provided by the person.

(3) Statements required to be filed with the commission under this section shall be filed according to the schedule described in ORS 244.218.

(4) If no contributions are received and no expenditures made during the reporting period, the trustee shall file a statement indicating that no contributions were deposited and no expenditures were made.

(5) The trustee may amend a statement filed under this section without penalty if the amendment is filed with the commission not later than 30 days after the deadline for filing the statement. [2007 c.877 §35]

**244.218 Quarterly filing of statements.** Statements required to be filed with the Oregon Government Ethics Commission under ORS 244.217 shall be filed in each calendar year:

(1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;

(2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;

(3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and

(4) Not later than January 15 of the following calendar year, for the accounting period beginning October 1 and ending December 31. [Formerly 244.105]

**Note:** 244.218 was added to and made a part of ORS chapter 244 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**244.219 Termination of fund.** (1) A legal expense trust fund established under ORS 244.205 to 244.221 may be terminated by:

(a) The public official who established the trust fund;

(b) Subject to subsection (2) of this section, the terms of the trust agreement; or

(c) The Oregon Government Ethics Commission following a determination by the commission that a violation of any provision of this chapter has occurred in connection with the trust fund.

(2) A trust agreement may provide that a legal expense trust fund is terminated not later than six months following the completion of the legal proceeding for which the fund was established. Upon application of the public official who established the trust fund, the commission may extend the existence of the trust fund to a specified date if the commission determines that the public official has incurred legal expenses that exceed the balance remaining in the fund. If the commission extends the existence of the trust fund, the trust fund terminates on the date the extension expires.

(3) Following termination of a legal expense trust fund, the trustee may not accept contributions to or make expenditures from the fund.

(4) Not later than 30 days after a trust fund is terminated, the trustee of the fund shall file with the commission a final report listing the totals of all contributions made to the fund and all expenditures made from the fund. [2007 c.877 §36]

**244.221 Disposition of moneys in terminated fund; distribution of award of attorney fees, costs or money judgment.** (1) Not later than 30 days after a legal expense trust fund is terminated, the trustee of the fund shall return any moneys remaining in the fund to contributors to the fund on a pro rata basis.

(2) If the legal proceeding for which the trust fund was established results in an award of attorney fees, costs or any other money judgment award to or in favor of the public official, amounts awarded shall be distributed in the following order:

(a) To pay outstanding legal expenses;

(b) To contributors to the trust fund on a pro rata basis; and

(c) To the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code. [2007 c.877 §37]

## COMMISSION

**244.250 Oregon Government Ethics Commission; appointment; term; quorum; compensation; legal counsel.** (1) The Oregon Government Ethics Commission is established, consisting of seven members. The appointment of a member of the commission is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Members shall be appointed in the following manner:

(a) The Governor shall appoint four members from among persons recommended, one each by the leadership of the Democratic and Republican parties in each house of the Legislative Assembly. If a person recommended by the leadership of the Democratic or Republican party is not approved by the Governor, the leadership shall recommend another person.

(b) The Governor shall appoint three members without leadership recommendation. No more than two members appointed under this paragraph may be members of the same major political party.

(2) A person who holds any public office listed in ORS 244.050 (1) except as a member of the commission may not be appointed to the commission. No more than four members may be members of the same political party.

(3) The term of office of a member is four years. A member is not eligible to be appointed to more than one full term but may serve out an unexpired term. Vacancies shall be filled by the appointing authority for the unexpired term.

(4) The commission shall elect a chairperson and vice chairperson for such terms and duties as the commission may require.

(5) A quorum consists of four members but a final decision may not be made without an affirmative vote of a majority of the members appointed to the commission.

(6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

(7) The commission may retain or appoint qualified legal counsel who must be a member of the Oregon State Bar and who is responsible to the commission. The appointment of legal counsel under this subsection may be made only when the commission finds it is inappropriate and contrary to the public interest for the office of the Attorney General to represent concurrently more than one public official or agency in any matter before the commission because the representation:

(a) Would create or tend to create a conflict of interest; and

(b) Is not subject to ORS 180.230 or 180.235.

(8) The Attorney General may not represent before the commission any state public official who is the subject of any complaint or action of the commission at the commission's own instigation. [1974 c.72 §12; 1977 c.588 §6; 1987 c.566 §18; 1991 c.770 §3; 1993 c.743 §17; 2007 c.865 §1]

**244.255 Commission funding; rules.** (1) The Oregon Government Ethics Commission shall estimate in advance the expenses that it will incur during a biennium in carrying out the provisions of ORS 171.725 to 171.785 and 171.992 and this chapter. The commission shall also determine what percentage of the expenses should be borne by the following two groups of public bodies:

(a) Public bodies in state government; and

(b) Local governments, local service districts and special government bodies that are subject to the Municipal Audit Law.

(2) The commission shall charge each public body for the public body's share of the expenses described in subsection (1) of this section for the biennium. The amount to be charged each public body shall be determined as follows:

(a) The commission shall determine the rate to be charged public bodies in state government. The same rate shall be applied to each public body described in this paragraph. To determine the amount of the charge for each public body, the commission shall multiply the rate determined under this paragraph by the number of public officials serving the public body.

(b) The commission shall set the charge for local governments, local service districts and special government bodies that are subject to the Municipal Audit Law so that each local government, local service district or special government body described in this paragraph pays an amount of the total expenses for the group that bears the same proportion to the total expenses that the amount charged to the local government, local service district or special government body for the municipal audit fee under ORS 297.485 bears to the total amount assessed for the municipal audit fee.

(3) Each public body shall pay to the credit of the commission the charge described in this section as an administrative expense from funds or appropriations available to the public body in the same manner as other claims against the public body are paid.

(4) All moneys received by the commission under this section shall be credited to the Oregon Government Ethics Commission Account established under ORS 244.345.

(5) The commission shall adopt rules specifying the methods for calculating and collecting the rates and charges described in this section.

(6) As used in this section:

(a) "Local government" and "local service district" have the meanings given those terms in ORS 174.116.

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

(c) "Public official," notwithstanding ORS 244.020 (14), means any person who, on the date the commission charges the public body under this section, is serving the public body as an officer or employee.

(d) "Special government body" has the meaning given that term in ORS 174.117.

(e) "State government" has the meaning given that term in ORS 174.111. [2007 c.877 §2; 2009 c.68 §11]

**244.260 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action.** (1)(a) Any person may file with the Oregon Government Ethics Commission a signed written complaint alleging that there has been a violation of any provision of this chapter or of any rule adopted by the commission under this chapter. The complaint shall state the person's reason for believing that a violation occurred and include any evidence relating to the alleged violation.

(b) If at any time the commission has reason to believe that there has been a violation of a provision of this chapter or of a rule adopted by the commission under this chapter, the commission may proceed under this section on its own motion as if the commission had received a complaint.

(2)(a) Not later than two business days after receiving a complaint under this section, the commission shall notify the person who is the subject of the complaint.

(b) Before approving a motion to proceed under this section without a complaint, the commission shall provide notice to the person believed to have committed the violation of the time and place of the meeting at which the motion will be discussed. If the commission decides to proceed on its own motion, the commission shall give notice to the person not later than two business days after the motion is approved.

(c) The commission shall give notice of the complaint or motion under paragraph (a) or (b) of this subsection by mail and by telephone if the person can be reached by telephone. The notice must describe the nature of the alleged violation. The mailed notice must include copies of all materials submitted with a complaint. If the commission will consider a motion to proceed without a complaint, the notice must provide copies of all materials that the commission will consider at the hearing on the motion.

(d) Information that the commission considers before approving a motion to proceed on its own motion under this section and any correspondence regarding the motion or potential violation is confidential. Commission members and staff may not make any public comment or publicly disclose any materials relating to the motion pending the commission's approval to proceed. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(3) After receiving a complaint or deciding to proceed on its own motion, the commission shall undertake action in the Preliminary Review Phase to determine whether there is cause to undertake an investigation. If the person who is the subject of the action is a member of the Legislative Assembly, the commission shall determine whether the alleged violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

(4)(a) The Preliminary Review Phase begins on the date the complaint is filed or the date the commission decides to proceed on its own motion and ends on the date the commission determines there is cause to undertake an investigation, dismisses the complaint or rescinds its own motion. The Preliminary Review Phase may not exceed 135 days unless:

(A) A delay is stipulated to by both the person who is the subject of action under this section and the commission with the commission reserving a portion of the delay period to complete its actions; or

(B) A complaint is filed under this section with respect to a person who is a candidate for elective public office, the complaint is filed within 61 days before the date of an election at which the person is a candidate for nomination or election and a delay is requested in writing by the candidate. If the candidate makes a request under this subparagraph, the Preliminary Review Phase must be completed not later than 135 days after the date of the first meeting of the commission that is held after the date of the election.

(b) During the Preliminary Review Phase, the commission may seek, solicit or otherwise obtain any books, papers, records, memoranda or other additional information, administer oaths and take depositions necessary to determine whether there is cause to undertake an investigation or whether the alleged violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

(c) The Preliminary Review Phase is confidential. Commission members and staff may acknowledge receipt of a complaint but may not make any public comment or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person

aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(d) At the conclusion of the Preliminary Review Phase, the commission shall conduct its deliberations in executive session. All case related materials and proceedings shall be open to the public after the commission makes a finding of cause to undertake an investigation, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review Phase, the executive director of the commission shall prepare a statement of the facts determined during the phase, including appropriate legal citations and relevant authorities. Before presentation to the commission, the executive director's statement shall be reviewed by legal counsel to the commission.

(e) The time limit imposed in this subsection and the commission's inquiry are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its inquiry.

(5)(a) If the commission determines that there is not cause to undertake an investigation or that the alleged violation of this chapter involves conduct protected by section 9, Article IV of the Oregon Constitution, the commission shall dismiss the complaint or rescind its motion and formally enter the dismissal or rescission in its records. The commission shall notify the person who is the subject of action under this section of the dismissal or rescission. After dismissal or rescission, the commission may not take further action involving the person unless a new and different complaint is filed or action on the commission's own motion is undertaken based on different conduct.

(b) If the commission makes a finding of cause to undertake an investigation, the commission shall undertake action in the Investigatory Phase. The commission shall notify the person who is the subject of the investigation, identify the issues to be examined and confine the investigation to those issues. If the commission finds reason to expand the investigation, the commission shall move to do so, record in its minutes the issues to be examined before expanding the scope of its investigation and formally notify the complainant, if any, and the person who is the subject of the investigation of the expansion and the scope of the investigation.

(6)(a) The Investigatory Phase begins on the date the commission makes a finding of cause to undertake an investigation and ends on the date the commission dismisses the complaint, rescinds its own motion, issues a settlement order, moves to commence a contested case proceeding or takes other action justified by the findings. The Investigatory Phase may not exceed 180 days unless a delay is stipulated to by both the person who is the subject of action under this section and the commission with the commission reserving a portion of the delay period to complete its actions.

(b) During the Investigatory Phase, the commission may seek any additional information, administer oaths, take depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to complete the investigation. If any person fails to comply with any subpoena issued under this paragraph or refuses to testify on any matters on which the person may be lawfully interrogated, the commission shall follow the procedure described in ORS 183.440 to compel compliance.

(c) The time limit imposed in this subsection and the commission's investigation are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its investigation.

(d) At the end of the Investigatory Phase, the commission shall take action by order. The action may include:

(A) Dismissal, with or without comment;

(B) Continuation of the investigation for a period not to exceed 30 days for the purpose of additional fact-finding;

(C) Moving to a contested case proceeding;

(D) Entering into a negotiated settlement; or

(E) Taking other appropriate action if justified by the findings.

(e) The commission may move to a contested case proceeding if the commission determines that the information presented to the commission is sufficient to make a preliminary finding of a violation of any provision of this chapter or of any rule adopted by the commission under this chapter.

(7) A person conducting any inquiry or investigation under this section shall:

(a) Conduct the inquiry or investigation in an impartial and objective manner; and

(b) Provide to the commission all favorable and unfavorable information the person collects.

(8) The commission shall report the findings of any inquiry or investigation in an impartial manner. The commission shall report both favorable and unfavorable findings and shall make the findings available to:

- (a) The person who is the subject of the inquiry or investigation;
- (b) The appointing authority, if any;
- (c) The Attorney General, if the findings relate to a state public official;
- (d) The appropriate district attorney, if the findings relate to a local public official; and
- (e) The Commission on Judicial Fitness and Disability, if the findings relate to a judge.

(9) Hearings conducted under this chapter must be held before an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The procedure shall be that for a contested case under ORS chapter 183.

(10) The Oregon Government Ethics Commission may not inquire into or investigate any conduct that occurred more than four years before a complaint is filed or a motion is approved under subsection (1) of this section.

(11) This section does not prevent the commission and the person alleged to have violated any provision of this chapter or any rule adopted by the commission under this chapter from stipulating to a finding of fact concerning the violation and consenting to an appropriate penalty. The commission shall enter an order based on the stipulation and consent.

(12) At any time during proceedings conducted under this section, the commission may enter into a negotiated settlement with the person who is the subject of action under this section.

(13) As used in this section:

(a) "Cause" means that there is a substantial, objective basis for believing that an offense or violation may have been committed and the person who is the subject of an inquiry may have committed the offense or violation.

(b) "Pending" means that a prosecuting attorney is either actively investigating the factual basis of the alleged criminal conduct, is preparing to seek or is seeking an accusatory instrument, has obtained an accusatory instrument and is proceeding to trial or is in trial or in the process of negotiating a plea. [1974 c.72 §13; 1989 c.807 §1; 1991 c.272 §1; 1991 c.770 §1a; 1993 c.743 §18; 1999 c.849 §§51,52; 1999 c.850 §1; 2003 c.75 §30; 2007 c.865 §23; 2009 c.163 §2]

**244.270 Findings as grounds for removal; notice to public bodies.** (1) If the Oregon Government Ethics Commission finds that an appointed public official has violated any provision of this chapter or any rule adopted under this chapter, the finding is prima facie evidence of unfitness where removal is authorized for cause either by law or pursuant to section 6, Article VII (Amended) of the Oregon Constitution.

(2) If the commission finds that a public official has violated any provision of this chapter or any rule adopted under this chapter, the commission shall notify the public body, as defined in ORS 174.109, that the public official serves. The notice shall describe the violation and any action taken by the commission. The commission shall provide the notice not later than 10 business days after the date the commission takes final action against the public official. [1974 c.72 §14; 1977 c.588 §7; 2007 c.865 §11]

**244.280 Commission advisory opinions; effect of reliance on opinion.** (1) Upon the written request of any person, or upon its own motion, the Oregon Government Ethics Commission, under signature of the chairperson, may issue and publish written commission advisory opinions on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance. A commission advisory opinion, and a decision by the commission to issue an advisory opinion on its own motion, must be approved by a majority of the members of the commission. Legal counsel to the commission shall review a proposed commission advisory opinion before the opinion is considered by the commission.

(2) Not later than 60 days after the date the commission receives the written request for a commission advisory opinion, the commission shall issue either the opinion or a written denial of the request. The written denial shall explain the reasons for the denial. The commission may ask the person requesting the advisory opinion to supply additional information the commission considers necessary to render the opinion. The commission, by vote of a majority of the members of the commission, may extend the 60-day deadline by one period not to exceed 60 days.

(3) Except as provided in this subsection, unless the commission advisory opinion is revised or revoked, the commission may not impose a penalty under ORS 244.350 or 244.360 on a person for any good faith action the person takes in reliance on an advisory opinion issued under this section. The commission may impose a penalty under ORS 244.350 or 244.360 on the person who requested the advisory opinion if the commission determines that the person omitted or misstated material facts in making the request. [1974 c.72 §15; 1975 c.543 §9; 1977 c.588 §8; 1987 c.566 §19; 1991 c.272 §2; 1993 c.743 §13; 2007 c.865 §12; 2007 c.877 §25a]

**244.282 Executive director and staff advisory opinions; effect of reliance on opinion.** (1) Upon the written request of any person, the executive director of the Oregon Government Ethics Commission may issue and publish written staff advisory opinions on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance.

(2) Not later than 30 days after the date the executive director receives the written request for a staff advisory opinion, the executive director shall issue either the opinion or a written denial of the request. The written denial shall explain the reasons for the denial. The executive director may ask the person requesting the advisory opinion to supply additional information the executive director considers necessary to render the opinion. The executive director may extend the 30-day deadline by one period not to exceed 30 days. The executive director shall clearly designate an opinion issued under this section as a staff advisory opinion.

(3)(a) Except as provided in paragraph (b) of this subsection, unless the staff advisory opinion is revised or revoked, the commission may only issue a written letter of reprimand, explanation or education for any good faith action a person takes in reliance on a staff advisory opinion issued under this section.

(b) The commission may impose, for an action that is subject to a penalty and that is taken in reliance on a staff advisory opinion issued under this section, a penalty under ORS 244.350 or 244.360 on the person who requested the opinion if the commission determines that the person omitted or misstated material facts in making the request.

(4) At each regular meeting of the commission, the executive director shall report to the commission on all staff advisory opinions issued since the last regular meeting of the commission. The commission on its own motion may issue a commission advisory opinion under ORS 244.280 on the same facts or circumstances that form the basis for any staff advisory opinion. [2007 c.865 §14; 2007 c.877 §39c; 2009 c.68 §12]

**244.284 Staff advice; effect of reliance on advice.** (1) Upon the written or oral request of any person, the executive director or other staff of the Oregon Government Ethics Commission may issue written or oral staff advice on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance. Any written advice not designated as a staff advisory opinion under ORS 244.282 is considered staff advice issued under this section.

(2) Before imposing any penalty under ORS 244.350 or 244.360, the commission may consider whether the action that may be subject to penalty was taken in reliance on staff advice issued under this section. [2007 c.865 §15; 2007 c.877 §39d]

**244.290 General duties of commission; rules.** (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Make advisory opinions issued by the commission or the executive director of the commission available to the public at no charge on the Internet.

(e) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(f) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;

(e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of "gift" in ORS 244.020;

(g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and

(h) Set criteria for determining the amount of civil penalties that the commission may impose.

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of "potential conflict of interest" under ORS 244.020;

(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;

(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.

(4) Not less frequently than once each calendar year, the commission shall:

(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and

(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

(5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.217 may be filed, without a fee, with the commission in an electronic format. The commission shall accept statements filed under ORS 244.050 and 244.217 in a format that is not electronic.

(6) The commission shall make statements filed under ORS 244.050 and 244.217, including statements that are not filed in an electronic format, available in a searchable format for review by the public using the Internet. [1974 c.72 §17; 1987 c.566 §20; 1993 c.743 §23; 2007 c.865 §3; 2007 c.877 §9c; 2009 c.68 §13]

**Note:** The amendments to 244.290 by section 9d, chapter 877, Oregon Laws 2007, become operative January 1, 2016. See section 9e, chapter 877, Oregon Laws 2007, as amended by section 25, chapter 68, Oregon Laws 2009, section 79, chapter 630, Oregon Laws 2011, and section 5, chapter 722, Oregon Laws 2013. The text that is operative on and after January 1, 2016, including amendments by section 14, chapter 68, Oregon Laws 2009, is set forth for the user's convenience.

**244.290.** (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Make advisory opinions issued by the commission or the executive director of the commission available to the public at no charge on the Internet.

(e) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(f) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;

(e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of "gift" in ORS 244.020;

(g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and

(h) Set criteria for determining the amount of civil penalties that the commission may impose.

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of "potential conflict of interest" under ORS 244.020;

(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;

(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.

(4) Not less frequently than once each calendar year, the commission shall:

(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and

(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

(5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.217 must be filed, without a fee, with the commission in an electronic format.

(6) The commission shall make statements filed under ORS 244.050 and 244.217 available in a searchable format for review by the public using the Internet.

**244.300 Status of records.** (1) Records of the Oregon Government Ethics Commission are public records of this state.

(2) All information submitted to the commission in any statement required under this chapter is a public record. [1974 c.72 §18; 1977 c.588 §9; 2007 c.865 §35]

**244.310 Executive director.** (1) The Oregon Government Ethics Commission shall appoint an executive director to serve at the pleasure of the commission.

(2) The executive director is responsible for the administrative operations of the commission and shall perform such other duties as may be designated or assigned to the executive director from time to time by the commission.

(3) The commission may not delegate the power to adopt rules or issue commission advisory opinions to the executive director. The executive director may issue staff advisory opinions as provided in ORS 244.282. [1974 c.72 §16; 2007 c.865 §16]

**244.320 Manual on government ethics; effect of reliance on manual; revision.** (1) The Oregon Government Ethics Commission shall prepare and publish a manual on government ethics that explains in terms understandable to legislative and public officials and the public the requirements of this chapter and the commission's interpretation of those requirements whether stated by rule or in an opinion. The manual shall set forth recommended uniform reporting methods for use by persons filing statements under this chapter. The manual, and any updates to the manual made under subsection (3) of this section, must be approved by a vote of a majority of the members of the commission.

(2) In preparing the manual, the commission shall consider the format of the manual prepared by the Attorney General to guide public officials and the public in the requirements of ORS chapter 192.

(3) The commission shall update the manual as often as the commission believes necessary but no less frequently than once every four years.

(4) The commission shall make copies of the manual available in an electronic format on the Internet.

(5) The commission may not impose a penalty under ORS 244.350 or 244.360 on a public official or candidate for any good faith action the public official or candidate takes in reliance on the manual, or any update to the manual, approved by the commission under this section. [1991 c.522 §2; 2007 c.865 §36; 2009 c.68 §15]

**244.330 Distribution of manual on government ethics.** The Oregon Government Ethics Commission shall distribute, insofar as is practicable, copies of its ethics manual to every public official. The commission shall seek the assistance of professional associations that represent public officials in its efforts to comply with this section. [1993 c.714 §4]

**Note:** 244.330 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 244 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**244.340 Continuing education program.** The Oregon Government Ethics Commission shall prepare and present a program of continuing education for public officials. The commission may use its own staff or may contract for the preparation or presentation of the program of continuing education. [1993 c.714 §5; 2007 c.865 §37]

**244.345 Oregon Government Ethics Commission Account.** The Oregon Government Ethics Commission Account is established separate and distinct from the General Fund. All moneys received by the Oregon Government Ethics Commission, other than appropriations from the General Fund, shall be deposited into the account and are continuously appropriated to the commission to carry out the duties, functions and powers of the commission. [2001 c.716 §11; 2007 c.865 §40a]

## ENFORCEMENT

**244.350 Civil penalties; letter of reprimand or explanation.** (1) The Oregon Government Ethics Commission may impose civil penalties not to exceed:

(a) Except as provided in paragraph (b) of this subsection, \$5,000 for violation of any provision of this chapter or any resolution adopted under ORS 244.160.

(b) \$25,000 for violation of ORS 244.045.

(2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil penalties not to exceed \$1,000 for violation of any provision of ORS 192.660.

(b) A civil penalty may not be imposed under this subsection if the violation occurred as a result of the governing body of the public body acting upon the advice of the public body's counsel.

(3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708. A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that may be imposed under subsection (1) of this section.

(4)(a) The commission may impose civil penalties on a person who fails to file the statement required under ORS 244.050 or 244.217. In enforcing this subsection, the commission is not required to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050 or 244.217 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 244.050 or 244.217.

(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement is late beyond the date set by law, or by the commission under ORS 244.050, and \$50 for each day thereafter. The maximum penalty that may be imposed under this subsection is \$5,000.

(5) In lieu of or in conjunction with finding a violation of law or any resolution or imposing a civil penalty under this section, the commission may issue a written letter of reprimand, explanation or education. [1974 c.72 §19; 1977 c.588 §10; 1987 c.360 §3; 1993 c.743 §29; 1993 c.747 §2; 1997 c.750 §2; 2005 c.179 §3; 2007 c.865 §18; 2007 c.877 §11a; 2009 c.68 §16; 2009 c.689 §4]

**244.355 Failure to file trading statement.** A person who intentionally fails to file a complete and accurate statement under ORS 244.055 commits a Class C felony. [2007 c.865 §31]

**244.360 Additional civil penalty equal to twice amount of financial benefit.** In addition to civil penalties imposed under ORS 244.350, if a public official has financially benefited the public official or any other person by violating any provision of this chapter, the Oregon Government Ethics Commission may impose upon the public official a civil penalty in an amount equal to twice the amount the public official or other person realized as a result of the violation. [1974 c.72 §20; 1987 c.566 §21; 2007 c.865 §19; 2007 c.877 §12a]

**244.370 Civil penalty procedure; disposition of penalties.** (1) Any civil penalty under ORS 244.350 or 244.360 shall be imposed in the manner prescribed by ORS 183.745.

(2) All penalties recovered under ORS 244.350 and 244.360 shall be paid into the State Treasury and credited to the General Fund. [1974 c.72 §21; 1977 c.588 §11; 1989 c.706 §10; 1991 c.734 §13; 2007 c.865 §25; 2013 c.43 §1]

**244.380** [1974 c.72 §23; 1975 c.543 §12; 1977 c.588 §12; 1987 c.566 §22; 1995 c.607 §69; 2007 c.865 §20; repealed by 2009 c.689 §7]

**244.390 Status of penalties and sanctions; consideration of other penalties imposed.** (1) A penalty or sanction imposed by the Oregon Government Ethics Commission under this chapter is in addition to and not in lieu of any other penalty or sanction that may be imposed according to law.

(2) Before making a finding that there is cause to undertake an investigation under ORS 244.260 and before imposing a civil penalty under ORS 244.350 or 244.360, the commission shall consider the public interest and any other penalty or sanction that has been or may be imposed on the public official as a result of the same conduct that is the subject of action by the commission under ORS 244.260.

(3) Nothing in this chapter is intended to affect:

(a) Any statute requiring disclosure of economic interest by any public official or candidate.

(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or candidate. [1974 c.72 §25; 2007 c.865 §2; 2007 c.877 §39a; 2009 c.68 §23]

**244.400 Attorney fees for person prevailing in contested case.** (1) A person who prevails following a contested case hearing under this chapter or ORS 171.778 shall be awarded reasonable attorney fees at the conclusion of the contested case or on appeal.

(2) Upon prevailing following a contested case hearing or lawsuit, the person may petition the Marion County Circuit Court for the purpose of determining the award of reasonable attorney fees. The Oregon Government Ethics Commission shall be named as a respondent in the petition. The petitioner and respondent shall follow the procedure provided in ORCP 68 for the determination of reasonable attorney fees. The court shall give precedence on its docket to petitions filed under this subsection as the circumstances may require.

(3) An appellate court shall award reasonable attorney fees to the person if the person prevails on appeal from any decision of the commission.

(4) Attorney fees to be awarded under this section shall be only those fees incurred by the person from the time the commission notifies the person that it has entered an order to move to a contested case proceeding.

(5) Any attorney fees awarded to the person pursuant to this section shall be paid by the commission from moneys appropriated or allocated to the commission from the General Fund. [1991 c.770 §9; 1993 c.743 §30; 2007 c.865 §26]