

February 29, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
 Clackamas County

Approval of Amendment #1 extending the duration and changing language of a Revenue Intergovernmental Agreement with the Oregon Health Authority for the Environmental Health Services Program. Amendment value is \$7,198,575 over 6 years, agreement value is increased to \$9,598,100 over 8 years. Funding is through licensing fees. No County General Funds are involved.

Previous Board Action/Review	Approved by the Board of County Commissioners on September 16, 2021 – 20210916 A.1 Amendment # 1: Briefed at issues, February 27, 2024		
Performance Clackamas	Ensure Healthy, Safe, and Secure Communities – Code Enforcement		
Counsel Review	Yes	Procurement Review	No
Contact Person	Philip Mason-Joyner	Contact Phone	503-742-5956

EXECUTIVE SUMMARY: The Clackamas County Public Health Division (CCPHD) of the Health, Housing & Human Services Department requests the approval of Amendment #1 to Revenue Agreement #170698 with the State of Oregon, Oregon Health Authority for Foodborne Illness Prevention Program.

The Intergovernmental Agreement for Environmental Health Services delegates the responsibilities of licensing and regulatory oversight to the Local Public Health Authority (LPHA) for:

- Restaurants
- Mobile Food Units
- Pools, Spas, and Interactive Fountains
- Hotels and Tourist Facilities

This Amendment establishes the duties and responsibilities of Oregon Health Authority (OHA) and the LPHA. Environmental Health Services are one of the core responsibilities of Clackamas County Public Health, and provides technical and scientific expertise to promote public health and prevent disease and injury for Clackamas County residents and visitors. It allows for Clackamas County to establish licensing fees, conduct health inspections, and collect revenue to support the Environmental Health Program.

This Amendment also updates the remittance rates that Clackamas County Public Health Division will provide OHA for this fiscal biennium, July 1, 2023 through June 30, 2025. County LPHA remittance to OHA is required by Oregon Administrative Rule; and funds the software and OHA staff that provide oversight and support to LPHAs statewide.

OHA remittance amounts are pre-determined percentage of licensing revenue and set each biennium. This percentage is paid out of the total revenue collected from the licensing fees.

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Clackamas County's total expense to the state for the biennium is \$152,424 (\$76,212 per fiscal year) the total estimated revenue for the biennium is \$2,399,525 with a net total revenue to the County of \$2,247,101.

RECOMMENDATION: The Staff respectfully recommends the Board of County Commissioners approve Amendment #1 for contract #10292 and authorize Chair Smith to sign on behalf of Clackamas County.

Respectfully submitted,

Rodney A. Cook

Rodney A. Cook
Director of Health, Housing, and Human Services

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Agreement #170698

Clackamas County#10292_01

**FIRST AMENDMENT TO OREGON HEALTH AUTHORITY
INTERGOVERNMENTAL AGREEMENT
FOR ENVIRONMENTAL HEALTH SERVICES**

This First Amendment to Oregon Health Authority Intergovernmental Agreement for the Environmental Health Services, effective July 1, 2021, is between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and Clackamas County, (“LPHA”), each a “Party” and together, the “Parties.”

AMENDMENT

1. This Amendment is effective on June 30, 2023, regardless of the date this amendment has been fully executed with signatures by every Party and when required, approved by the Department of Justice. However, payments may not be disbursed until the Amendment is fully executed.
2. The Agreement is hereby amended as follows:
 - a. Section 3 “Effective Date” is hereby amended to change the expiration date from June 30, 2023 to June 30, 2029.
 - b. Section 8.2 is hereby amended as follows; deleted language is struck through and new language is bold and underlined:
 - 8.2 Not later than thirty (30) days following receipt of an invoice from OHA, remit the following licensing fees to OHA:
 - For the Tourist Facility program, fifteen percent (15%) of the state licensing fee or fifteen percent (15 %) of the county licensing fee, whichever is less, collected by county that quarter, in accordance with ORS 446.425.
 - **For the fiscal biennium beginning July 1, 2021 and ending June 30, 2023** for the Pool/Spa program, in the amount of \$45 for each license issued by the LPHA in that quarter under ORS 448.035 or such other amount agreed upon by the parties;
 - **For the fiscal biennium beginning July 1, 2023 and ending June 30, 2029 for the Pool/Spa program, in the amount of \$90 for each license issued by the LPHA in that quarter under ORS 448.035 or such other amount agreed upon by the parties;**
 - For the restaurant, bed and breakfast facility, commissary, mobile unit and warehouse licensing programs, a predetermined percentage of licensing revenue. For each biennium, this amount is determined by dividing OHA’s food program costs by the total projected statewide licensing revenue. Statewide revenue is calculated using marker fees set forth in ORS 624.490.
 - (Biennial cost of FIPP / Total projected licensing revenue for the biennium for all LPHAs
= Remittance Factor (Represented as a percentage.)) FIPP’s biennial budget includes all program costs (i.e., staffing, fringe, travel, supplies, indirect costs, and statewide licensing software application). For the final invoice of a given fiscal year, LPHA may request an invoice in advance of the actual due date and pay the required licensing fees in advance.

- For the fiscal biennium beginning July 1, 2021 and ending June 30, 2023, the remittance factor is 12.81% of licensing revenue, based on licensing fees in statute. (Biennial cost of FIPP (\$2,328,526)/Total projected statewide licensing revenue for the biennium (\$18,179,220) =12.81%.)
- **For the fiscal bienniums beginning July 1, 2023 and ending June 30, 2029, the remittance factor is 12.22% of licensing revenue, based on licensing fees in statute. (Biennial cost of FIPP (\$1,117,728)/Total projected statewide licensing revenue for the biennium (\$9,147,698) =12.22%.)**

3. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
4. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

5. Signatures.

STATE OF OREGON, ACTING BY AND THROUGH ITS OREGON HEALTH AUTHORITY

Signature: _____

Name: /for/ Andre Ourso

Title: Administrator

Date: _____

CLACKAMAS COUNTY LOCAL PUBLIC HEALTH AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY

Agreement form group-approved by Shannon O’Fallon, Senior Assistant Attorney General, Tax and Finance Section, General Counsel Division, Oregon Department of Justice by email on May 11, 2023, copy of email approval in Agreement file.

REVIEWED BY:

Approved by Erica Van Ess on May 5, 2023, email in Agreement file.

Approved by Gabriela Goldfarb on May 11, 2023, email in Agreement file.