

March 16, 2023

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

**Approval of Amendment # 1, increasing funding, revising the language in Exhibit B, and extending the duration of a Revenue Intergovernmental Agreement with Lane County for the OregonFoodHandlers.com consortium of counties. Amendment is \$195,000 for 2 years. Total agreement value \$375,000. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	Presented at issues 3/14/2023 Original Agreement approved 4/23/2020		
<b>Performance Clackamas</b>	1. Build a Strong Infrastructure		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Philip Mason-Joyner	<b>Contact Phone</b>	503-742-5956

**EXECUTIVE SUMMARY:** The Clackamas County Public Health Division (CCPHD) of the Health, Housing, and Human Services Department requests the approval of a Revenue amendment extension with Lane County for online food handler’s training/testing. The Local Public Health Authority is responsible for ensuring food handler training programs are provided within their jurisdiction. They may provide training themselves through a designated agent or both (per OAR 333-175-0041). The Public Health Division has partnered with Lane County as the designated agent to allow Clackamas County Residents access to an online food handler’s training for Clackamas County Residents. The test was administered by Lane County. Lane County will compensate Clackamas County for 80% of the collected fees for each test administered.

Clackamas County administers in-person testing (at our office in PSB). The average number of in-person cards issued the 3 years before the pandemic was 87 (cards per year), and the average number of cards per year since 2020 is 26.

Online cards issued in the last 3 years:  
**2020** – 5706 cards (issued to Clackamas County residents)  
**2021** – 7763 cards  
**2022** – 8564 cards

The average number of cards for CC residents from the online food handler card training and testing program (provided by Lane County) over the last 3 years = 7344

The Amendment is effective January 1, 2023, and continues through December 31, 2024. This Amendment is retroactive due to late receipt from Lane County.

For Filing Use Only

**RECOMMENDATION:** Staff recommends board approval of Revenue Amendment Extension with Lane County.

Respectfully submitted,

*Rodney A. Cook*

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

**EXHIBIT B -1  
PROGRAM PLAN  
SCOPE OF AGREEMENT**

Each AGENCY will:

- a) By means of an Intergovernmental Agreement with the State of Oregon Health Authority (OHA), be granted the powers duties and functions enumerated in ORS 624.510, providing for the collection of fees related to food handler card issuance.
- b) If necessary, provide local, in-person food handler training program and issue food handler cards to individuals who have successfully completed the in-person food handler training program at each AGENCY's designated location.
- c) Agree to contract only with COUNTY for those services provided for in this Agreement for the duration of this Agreement.
- d) List the Lane Food Handler Card website on each AGENCY's website. Within two (2) weeks of signing this Agreement, provide OHA the most recent link to the Lane Food Handler Card website and request OHA replace each AGENCY's website with the Lane Food Handler Card website link on OHA's list of online food handler issuance websites.
- e) Agree that COUNTY is not liable for interruption of program services or loss of revenue during construction, development or implementation of requested changes to Food Handler Card website.

COUNTY will:

- a) Maintain local public health authority as provided for under ORS 431.413 and, by means of an Intergovernmental Agreement with the State of Oregon Health Authority (OHA), be granted the powers duties and functions enumerated in ORS 624.510, providing for the collection of fees related to food handler card issuance. Provide in-person food handler training and card issuance, if needed
- b) Provide and maintain on-line food handler card training and testing service on a specified website where residents of each AGENCY may train, test and be issued a food handler card valid throughout the State of Oregon for a period of three years. Residents of each AGENCY's County will enter the Lane Food Handler Card website via an online search mechanism or by referring to Agency/State websites.
- c) Provide each AGENCY with support services during normal business hours. If website location changes, COUNTY must provide each AGENCY the new location (url), or re-direction information, with a minimum 30 days' written notice.
- d) Issue food handler card(s) to individuals who have successfully trained and tested via the Lane Food Handler Card website. Food handler cards issued via the Lane Food Handler Card website will include the Lane County Public Health logo and will be valid throughout the State of Oregon for a period of three years from the date of issuance.
- e) Either maintain a Merchant ID account for the Food Handler Card website to permit on-line payment services using Visa or Mastercard or contract with a PCI-compliant, third-party for these services. On-line payment for services will occur at a secure website

via triple-encryption or other secure technology, ensuring PCI compliance. Rates for program services are established pursuant to ORS 624.570(5).

- f) Reimburse each AGENCY a portion of Food Handler Card fees received from those residents of each Agency accessing the Lane Food Handler Card website. Pursuant to ORS 624.570(5), COUNTY retains the right to assess a new program fee each time a participant takes, or retakes, all or part of a program or certification exam, or requests a duplicate certificate of completion. COUNTY will reimburse each AGENCY a portion of all program fees assessed pursuant to ORS 624.570(5). (See Exhibit C for reimbursement rates under this Agreement.)
- g) Agree that each AGENCY and their duly authorized representatives may have access to the books, documents, papers and records of COUNTY which are directly pertinent to this Agreement for the purpose of making audits, examinations, excerpts, copies and transcripts. COUNTY will retain and keep accessible such books, documents, papers, and records for the period of time required by state law.
- h) Allocate each AGENCY a portion of the food handler fees on a quarterly basis, unless the value of those fees is less than \$500. In the case the funds to be allocated in a given quarter are less than \$500, COUNTY may elect to allocate payment twice annually. In this case, COUNTY will notify each AGENCY of the amount generated and to be held until the following quarter.
- i) Provide annual reporting of the number of transactions completed on each AGENCY's behalf to the Oregon Health Authority.
- j) County provides notice that it may offer discretionary items for sale on the site, via a separate Merchant ID. Revenue from these non-mandated items (for example certificates) will not be subject to any revenue-sharing foreseen under this Agreement.

Dated: 12/6/2022

## Amendment # 1

WHEREAS, Lane County, hereinafter referred to as COUNTY, a political subdivision of the State of Oregon, and CLACKAMAS COUNTY, hereinafter referred to as AGENCY, have agreed that it is in the mutual interest of both parties to amend the Intergovernmental Agreement dated February 01, 2020 for AGENCY'S Shared Use Agreement - Foodhandlers project.

The purpose of this change is to extend the Agreement, revise Exhibit B and provide revenue sharing for the period of the extension

Now, therefore, the parties agree that the Intergovernmental Agreement should be amended as follows:

- 1 The Agreement is extended through December 31, 2024.
- 2 Anticipated revenue-sharing in the amount of \$195,000 is added to the Agreement for the period of the extension, January 1, 2023 through December 31, 2024.
- 3 Exhibit B-1, dated December 6, 2022, which is included by reference as if incorporated herein, replaces Exhibit B, effective January 1, 2023.

FY 19/20 Paid by LANE COUNTY 1 Of 6							
Service Description	Funding Period	Funding Source	Previous Amount	This Amendment	New Total	Service Units	Account (Grant) (Program)
revenue-shared foodhandler receipts	01/01/20 - 06/30/20	FOODHANDLER PERMITS	\$35,000.00	\$0.00	\$35,000.00	6	512201-286-3427810
<b>Total:</b>			\$35,000.00	\$0.00	\$35,000.00		
FY 20/21 Paid by LANE COUNTY 2 Of 6							
Service Description	Funding Period	Funding Source	Previous Amount	This Amendment	New Total	Service Units	Account (Grant) (Program)
revenue-shared foodhandler receipts	07/01/20 - 06/30/21	FOODHANDLER PERMITS	\$70,000.00	\$0.00	\$70,000.00	12	512201-286-3427810
<b>Total:</b>			\$70,000.00	\$0.00	\$70,000.00		
FY 21/22 Paid by LANE COUNTY 3 Of 6							
Service Description	Funding Period	Funding Source	Previous Amount	This Amendment	New Total	Service Units	Account (Grant) (Program)
revenue-shared foodhandler receipts	07/01/21 - 06/30/22	FOODHANDLER PERMITS	\$75,000.00	\$0.00	\$75,000.00	12	512201-286-3427810
<b>Total:</b>			\$75,000.00	\$0.00	\$75,000.00		
FY 22/23 Paid by LANE COUNTY 4 Of 6							
Service Description	Funding Period	Funding Source	Previous Amount	This Amendment	New Total	Service Units	Account (Grant) (Program)
revenue-shared foodhandler receipts	07/01/22 - 12/31/22	FOODHANDLER PERMITS	\$40,000.00	\$0.00	\$40,000.00	6	512201-286-3427810
revenue-shared foodhandler receipts	01/01/23 - 06/30/23	FOODHANDLER PERMITS	\$0.00	\$45,000.00	\$45,000.00	6	512201-286-3427810
<b>Total:</b>			\$40,000.00	\$45,000.00	\$85,000.00		

FY 23/24 Paid by LANE COUNTY 5 Of 6							
Service Description	Funding Period	Funding Source	Previous Amount	This Amendment	New Total	Service Units	Account (Grant) (Program)
revenue-shared foodhandler receipts	07/01/23 - 06/30/24	FOODHANDLER PERMITS	\$0.00	\$85,000.00	\$85,000.00	12	512201-286-3427810
<b>Total:</b>			\$0.00	\$85,000.00	\$85,000.00		
FY 24/25 Paid by LANE COUNTY 6 Of 6							
Service Description	Funding Period	Funding Source	Previous Amount	This Amendment	New Total	Service Units	Account (Grant) (Program)
revenue-shared foodhandler receipts	07/01/24 - 12/31/24	FOODHANDLER PERMITS	\$0.00	\$65,000.00	\$65,000.00	12	512201-286-3427810
<b>Total:</b>			\$0.00	\$65,000.00	\$65,000.00		

This amendment is effective January 01, 2023. All other terms and conditions of the original Intergovernmental Agreement and any previous amendment(s) not altered by this amendment remain in full force and effect.

CLACKAMAS COUNTY	
_____ Authorized Signature Date  Signature:	Clackamas County Legal Counsel  <u>Kathleen Rastetter</u> <u>12/23/2023</u>

Lane County, Oregon	
County:  _____ Steve Mokrohisky County Administrator Date	Authorized Representative: Collette M. Christian Program Services Coord 2 Collette.Christian@co.lane.or.us 151 WEST 7TH AVE S-520 EUGENE, OR 97401

Insurance Reviewed: