

# TITLE 4

## BOARDS, COMMISSIONS AND COMMITTEES

### CHAPTER 430

#### CONTRACT REVIEW BOARD CODE

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#### I. INTRODUCTORY PROVISIONS

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#### 430.005 Title

This Chapter, LCC 430.005 to 430.215, shall be known and may be cited as the “Linn County Contract Review Board Code” or simply as the “Contract Review Board Code.”

[Adopted 86-008 § 1 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.010); amd 98-526 §12 eff 12/16/98]

#### 430.010 Purpose

The purpose of this Chapter is to designate the Linn County Board of Commissioners as the local contract review board for Linn County and to set forth the rule making procedures for adopting, repealing, or amending Linn County Public Contracting Rules.

[Adopted 86-008 § 1 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.020); amd 20-164 eff 10/5/20]

#### 430.015 Authority

(A) The local contract review board for Linn County shall be known as the “Linn County Contract Review Board” and may be referred to in this Chapter as the “Board.”

(B) The Board shall have the authority, pursuant to ORS 279A.050, ORS 279A.060, and ORS 203.010, to exercise all the procurement and contracting powers and duties conferred upon it by State law.

[Adopted 20-164 eff 10/5/20]

#### 430.020 Interpretation

Should the rules imposed by this Chapter or adopted pursuant to this Chapter conflict with other provisions of this Chapter or other statutes or regulations applicable in Linn County, the provision which is the more restrictive shall apply.

[Adopted 86-008 § 1 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.030); amd 20-164 eff 10/5/20]

#### 430.030 [repealed]

[Adopted 86-008 § 1 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.040); repealed 20-164 eff 10/5/20]

### **430.040 [repealed]**

[Adopted 86-008 § 1 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.050); repealed 20-164 eff 10/5/20]

### **430.050 [repealed]**

[Adopted 86-008 § 1 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.060); repealed 20-164 eff 10/5/20]

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## **II. RULE MAKING PROCEDURES**

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### **430.100 Rule making generally**

(A) As used in LCC 430.100 to 430.130, “rule” means a rule adopted pursuant to LCC 430.100 to 430.130.

(B) The Board may, pursuant to this Chapter, adopt rules or amend or repeal existing rules.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.020); amd 20-164 eff 10/5/20]

### **430.105 Notice of proposed rule making**

(A) The Board shall give notice of its intended action adopting, amending, or repealing any rule by:

(1) Written notice posted on the Linn County website;

(2) Publication at least once in a newspaper of general circulation in Linn County, designated by the Board and published in Linn County; and By mailing a copy of the notice to any individual or business entity that has requested a copy of all proposed rules, or of rules on the subject matter of the proposed rule. The Board may require, as a condition of obtaining notice pursuant to this paragraph, that arrangements be made in advance by persons requesting such notice for payment of the cost of providing mailed notice.

(B) Notice must be published not less than 10 days’ prior to the public hearing date.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.705); amd 20-164 eff 10/5/20]

### **430.110 Contents of notice**

The notice given of proposed rule making shall include the following:

(A) The subject matter and purpose of the intended action in sufficient detail to inform a person that the person’s interest may be affected;

(B) A description of the Board’s intended action (adoption, amendment or repeal of a rule) and setting forth a summary of any rule proposed to be adopted, amended, or repealed;

(C) The time, place, and manner in which a copy of the proposed rule, repeal, or amendment may be obtained;

(D) The date by which written comments must be received by the Board;

(E) The time and place of a public hearing whereby the Board shall receive oral comments; and

(F) A statement that final action on the proposed rule will be taken by the Board at the conclusion of the public hearing.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.710); amd 20-164 eff 10/5/20]

### **430.115 Availability of proposed rules; record of written comments**

(A) The full text of proposed rules shall be available, one to each person who requests it, at the office of the Board of County Commissioners, Room 201, Linn County Courthouse, Albany, Oregon, on each day the office is open for business beginning with the first date of publication and ending on the date of the public hearing.

(B) The Board shall maintain a record of any written comments it receives in response to a notice of proposed rule making.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.715); amd 20-164 eff 10/5/20]

### **430.120 Public hearings**

(A) The public hearing to consider a rule shall be conducted by, and shall be under the control of, the presiding chairman of the Board.

(B) At the beginning of the public hearing, the presiding chairman shall summarize the content of the published notice of proposed rule making.

(C) At the commencement of the public hearing, any person wishing to be heard shall advise the presiding chairman of his or her name, address, and affiliation. Additional persons may be heard at the discretion of the presiding chairman. The presiding chairman may provide an appropriate form for listing witnesses which shall

indicate the name of the witness, whether the witness favors or opposes the proposed action, and such other information as the presiding chairman may deem appropriate.

(D) The presiding chairman shall, where practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. The exhibits shall be preserved by the Board for one year or, in the discretion of the Board, returned to the witness offering the exhibit.

(E) The presiding chairman, or any member of the Board, may question any witness making a statement or submitting evidence at the public hearing.

(F) The public hearing may be continued with recesses as determined by the presiding chairman until all listed witnesses present and desiring to make a statement have had an opportunity to do so.

(G) The presiding chairman may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(H) The Board shall make a record of the proceeding by audio or video tape recording, stenographic reporting, or minutes.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.720); amd 20-164 eff 10/5/20]

### **430.125 Action of Board**

At the conclusion of the public hearing, the Board may adopt, amend, or repeal rules covered by the notice of proposed rule making. The Board shall fully consider all written and oral submissions.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.725); amd 20-164 eff 10/5/20]

### **430.130 Effective date of rules**

Rules adopted, amended, or repealed pursuant to the procedures set forth in this Chapter may go into effect immediately upon approval by resolution of the Board or upon a later date as specified in the rule.

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.730); amd 20-164 eff 10/5/20]

### **430.135 [repealed]**

[Adopted 86-008 §6 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.735); amd 98-526 §12 eff 12/16/98; repealed 20-164, eff 10/5/20]

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## **III. ASSOCIATION WITH LOCAL PUBLIC AGENCIES**

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### **430.200 Contracting with local public agencies**

Pursuant to ORS 279A.060, the Board may enter into a contract with another public agency, by which contract the Board shall serve as the Contract Review Board for the other public agency. Any contract entered into under this section shall provide for payment of fees to Linn County in an amount reasonably calculated to reimburse the County for its costs in serving the public agency.

[Adopted 86-008 §7 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.800); amd 20-164 eff 10/5/20]

### **430.205 [repealed]**

[Adopted 86-008 §7 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.805); repealed 20-164, eff 10/5/20]

### **430.210 Fees**

The fees authorized by this Chapter shall be adopted according to the procedures of LCC 430.100 to 430.130 unless the County and the affected public agency by intergovernmental agreement agree to an alternate fee schedule.

[Adopted 86-008 §7 eff 7/1/86; amd by 94-539 §1 eff 12/21/94; amd 95-177 §1 eff 5/10/95 (renumbering from 230.810); amd 20-164 eff 10/5/20]

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**Statutory References and Other Authorities:**  
ORS 203, ORS 279A; ; OAR Chapter 137, Division 1; see also the Linn County Public Contracting Rules

### **Legislative History of Chapter 430 (formerly codified at Chapter 2.30):**

Adopted 83-483 eff 11/2/83

Amendments to 83-483

#1 85-140 eff 4/24/85 (and codifying)

Adopted 86-008 eff 7/1/86 (repealed 83-483)

Amendments to 86-008:

- #1 87-620 eff 11/24/87 (Order)
  - #2 90-587 eff 11/21/90
  - #3 92-126 eff 4/15/92
  - #4 94-539 eff 12/21/94
  - #5 95-177 eff 5/10/95 (renumbering)
  - #6 98-526 eff 12/16/98
  - #7 20-164 eff 10/5/20
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