

# THE COMMUNIQUE

Winter - Spring 2025

**Creating an Expanded Services Area  
with ORS 478.702: Implementing SB 1068**

By Local Government Law Group

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**Public Meeting Law Reminders**

By Local Government Law Group

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**OFDDA Continues its Advocacy**

By Genoa Ingram

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Publication Of The  
**OREGON FIRE DISTRICT  
DIRECTORS ASSOCIATION**  
EDUCATION-COORDINATION-LEGISLATION

# THE COMMUNIQUE

A Publication of the  
Oregon Fire District  
Directors Association

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## MISSION

To serve and strengthen through the provision and coordination of timely information, education, and legislation.

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# PRESIDENT'S MESSAGE

By Joe Morneau  
OFDDA President

Hello all,

I hope your 2025 is off to a great start. As we embrace the new year, I am truly grateful for the dedication and hard work demonstrated by the OFDDA Board and Conference Committee. I am also grateful for the outstanding work and support from the OFDDA Staff.

Looking ahead, I'm excited to announce that the Conference Planning Committee is already hard at work, brainstorming and finalizing the schedule for the 2025 Conference. We're returning to Seaside, Oregon, one of our favorite locations, and I can't wait to see everyone there. The committee is also hoping to open registration early again this year and has some fun new ideas they're throwing together to make this conference even more exciting. It will be an excellent opportunity to connect, learn, and reflect on all we've accomplished together.

In addition, I'm pleased to share that the Ambassador Committee is currently drafting a letter to send to members who haven't renewed in the past 10 years. We want to make sure these members know they haven't been forgotten and to offer them an incentive to renew their membership with OFDDA. We believe that reconnecting with our past members will only strengthen the community we've built, and we're excited about the possibility of welcoming them back.

I would also like to take a moment to remind everyone about the Bruce Williams Scholarship Fund, which the Association offers. This scholarship is designed to support smaller districts that may not have the financial resources to attend the invaluable training sessions we host each year. As you participate in the silent and live auctions at our

conferences, please consider keeping this important fund in mind. Your contributions help ensure that more districts have the opportunity to benefit from these essential learning experiences.

OFDDA continues to have a strong presence in several critical areas. We are represented on the DPSST Board, the Governor's Fire Service Policy Council, the SDAO Legislative Committee, the National Association of Elected Fire Officials (NAEFO), Oregon OSHA Fire Service Advisor Committee Membership, and the Life Safety Team. In addition, we have internal committees including the Past Presidents Committee, Budget Committee, Ambassador Committee, Property Committee, Nominations Committee, Conference Committee, and Bylaws and Policies Committee. If any of these committees interest you, or if you'd like to learn more about getting involved, please don't hesitate to contact OFDDA staff at 503-378-0896 or [mandy@ofdda.com](mailto:mandy@ofdda.com).

Regardless of the size of your district, OFDDA is here to support you. If you have any questions or face challenges, please reach out to us. We are always here to help.

Wishing you all a productive and fulfilling year ahead!

Respectfully,

*Joseph Morneau*

541 228-8650  
cnh\_iron@yahoo.com  
Coburg Fire District  
OFDDA  
BPSST Board

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A special *Thank You* to Special Districts Association of Oregon, title sponsor of the 2025 Oregon Fire Service Conference

S | D | A | O

SPECIAL DISTRICTS  
ASSOCIATION OF OREGON

# Creating an Expanded Services Area with ORS 478.702: Implementing SB 1068

By Truman A. Stone, Local Government Law Group P.C.

Is your fire district considering expanding its response area through the new process created in ORS 478.702 (SB 1068)? Do you want to know more about whether this new statutory process is right for your fire district? In this article, I address some of the issues we have encountered as districts work through this new statutory process. I begin with a quick overview of the statute then turn to suggestions on how to approach a few issues. I end with some of the open questions that remain.

## Overview.

SB 1068 was enacted by the legislature in 2023, became effective in September of that year, and has been codified at ORS 478.702. In short, the statute provides a new way to expand a district's territory. Under the statute, a fire district first determines if there are properties within seven road miles of a district fire station that the district can serve. If those properties are also within seven road miles of a fire station in another district, the statute requires a conferral process between the two districts. Once the district determines the properties within the new coverage area, the district sends notice to property owners. Property owners then have 90 days to consent to be added to the district at no processing costs and become part of the district. Non-consenting property owners are required to annex into the district if the property changes ownership, is subdivided, or building occurs. The district may provide services prior to consent or annexation and bill for those services at three times the OSFM costs schedule.

## Process Issues.

There is an initial timing issue of the requirement to notify and confer with neighboring districts. The statute requires that prior to establishing a coverage area the notice to neighboring districts must be sent. The notified district has 90 days to respond. If the other district does not consent to the proposal, there is a required negotiation process. You should build this 90+ day process into your timeline.

After establishing a coverage area(s) there is no deadline to send the property owner notices, but it should be done in a reasonable time. The owner's ability to consent at no processing costs is limited to the 90-day period after the notice is sent. Districts should consider an outreach and education effort prior to sending this important letter.

Consent is given by signing the ORS 478.140 form supplied by the Department of Revenue for inclusion of forestland (Form 150-310-079). To make consent easier for the owner, districts may want to complete the form and include it with the notice letter. For larger coverage areas, this may be impractical. ORS 478.140 requires the district to forward a copy of any property owner consent to the assessor within 20 days of receipt.

The decision to protect pre-annexation lands has no specific statutory deadline. That decision is given to the district, which could be made by either the board or district staff, depending on your district's policies. A discussion of this policy and clear articulation of the decision-making process should occur at the time a district establishes the coverage area. The result of this policy choice may play a role in an owner's decision to consent, and a district may want to include that as part of the notice letter.

## Open issues.

*Annexation.* ORS 478.702 contemplates two means to add property- consent and annexation. Outside this statute, annexation is governed by the provisions in ORS Chapter 198 and is a process for the county board. Annexation of coverage area properties are not subject to ORS Chapter 198 but are accomplished by an order of the district board. What process will the board use to accomplish this annexation? Who at your district will ensure this occurs? While no fee can be charged for a consent addition, ORS 478.702(16) seems to allow a fee for annexation. How will a district calculate the cost?

When one of the events that trigger the annexation process occurs, the statute requires the landowner to send notice to the county and requires the county to notify the district board. How this coordination with the county will occur is uncertain. A district should coordinate with the county on this and ideally enter into an agreement outlining the process. Under the statute, the county must provide information to the district and is required to

provide a legal description or map needed for annexation. It appears the county may be able to charge for the map or legal description. Would these costs be part of the annexation fee discussed above?

May a property owner in the coverage area annex to a different district utilizing the standard ORS Chapter 198 annexation process prior to one of the events requiring annexation under ORS 478.702? Would that process require withdrawing from the coverage area prior to annexation?

*Oregon Department of Revenue (DOR).* For the annexation process, the current requirements of ORS 308.225 apply, and a district board annexation will look much like a county board annexation. However, ORS 478.702 (15) and (16) contemplate that consent properties may consent to taxation via the ORS 478.140 form. This suggests that Oregon DOR approval is not necessary, which conflicts with general statutes that apply to property taxation in the state. DOR is seeking guidance from the Department of Justice on this issue.

*Fire Code.* Will the district's fire code provisions apply within the coverage area to properties not yet annexed and, if so, who will have enforcement authority?

*Mutual Aid.* It is recommended you review mutual or automatic aid agreements as part of this process. It may be necessary to modify these agreements.

*Elections.* How should the coverage area be viewed for elections? For those districts that elect boards by sub-district area, the coverage area resolution should consider the effect on those subdistrict's geographical or population representation. Will the election officials add consent lands to the election rolls and how does that occur? Should the district coordinate with county elections?

The legislature sought to cut through red-tape to get fire protection for properties currently unprotected. Like many new statutes, implementation tests the process and finds the gaps and weaknesses. Future amendments may be necessary to answer some of the questions above, but on balance we see few downsides to taking advantage of this new law.

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# Public Meetings Law Reminders

by Mark A. Wolf, Local Government Law Group, P.C.

This article provides some helpful reminders and refreshers on various public meeting issues I have recently been asked about. It also provides useful tools and resources to help board members stay out of the Oregon Government Ethics Commission's (OGEC) crosshairs.

**Public Meetings Law Training.** Training is now required for most board members as well as budget committee members. Pursuant to ORS 192.700 and OAR 199-050-0080, all members of governing bodies that have total expenditures of \$1 million or more shall:

1. At least once during each term of office, attend or view a training on Oregon's Public Meetings Law provided by the Commission or approved by the Commission;
2. Maintain a record of the training viewed or attended, including the date viewed or attended and the name of the provider of the training; and
3. Truthfully certify completion of the training upon request of the Commission.

Trainings can be found here: <https://www.oregon.gov/ogec/training/pages/public-meetings-law-training.aspx>. There are live webinars, you can request in-person training, or you can utilize one of the three OGEC-approved trainings put on by other entities. These are the only trainings that satisfy the requirements of ORS 192.700. Trainings put on by legal counsel do not meet this requirement until OGEC has approved those trainings. SDAO's website shows they are awaiting approval on their training program.

**Public Meetings Grievance Process.** OGEC now has authority to enforce public meetings violations. Previously, OGEC's authority was limited to executive session violations. If a person believes a governing body has violated any provision of Oregon's Public Meetings Law, they have 30 days from the alleged violation to file a written grievance. The public body then has 21 days to provide a written response. ORS 192.705 sets out the required steps for responding to a grievance. If a person who filed the formal grievance is not satisfied with the public body's response, they may file a formal complaint with the OGEC for review and investigation. OGEC can issue fines up to \$1,000 for violations. Each member of the governing body is personally liable for the fines and those fines may not be paid for or indemnified by the governing body or public body that the member is associated with.

**Avoiding Violations.** I prefer to avoid having OGEC open an investigation into potential public meeting violations in the first place. Even if you successfully defend it, it is stressful and can harm your reputation and that of your district. Here are some tips to stay out of harm's way:

1. Take the required training discussed above. Not only is this a requirement, it will provide valuable information on how to comply with Oregon's Public Meeting Laws. There are a number of other trainings on-demand on the OGEC website.
2. Review and utilize OGEC's public meeting checklists. These lists can be found here: <https://content.govdelivery.com/accounts/ORGEC/bulletins/3da3e9a>. There are two checklists. One is for regular or open public meetings and the other is for executive sessions. These provide a great tool to ensure your district is properly noticing each meeting, referencing the proper statute for executive sessions, and properly recording minutes.
3. Utilize the updated Attorney General Public Records and Meetings Manual. A PDF link is found here: <https://www.doj.state.or.us/wp-content/uploads/2024/12/2024-PRM-Manual.pdf>. You can order hard copies as well.
4. Finally, remember to provide the required written notice when convening an executive session under **ORS 192.660(2)(b)** ("to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing") and **ORS 192.660(2)(i)** ("to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not

request an open hearing”). I often find clients surprised to learn that an executive session for the annual performance review of its chief executive officer requires written notice to that person. **OAR 199-040-0030** sets out the requirements. The rule requires that the person be given the option of an open meeting, receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The written notice must include:

- A. Identification of the governing body before which the matter will be considered;
- B. The time, date and location of the meeting;
- C. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
- D. Information on how the public official may make a request for an open hearing.



## Fallen Firefighter Memorial

DPSST has scheduled the fallen Firefighter Memorial for **June 17 at the Salem DPSST campus**. Contact OFDDA staff at 503-378-0896 for assistance.

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# OFDDA Continues its Advocacy

Genoa Ingram, OFDDA Executive Director

With a record number of bills introduced in the 83<sup>rd</sup> Legislative Assembly, the OFDDA has been very busy advocating fire service priorities before the legislature. Legislative leadership has set June 18 as the target date for *sine die* (final adjournment). The Constitutional deadline is June 30. Some of our legislative priorities include the following.

**Budget Bill for the State Fire Marshal** The highest priority for OFDDA is a healthy and sustainable budget for the Department of State Fire Marshal. [SB 5538](#), was heard on February 20 before the [Public Safety Subcommittee on Ways and Means](#). In February, Chief Mariana Ruiz-Temple delivered an [overview of the Fire Marshal's office](#) and responded to questions from legislators. The following day, representatives from all facets of the fire service testified the need for the budget. The OFDDA and the OVFA provided [joint testimony](#) in support. To watch the full hearing (about 30 minutes), click [HERE](#). The bill has been on hold pending the May revenue forecast which was delivered on May 14.

**Review of Rural Fire Protection District Statutes** [SB 862](#), introduced at the request of the State Fire Marshal, is the culmination of the task force formed by [HB 2522](#), passed by the legislature in 2023. That bill directed the Fire Marshal to convene a work group for the purpose of conducting a comprehensive review of ORS Chapter 478, relating to rural fire protection districts and structural fire protection. Some of those provisions have not been updated in more than fifty years. OFDDA's Board of Directors asked its Executive Director, along with Tangent Fire Chief Chris Griffin, to represent the perspective of rural fire districts. The group was Chaired by Chief Roger Johnson, Sisters-Camp Sherman, (retired) who was proven to be a collaborative and thoughtful leader in the process. Adam Meyer, Director of Government Affairs, Policy and Planning for the State Fire Marshal was the lead agency staff, along with several other key staff members. The task force members were also fortunate to have the assistance of Christy Monson, Oregon Department of Justice and former OFDDA legal counsel, for legal research and historical perspective. SB 862 accurately reflects the hard work and recommendations of the task force.

**"Fire 35" Work Group Recommendations Under Consideration** [SB 5701](#), passed during the 2024 legislative session contained a budget note that required the State Fire Marshal to create a work group relating to sustainably funding wildfire mitigation, suppression and mobilizations, land classification, and managing the intersection between forest land protection districts and structural fire protection districts. The effort resulted in a report by the group, known as the "Fire 35", which can be found [HERE](#), outlining funding strategies for consideration by the legislature and has generated several pieces of legislation:

- [HB 3940](#) would place a surcharge on sales of beverage containers for purposes of wildfire prevention and response. The bill attempts to create a mechanism to tap all Oregonians to contribute to the prevention and response to wildfires. It is opposed by the grocery and beverage industries who testified that it would undermine the successful bottle bill legislation that encourages recycling and reduced litter.
- [HB 3947](#) would increase the amount of the estimate of revenues that will be received from General Fund revenue sources other than corporate income and excise taxes for the biennium beginning July 1, 2023. This would allow surplus "kicker" funds to be allocated to the Office of State Fire Marshal. The [-1 amendment](#) requires that funds be transferred in equal shares to the Account and to the State Fire Marshal Fund.
- [SJR 11](#) would ask the voters to amend the Oregon Constitution to require a certain percentage of lottery revenues to be expended for wildfire prevention, suppression or management.
- [SB 1177](#) would allocate a portion of the kicker funds to establish the Oregon Wildfire Mitigation and Adaptation Fund, with interest earned by the fund to be used for wildfire mitigation and community adaptation to wildfire risk.

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OFDDA participated with other fire service representatives, forest landowners, insurance interests, tribes, local governments and conservation groups to study and discuss funding streams to present to the 2025 legislature. Now that the legislature has received the May Revenue Forecast, the legislature is expected to make some final decisions on the budget numbers and move some of these bills forward.

**OFDDA Provides Support to Fund Wildfire Cameras** [HB 3219](#), championed by retired Fire Chief Roger Johnson, provides funding for the Oregon Hazards Lab (OHAZ) to fund high-speed wildfire cameras that help firefighters spot and track fires. Any member of the public can visit [ALERTWest.live](#) to watch the landscape and fire behavior through real-time and timelapse images. Firefighters, dispatchers, and other emergency response personnel can directly control the cameras and receive AI-enabled alerts when new ignitions are detected in their region. OFDDA provided [testimony](#) in support of HB 3219 and appreciates the efforts of Chief Johnson. To see all testimony submitted on the bill, click [HERE](#).

**Balance Billing for Ground Emergency Medical Services** [HB 3243](#) passed out of its policy committee in mid-April and is now in Ways and Means awaiting further action. OFDDA joins with the Oregon State Ambulance Association, the Oregon Fire Chiefs Association, and others to support this important consumer protection bill to ban the practice of balance billing for patients requiring ground transport. Surprise bills are generally caused by balance billing. Balance billing frequently occurs after a patient receives emergency services that are out-of-network, or services performed by an out-of-network provider at an in-network facility. Because ground ambulance transportation was excluded from the federal legislation (the “No Surprises Act”), it is left to each state whether to adopt laws prohibiting balance billing practices in situations where ground ambulance services are involved.

### **Ethics Bills Move Forward**

Five bills relating to ethics were introduced this session. All five received [public hearings](#) before the [House Committee On Rules](#). Although the majority of these have not moved, the House and Senate Rules Committees are not held to the same deadlines as other committees and may move bills up until close of session.

- [HB 2923](#) Specifies some types of business positions that public officials and candidates must supply on a statement of economic interest.
- [HB 2927](#) Permits the Oregon Government Ethics Commission to prolong an investigation into alleged ethics law or lobbying violations by no more than 60 days.
- [HB 2928](#) Removes the prohibition on offering gifts in excess of \$50 per calendar year to a public official, candidate, or relative or member of the household of a public official or candidate.
- [HB 2930](#) Applies conflict of interest provisions to members of the household of public officials. This bill has passed the House and received a hearing in Senate Rules in mid-May. It is expected to pass both Chambers.
- [HB 2932](#) Provides an exception to the prohibition against a public official using official position or office for financial gain or avoidance of financial detriment. Like HB 2930, this bill has passed the House and received a hearing in Senate Rules in mid-May. It is also expected to pass both Chambers.

OFDDA is carefully monitoring these bills as the Association was heavily involved in securing an exemption for fire district directors from the requirement to file Statements of Economic Interests (SEIs).

**Volunteer Firefighter Tax Incentives** Several proposals have been introduced to provide tax incentives for volunteer firefighters, always a high priority for OFDDA, including:

- [HB 2394](#), sponsored by Rep. Bobby Levy, establishes an income tax credit for volunteer firefighters for years beginning January 1, 2026, and ending January 1, 2032. The bill was referred to the [House Committee on Emergency Management, General Government, and Veterans](#) with a

(Continued on page 10)

subsequent referral to [Revenue](#), but did not meet the deadline for moving out of committee.

- [HB 2526](#), introduced at the request of Rep. Paul Evans, grants an income tax credit to firefighters and other registered individuals who provide volunteer services, including services to rural fire protection districts or fire departments. The bill would apply to tax years beginning January 1, 2026, and ending January 1, 2032. HB 2526 was referred to the [House Committee on Emergency Management, General Government, and Veterans](#) with a subsequent referral to [Revenue](#). It also did not meet the deadline for moving out of committee.
- [HB 3150](#), sponsored by Rep. Jami Cate, along with a number of other supporters including Democrats and Republicans in both Chambers, establishes an income tax credit for volunteer firefighters beginning January 1, 2026, and ending January 1, 2032. The bill was referred to the [House Committee on Emergency Management, General Government, and Veterans](#) with subsequent referral to [Revenue](#). The deadline for passage to the Revenue Committee was met; Revenue does not have the same deadlines as policy committees.
- [SB 545](#), the Senate version of HB 3150, is sponsored by Sen. Sollman and Rep. Cate and others, establishes an income tax credit for volunteer firefighters beginning January 1, 2026, and ending January 1, 2032. The bill has been referred to the [Senate Finance and Revenue Committee](#), with a subsequent referral to [Tax Expenditures](#). It received a hearing in late January and is still being held in the Revenue Committee.
- [HB 3380](#), which proposes to increase the personal income tax credit allowed to rural volunteer emergency medical services providers from \$250 per tax year to \$1,000, received a hearing before the [House Committee On Revenue](#) on May 6. If passed, the increase would apply to tax years beginning on or after January 1, 2026, and would extend the tax certification sunset by two years, from January 1, 2028, to January 1, 2030. Oregon currently allows a personal income tax credit equal to \$250 for individuals licensed as emergency medical services (EMS) providers.

To qualify for the credit, the licensed EMS provider must be certified by the Office of Rural Health as an individual who provided volunteer emergency medical services in a rural area. The volunteer rural services must comprise at least 20 percent of the total emergency medical services provided by the individual in the tax year. For purposes of the credit, rural area is defined as a geographic area that is located at least 25 miles from any city with a population of 30,000 or more. The credit is nonrefundable, meaning tax liability cannot be reduced below zero. OFDDA and OVFA submitted [joint testimony](#) in support of the bill.

One question highlighted by legislators is a perceived conflict with Oregon's Rural EMS Provider Tax Credit. Both SB 545 and HB 3150 prohibit allowance of the \$1,000 tax credit for any year in which the Rural EMS Provider Tax Credit is claimed; however, it is assumed that firefighters would opt for the higher credit. The EMS credit is scheduled to sunset on December 31, 2026, but is expected to be renewed. It is important to note that the \$1,000 tax credit would be applied against tax liability a volunteer firefighter may incur. Since not all volunteers would incur a liability of \$1,000 or over, they would not benefit from the credit. However, the tax credit incentives are an important step in recognizing and appreciating Oregon's volunteer firefighters. Both OFDDA and OVFA are extremely grateful to Rep. Cate and Sen. Sollman for championing this legislation.

### **Electronic Signature Gathering for Tax Check-off**

The OFDDA and the OVFA presented [joint testimony](#) in support of [SB 546](#), sponsored by Sen. Janeen Sollman, which would also benefit volunteer firefighters. You may recall that in 2017, OFDDA and OVFA were successful in shepherding SB 378 through the legislature. That bill exempted the Oregon Volunteer

(Continued from page 10)

Firefighters Association from the requirement to have banked \$1,000,000 in order to qualify for the tax check-off program which allows taxpayers to donate a portion of their refunds to charitable organizations. Several other organizations, such as the Oregon Veterans' Home, the Non-game Wildlife Fund, the Alzheimer's Disease Research Fund, the Oregon Military Emergency Financial Assistance Fund, and the Oregon Department of Veterans' Affairs Suicide Prevention and Outreach Program Fund, have also been granted legislative exemptions from the requirement to have banked \$1,000,000 in order to be listed on the tax checkoff form.

However, the OVFA is still required to gather 10,000 signatures of support and this has proven to be problematic, particularly during COVID when large gatherings were prohibited. SB 546 would ease the signature gathering process by allowing the Department of Revenue to implement a process for gathering signatures electronically. The bill passed the Senate Floor in April and is currently in the [House Revenue Committee](#) awaiting further action.

If you have questions regarding these or other legislative proposals, or would like to receive weekly legislative updates via email, please contact OFDDA staff at (503) 378-0896.

### **JOB ANNOUNCEMENT—Harbor RFPD Fire Chief**

Harbor Fire is soliciting resumes for the position of full-time Fire Chief. Submission deadline is June 10, 2025. Hard copy cover letter and resume can be mailed to Harbor Fire, PO Box 2001, Brookings, OR 97415, or emailed to harborfiredept@gmail.com.

A job description for this position can be viewed at the [district's website](#) or by clicking [HERE](#).



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## **ANNUAL TRAINING CONFERENCE June 19-22, 2025 Brooks Training Center, Brooks, Oregon**

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- \* Rope Rescue
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  - \* S-230
- \* Swift Water Rescue
- \* Essentials of Fire Chaplaincy
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- \* Vehicle Rescue Tech
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- \* OSFM Fire Service Health and Safety Collaborative
- \* Theodicy and Trauma
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# 2025 Oregon Fire Service Conference

**November 20-22**

**Seaside Convention Center**

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- Starting at **\$101** plus fees and taxes.
- Book online [here](#), or call 800-234-8439 and press “0”.
- Reservation cut-off date: October 20, 2025
- Breakfast not included.

### **Holiday Inn Express, 34 N. Holladay Dr., Seaside**

- Starting at **\$141** plus fees and taxes.
- Book by calling 1-503-717-8000 under the OFDDA block.
- Reservation cut-off date: October 20, 2025
- Breakfast included.

### **Rivertide Suites, 102 N. Holladay Dr., Seaside**

- Starting at **\$141** plus fees and taxes.
- Book online [here](#), or call 877-871-8433 and ask for the OFDDA Oregon Fire District Directors Association rate.
- Reservation cut-off date: October 20, 2025
- Breakfast included.

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# 2026 Oregon Fire Service Conference

**SAVE THE DATES:**

**NOVEMBER 5-7, 2026**

**in Hood River, Oregon**