



MARION COUNTY BOARD OF COMMISSIONERS  
**WORK SESSION**

Code Enforcement Update  
Minutes

Thursday, January 22, 2026, 1:30 p.m. – 2:30 p.m.  
Commissioners' Boardroom  
Courthouse Square, 555 Court St. NE, Suite 5231  
Salem, Oregon 97301

Attendance:

**Commissioner's:** Colm Willis, Danielle Bethell, and Kevin Cameron.

**Board's Office:** Toni Whitler, Heather Inyama, Trevor Lane, and Matt Lawyer.

**Legal Counsel:** Steve Elzinga, Jennifer Rogers, Andrew Mittendorf, and Cody Hawkins.

**Sheriff's Office:** Chad Goffin, and Jeremy Landers.

Commissioner Colm Willis called the meeting to order at 1:34 a.m.

**1. Welcome & Introductions**

-Commissioner Colm Willis

**2. Discussion on Code Enforcement Update**

-Cody Hawkins

- Compliance-focused, aiming for voluntary resolution before court.
  - Typical process:
    - Complaint.
    - Investigation.
    - Education/notice.
    - Citation.
    - Court.
  - Board approval sought before initiating Circuit Court actions.
- Complaints, investigations, and staffing:
  - Most cases community complaint-driven rather than self-initiated:
    - By email, phone, in-person, board referrals, and other agencies.
  - Investigations include site visits, documentation, and notices of violation.
  - Education letters used when visits are delayed to encourage compliance.
  - Third officer improved follow-up, closure rates and allowed proactive work.
- Working with property owners:
  - Staff focus on individualized compliance plans:
    - Permitting pathways for land-use issues.
    - Staged cleanups for solid waste when resources limited.
  - Many are resistant but often become appreciative once conditions improve.
- Justice Court vs. Circuit Court
  - Justice Court:
    - Used for most citations.
    - Faster timeline of roughly 90 days.
    - Tools are mainly fines;:

- Serves as a leverage point to re-engage violators.
- Circuit Court:
  - Used less frequently and for more serious or persistent cases.
  - Injunctions, closure orders, receivership, and cost recovery via liens.
  - Slower and complex but address chronic nuisance/crime properties.
- Costs and incentives:
  - Estimated internal cost ranges for different stages:
    - Pre-citation, Justice Court, Circuit Court, and post-judgment.
  - Legal time tracked and in three-year average cost allocation to departments.
  - Concerned cost allocation discourages Sheriff's Office using Circuit Court.
  - Ensure enforcement decisions driven by community need, not budget impacts.
- Policy direction from the Board:
  - Current priority is compliance:
    - Avoid allowing long-term, harmful violations to persist.
    - Use Circuit Court and stronger tools for hard or high-impact cases.
  - Keep informed of significant cases and trends.

### **3. Other**

-All

- Risk, vehicles, and cost responsibilities:
  - Risk and litigation costs are allocated across departments and risk fund.
  - Concern about incidents with broadly spread costs diluting accountability.
  - Interest in distinguishing between:
    - Necessary, justified incidents like public safety emergencies.
    - Avoidable losses that should have clearer budget impact.
- Public expectations and fairness:
  - Taxpayers pay for compliance and may resent subsidizing those who refuse.
  - Make explainable policies when absorbing unrecovered enforcement costs.
- Code language clarification:
  - Case dismissed because citation had tax lot number and no street address.
  - Some code sections use "tax lot number or street address", others say "and".
  - Standardize language to allow by tax lot number or street address:
    - Align across sections.

### **4. Next Steps**

-All

- Compliance-first approach:
  - Education, notices, and reasonable timelines.
  - Court actions for non-compliant or serious cases.
- Open to more assertive action:
  - Violations are chronic,
  - There are public health/safety concerns,
  - Justice Court fines are not effective.
- Provide summary updates, twice a year, on:
  - Active caseload and trends,
  - Key successes and persistent problem properties,
  - Use and outcomes of Justice vs. Circuit Court.
- Bring borderline cases to the board earlier for guidance on escalation.
- Amend county code regarding location:
  - Describe by tax lot number or street address.

- Meet with finance/risk leadership to:
  - Review how code-enforcement-related legal costs are allocated.
  - Adjustments that avoid penalizing good use of legal tools like Circuit Court.

**Adjourned** – time: 2:21 p.m.

**Minutes by:** Mary Vityukova

**Reviewed by:** Gary L. White