

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 21-02

IN THE MATTER AMENDING CHAPTER
2 OF THE LANE CODE TO REQUIRE
LOCAL PUBLIC BODIES TO PAY COSTS
ASSOCIATED WITH LANE COUNTY'S
COLLECTION OF FEES OR TAXES;
EXCLUDES AD VALOREM TAXES;
ADOPTS A SAVINGS AND
SEVERABILITY CLAUSE

WHEREAS, Lane County is governed by the Lane County Home Rule Charter approved by the voters at the November 6, 1962 General Election; and,

WHEREAS, Lane County as a Home Rule County has the authority to act in the unincorporated area of Lane County and in some instances in the incorporated areas of Lane County; and,

WHEREAS, Lane County as a Home Rule County has the authority to act in some instances in incorporated areas of Lane County without the consent of the incorporated areas; and,

WHEREAS, Lane County desires to be a good partner with all governmental agencies; and,

WHEREAS, Lane County has limited resources to provide essential services to its residents; and,

WHEREAS, some local governments have taken steps to raise revenues through means that require Lane County to expend costs that are distributed to the entirety of Lane County; and,

WHEREAS, in order for Lane County to have the ability to collect these local revenues in some instances the County has to expend significant costs to develop the computer software necessary to collect these local revenue measures; and,

WHEREAS, in addition to the costs initially spent by the County to develop software, there are additional annual costs to administer and collect revenues on behalf of these local public bodies; and,

WHEREAS, the Board of Commissioners has determined it would not be equitable to use the County's limited resources and restrict its ability to provide essential services to its residents to collect a fee or tax on behalf of another local public body; and,

WHEREAS, the Board of Commissioners is aware that the Oregon Court of Appeals decision in *City of Banks vs. Washington County*, 29 Or. App. 495 (1977) prohibits charging a fee for the costs associated with the collection and distribution of ad valorem property taxes; and,

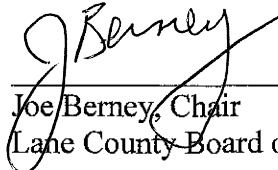
WHEREAS, this Ordinance has been reviewed through Lane County's equity lens and has been approved for adoption;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:


1. Section 2.925, County Recovery of Costs for Collection of Fees/Taxes, attached as Exhibit A and incorporated by this reference is hereby added to Lane Code chapter 2; and,
2. If any section, subsection, sentence, clause phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts herein to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

ENACTED this 8th day of June, 2021



Joe Berney, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 7/21/2021

LANE COUNTY OFFICE OF LEGAL COUNSEL

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LEGISLATIVE
FORMAT

LANE CODE
CHAPTER 2 CONTENTS

- 2.630 Voters' Pamphlet.
- 2.635 Initiative.
- 2.640 Referendum.
- 2.645 Revision of Charter.
- 2.650 Board Referral of Charter Revision.
- 2.655 Inclusion in the Voters' Pamphlet.
- 2.657 Board Referral of a Measure.
- 2.659 Board Referral of Advisory Questions.

SERVICE DISTRICTS

- 2.660 Establishment of Local Service District.
- 2.665 Referendum in Local Service District.

REAL PROPERTY COMPENSATION/

REGULATION APPLICATION PROCESS

- 2.700 Findings and Purpose.
- 2.710 Definitions.
- 2.720 Application for Claim.
- 2.730 Completeness Review.
- 2.740 Application Review and Recommendation.
- 2.750 Application Notice.
- 2.760 Board Consideration and Decision.
- 2.770 Board Decision Effect.

COUNTY LANDS AND BUILDINGS

- 2.800 Parking.

FEES AND ASSESSMENTS

- 2.900 Fees to be Charged by the County Clerk for Recording and Other Services.
- 2.905 Law Enforcement Medical Liability Account Assessment.
- 2.920 Forfeiture Assets.

ADMINISTRATION

GENERALLY

- ~~2.005 Board Action.~~
- ~~2.010 Creation of Boards, Commissions, Etc.~~
- ~~2.020 Maintenance of the Code.~~
- ~~2.025 Ordinances Amending Code Provisions.~~
- ~~2.030 Failure to Comply.~~
- ~~2.040 Contracts Pursuant to Bid.~~
- ~~2.050 Long-Term Purchase Agreements for Personal Property.~~
- ~~2.060 Contract Review Board (CRB).~~
- ~~2.070 Subdivision Plat Approval.~~

COUNTY ADMINISTRATOR

- ~~2.110 County Administrator.~~
- ~~2.115 Additional Functions of the Office of County Administration.~~

COUNTY PERFORMANCE AUDITOR

- ~~2.130 County Performance Auditor.~~

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CHAPTER 2 CONTENTS

MERIT SYSTEM

- ~~2.220 — Merit System.~~
- ~~2.225 — Application.~~
- ~~2.250 — Administration.~~
- ~~2.255 — Rules.~~
- ~~2.260 — Classification Plan.~~
- ~~2.265 — Compensation Plan.~~
- ~~2.270 — Applications; Appointments and Promotions.~~
- ~~2.275 — Probationary Period.~~
- ~~2.280 — Tenure.~~
- ~~2.285 — Suspension.~~

FAIR BOARD

- ~~2.300 — Removal of Fair Board Members.~~

SELF-INSURANCE FUND RESTRICTIONS

- ~~2.400 — Dedication of the Self-Insurance Fund.~~
- ~~2.405 — Risk Management Program.~~
- ~~2.410 — Self-Insurance Fund.~~
- ~~2.415 — Delegation.~~

RETIREE MEDICAL BENEFIT TRUST FUND

- ~~2.500 — Dedication of the Retiree Medical Benefit Trust Fund.~~
- ~~2.600 Health Plan Self-Insurance Sub-Fund.~~
- ~~2.605 Delegation.~~

ELECTIONS/INITIATIVE AND REFERENDUM

- ~~2.620 — Definitions.~~
- ~~2.625 — Incorporation of State Law.~~
- ~~2.630 — Voters' Pamphlet.~~
- ~~2.635 — Initiative.~~
- ~~2.640 — Referendum.~~
- ~~2.645 — Revision of Charter.~~
- ~~2.650 — Board Referral of Charter Revision.~~
- ~~2.655 — Inclusion in the Voters' Pamphlet.~~
- ~~2.657 — Board Referral of a Measure.~~
- ~~2.659 — Board Referral of Advisory Questions.~~

SERVICE DISTRICTS

- ~~2.660 — Establishment of Local Service District.~~
- ~~2.665 — Referendum in Local Service District.~~

REAL PROPERTY COMPENSATION/

REGULATION APPLICATION PROCESS

- ~~2.700 — Findings and Purpose.~~
- ~~2.710 — Definitions.~~
- ~~2.720 — Application for Claim.~~
- ~~2.730 — Completeness Review.~~
- ~~2.740 — Application Review and Recommendation.~~
- ~~2.750 — Application Notice.~~

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~~2.760 — Board Consideration and Decision.~~

~~2.770 — Board Decision Effect.~~

COUNTY LANDS AND BUILDINGS

~~2.800 — Parking.~~

FEES AND ASSESSMENTS

~~2.900 — Fees to be Charged by the County Clerk for Recording and Other Services.~~

~~2.905 — Law Enforcement Medical Liability Account Assessment.~~

~~2.920 — Forfeiture Assets.~~

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2.285 Lane Code 2.295

(1) Any employee may be dismissed or demoted on the basis of merit and fitness, as set forth in the Lane Manual.

(2) Appointing Authorities may recommend layoff whenever there is a shortage of work or funds or for other reasons which do not reflect discredit on the employee. Layoffs shall be effective only after approval of the County Administrator. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 3-82, 1.27.82)*

2.285 Suspension.

Any employee may be suspended without pay by the Appointing Authority for disciplinary reasons but such suspension shall not exceed a total of 30 working days in any calendar year. Such action of the Appointing Authority is subject to the appeal procedures set forth in the Lane Manual. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 3-82, 1.27.82)*

TAX/FEE RECOVERY

2.295 County Recovery of Costs for Fees/Taxes.

(1) Any local public body that requests or requires Lane County to collect a fee or tax shall enter into an Intergovernmental Agreement to pay all reasonable costs associated with the collection of the fee or tax incurred by the County for the collection of the fee or tax. The Intergovernmental Agreement must be completed and signed within thirty (30) days of written notice by the County to the local public body requesting or requiring the County to collect the fee or tax. The written notice will advise the local public body that before the County can collect, or continue to collect their fee or tax, an Intergovernmental Agreement signed by the local public body and County must be executed.

(2) For purposes of this section, the following definitions apply:

(a) "Fee" is defined as a charge imposed for the specific privilege, service, regulation or benefit conferred to the payer of the charge;

(b) "Intergovernmental Agreement" is defined as an agreement authorized by Oregon Revised Statutes Chapter 190;

(c) "Local public body" is defined as any governmental subdivision located in Lane County, including but not limited to, cities, special districts and school districts but does not include the State of Oregon or the United States.

(d) "Reasonable costs" are defined as the expenses incurred by Lane County to collect the fee or tax and include, but are not limited to, staff time at their fully loaded rate, equipment and materials. "Reasonable costs" do not include the cost of developing software and other similar costs incurred by Lane County before the effective date of this ordinance however those costs are included in requests or requirements for collection of fees or taxes after the effective date of this ordinance.

(e) "Tax" is defined as a charge imposed by a governmental entity for the purpose of generating revenues for governmental purposes. "Tax" does not include ad valorem property taxes;

(f) "Written Notice" is any form of written communication including, but not limited to e-mail that appraises a local public body of Lane County's intent to require an Intergovernmental Agreement before the collection of fee or tax commences or is continued.

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2.300 Lane Code 2.405
(3) Failure by a local public body to sign and Intergovernmental Agreement or renew an existing Intergovernmental Agreement to collect a fee or tax will result in the immediate termination of the County collecting the fee or tax.

FAIR BOARD

2.300 Removal of Fair Board Members.

Under 1999 OR Laws Ch. 681, a member of the Fair Board may be removed from the appointed position by the Board of Commissioners, after a process defined by statute, for inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty or other good cause, as those terms may be defined by county ordinance. The Board hereby defines those terms as follows:

(1) All terms shall have their ordinary and common meaning and usage. In addition, the specific terms shall have the meanings described below.

(2) Inefficiency, neglect of duty, incompetence and dereliction of duty are related to deficiencies in the manner of performing the duties of an appointed Fair Board member.

(3) Misconduct in office refers to violation of applicable laws or standards in such a manner that brings disrepute to either the individual or the position of Fair Board member or a violation of a County or Fair Board harassment policy.

(4) Incompatibility refers to a failure to work cooperatively with elected officials, other Fair Board members, staff, or members of the public.

(5) Other good cause refers to matters of other significance as determined by the Board of Commissioners at the time. *(Revised by Ordinance No. 11-99, Effective 4.8.00)*

SELF-INSURANCE FUND RESTRICTIONS

2.400 Dedication of the Self-Insurance Fund.

(1) The Self-Insurance Fund has been in existence since April 3, 1978, by virtue of Board Order 79-4-3-9.

(2) The Board of County Commissioners has determined that it is in the best interests of Lane County to convert the Self-Insurance Fund to a special fund dedicated to the purposes as enumerated in LC 2.405. *(Revised by Ordinance No. 3-85, Effective 7.1.85)*

2.405 Risk Management Program.

(1) The Risk Management Program exists for the purposes of protecting Lane County through the Self-Insurance Fund against the financial consequences of accidental losses, protecting the County's assets and public service capabilities from loss, destruction or depletion, and minimizing the long-term cost to the County of all activities related to the identification, prevention and control of accidental losses, losses from perils within or beyond control of the County, potential liabilities and their consequences.

(2) As of July 1, 1986, by virtue of Board Order 86-6-25-23, Lane County became self-insured for Workers' Compensations. Protection of Lane County from workers' compensation losses will be assigned to the Risk Management Program and the Self Insurance Fund.

(3) The County Administrator and those employees designated by the County Administrator shall be responsible for administering of a coordinated management program with internal procedures for incident and claim reporting of all losses incurred by the County; for providing a constant assessment of fluctuating exposure to loss, loss-