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**AGENDA COVER MEMO**

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AGENDA DATE: December 5, 2001

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Teresa J. Wilson, County Counsel *Teresa Wilson*

AGENDA ITEM TITLE: Order No. 01-12-05- /In the Matter of Amending Chapter 2 of Lane Manual Regarding Provisions for Maintenance and Amendment of the Lane Manual and Lane Code (LM 2.030-2.045, 2.065-2.082)

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I. MOTION: I MOVE TO ADOPT THE ORDER AMENDING CHAPTER 2 OF THE LANE MANUAL.

II. ISSUE OR PROBLEM: Assuming adoption of Ordinance No. 11-01, the Lane Manual needs to be amended to conform with the new Code provisions. In addition, these changes enable user-friendly placement of the Manual on the Internet.

III. DISCUSSION:

A. Background. Like the Lane Code, the Lane Manual has been in place since the end of 1972 as an integrated statement of the administrative orders, policies and rules for the government of Lane County. Also like the Code, there have not been significant stylistic changes in the intervening 30 years.

B. Analysis. The provisions proposed here affect how the Lane Manual changes are to be done, and contain stylistic and processing criteria for Code changes above and beyond what is set out in the Code itself. As with Ordinance No. 11-01 for the Code, I am recommending here that responsibility for Manual maintenance be assigned to County Counsel, as well as minor editorial authority, rather than having the Manual provisions for its maintenance be highly regulated. These are the changes proposed to LM 2.030. Also like Ordinance No. 11-01, the proposed changes will have adoption be by section rather than by page, again increasing flexibility and permitting choices to be made depending on the media selected for publication.

The other aspects of the proposed changes address processing of Code amendments (and by incorporation, Manual amendments). The attempt here is to make the processing more generic and permit flexibility to address technology changes or the needs of a particular publishing medium to be used. Lastly, LM 2.082 is a new section assigning to County Counsel duties relative to placing the Code and Manual on the Internet, but indicating that the official version remains the enacting document.

C. Alternatives/Options. As with Ordinance No. 11-01, the effective options are 1) to leave the methodology as it presently is, with the Manual being placed on the Internet "as is", or 2) to both leave the methodology "as is" and to direct staff resources to other projects, i.e., not towards placing the documents on the Internet, or 3) adoption of the Order.

D. Implications. The budgetary implications of placing the Code and Manual on the Internet were discussed in the Agenda Cover Memo for Ordinance No. 11-01, and will not be

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**2.070 Processing the Proposed Amendment.**

The original of the transmittal ordinance should have attached to it a photocopy of the Code pages~~sections~~ to be amended. The original of the Code pages~~sections~~ to be amended are the printer's copies and shall be kept with the original of the ordinance in the Office of Legal Counsel. ~~The ordinance and printer's copies of the Code pages should be sent to the Office of Legal Counsel as soon as they are ready for first reading. County Counsel will then approve the ordinance as to form.~~ (Revised by Order No. 93-3-31-8, Effective 3.31.98)

**2.075 Enactment of the Ordinance.**

Upon the enactment of the ordinance ~~(second reading)~~, the Office of the Board ~~Legal Counsel~~ shall insert ~~record~~ the number of the ordinance and the effective date of the ordinance in the lower left hand corner of each Code page to be amended on the official Board ordinance and the Office of Legal Counsel shall carry out this function on the printer's copies. (Revised by Order No. 93-3-31-8, Effective 3.31.98)

**2.080 Printing and Transmittal of the Change.**

Upon the enactment of the ordinance amending the Code, ~~the~~ The Office of Legal Counsel will compile the transmittal instruction sheet to be used to send the Code amendments to the various holders of the Code and then deliver the transmittal instruction sheet and the printer's copies of the Code pages~~sections~~ to the printer for printing. When the materials have been returned from the printer, the Office of Legal Counsel shall transmit copies of the amendments to all holders of the Code. The transmittal instruction sheet shall include the portions of each adopting ordinance setting forth the purpose of the ordinance. The transmittal instruction sheet shall also separately list and explain any editorial corrections made by the Office of Legal Counsel pursuant to LC 2.020(5). (Revised by Order No. 93-3-31-8, Effective 3.31.98)

**2.082 Internet/Intranet.**

The Office of The Office of Legal Counsel shall determine appropriate formatting for placement of the Lane Code and Lane Manual on the County's websites on the Internet and the Intranet, and appropriate updating practices. The Internet and Intranet versions are for information purposes, but are not the official version of the Lane Code or Lane Manual. The official version of the Code sections are the enacting ordinances, and the official version of the Manual sections are the adopting orders.

**2.085 Miscellaneous Control Requirements.**

(1) The Office of Legal Counsel shall number all copies of Codes which it sells or distributes. All changes which are transmitted shall be identified as being a change for a particular numbered copy of the Code.

(2) Individual Departments are responsible for maintaining internal control to determine who has the Department's copies of the Code and to whom the changes should be delivered within the Department. It is important that this be done so that all changes are always made available for all copies of the Code promptly. (Revised by Order No. 93-3-31-8, Effective 3.31.98)

**2.090 Distribution of the Code.**

The initial cost of the Lane Code is \$135.00 and is available to any member of the public requesting a copy. An additional \$75.00 annual update charge will be charged and is payable in advance for the fiscal year for which updates are charged. (Revised by Order No. 93-3-31-8, Effective 3.31.98)

repeated here. The other significant implication of adoption of this Order will be a commitment of staff resources, both in County Counsel and the Document Resource Center, to the projects. It should be noted that the initial exploration of methods for putting these documents on the Internet included seeking the cost of having it done commercially; the initial estimate for this work was at least \$25,000 for the first year, plus ongoing maintenance costs. This does not include the cost of a significant commitment of staff resources, nor does it include the revenue loss already discussed. I also determined that it was beyond what I was comfortable recommending to the Board. However, if the Board desires speedier placement of the Code and Manual on the Internet and can find the monetary resource, this is an additional option.

E. Recommendations. I recommend adoption of the Order. I also want to commend Lisa Lacey in the Office of Legal Counsel, Jan Garriott and Karen Biggs in the Law Library, and Teresa Nelson and Mike Davenport in Document Resource Center for all the work they have done to date to bring the project of placing the Code and Manual on the Internet to this point, and to thank them for their creativity and dedication. Their commitment to this, and fitting it in within their ongoing workload is a credit to the resourcefulness of County employees.

F. Timing. The Order is effective upon adoption. Because of some experimental work that has been done in order to determine the best way to proceed, we have Lane Code Chapter 7 (Animal Control) and Lane Manual Chapter 2 (Administration) almost ready. We anticipate being able to publish these on our website by the end of December.

V. ATTACHMENTS:  
Board Order

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an ordinance requires two. ~~Manual sections that are to be of "date-uncertain" termination or are rules of Departments, commissions, etc., shall be typed beginning on a new page (i.e., not immediately following the preceding section) and any remaining portion of the last page of the section(s) shall be left blank. (Revised by Order No. 93-3-31-8, Effective 3.3.93)~~

**2.050 Distribution of the Manual.**

The initial cost of the Lane Manual is \$75.00 and is available to any member of the public requesting a copy. An additional \$65.00 annual update charge will be charged and is payable in advance for the fiscal year for which updates are charged. *(Revised by Order No. 93-3-31-8, Effective 3.3.93)*

**2.055 Failure to Comply.**

LM 2.035 to 2.045 above are directory rather than mandatory, and failure to comply with them shall not invalidate an order or a policy, procedure or rule promulgated by an order or resolution. *(Revised by Order No. 93-3-31-8, Effective 3.3.93)*

**CODE AMENDMENT PROCEDURES**

**2.060 Changes to the Lane Code.**

The general requirements for amending the Lane Code are set forth in LC 2.020 through 2.025. The following additional requirements will apply for the purpose of standardizing the procedures used in amending the Code. *(Revised by Order No. 93-3-31-8, Effective 3.3.93)*

**2.065 Initiation and Drafting of Amendments.**

Normally the Department most affected by the subject matter of the section of the Lane Code to be amended will initiate and draft the new Code pages ~~as well as the transmittal sections for transmittal to the Office of Legal Counsel ordinance.~~ The Office of Legal Counsel will assist as required, **prepare the transmittal ordinance** and will in all cases approve the change as to form prior to its presentation to the Board for a first reading. The Code pages ~~sections and transmittal ordinance shall be typed on 8-1/2" x 11" paper. A 1-1/2 inch margin should be maintained at the top, left, and bottom of all pages. The words "Lane Code" at the top of each page should be centered from the left margin rather than from the left edge of the paper. Tabs should be set at five space intervals and three spaces should be allowed between headings and text. The ordinance number and effective date which must appear on the lower left of each Code page will not be put on the Code page at the initial typing, but will be added in the Office of the Board when the effective date and ordinance numbers are known. at the top of each page. The Office of Legal Counsel shall determine appropriate formatting of the pages, placement of headings, section numbers and page numbers, and shall prepare and distribute appropriate Tables of Contents for the Lane Code and each of its chapters. The historical information (ordinance number and effective date) will be added by the Office of Legal Counsel upon enactment by the Board. When amendments require it, changes must be made to the "Table of Contents." When additional pages are required because the amended text will not fit on the original page, the surplus material should be carried over on an additional page and then the remaining part of that page left blank. The transmittal ordinance should include instructions for substitution. (Revised by Order No. 93-3-31-8, Effective 3.31.98)~~

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 2 OF LANE  
MANUAL REGARDING PROVISIONS FOR MAINTENANCE  
AND AMENDMENT OF THE LANE MANUAL AND LANE  
CODE (LM 2.030-2.045, 2.065-2.082)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 2 is hereby amended by removing, substituting and adding the following sections:

**REMOVE THESE SECTIONS**

2.030-2.045, 2.065-2.080  
as located on pages 2-3 to 2-6  
(a total of 4 pages)

**INSERT THESE SECTIONS**

2.030-2.045, 2.065-2.082  
as located on pages 2-3 to 2-5  
(a total of 3 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to amend LM sections 2.030-2.045 and 2.065-2.080, add new LM section 2.082 to revise the provisions regarding maintenance and amendment of the Lane Manual and Lane Code.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11/28/01 Lane County

  
OFFICE OF LEGAL COUNSEL

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~~\_\_\_\_\_ ) PROVISIONS FOR REVISIONS FOR  
\_\_\_\_\_ ) REVISING THE LANE MANUAL~~

~~\_\_\_\_\_ The Board of County Commissioners of Lane County orders as follows:~~

~~\_\_\_\_\_ Chapter 2 of Lane Manual is hereby amended by removing, substituting and adding the following pages~~

<del>REMOVE THESE SECTIONS</del>	<del>INSERT THESE SECTIONS</del>
<del>2.030-2.035 to</del>	<del>2.030-2.035 to</del>
<del>2.045-2.050</del>	<del>2.045-2.050</del>
<del>(pp. 2-11 to 2-14)</del>	<del>(pp. 2-11 to 2-14)</del>
<del>(three pages)</del>	<del>(three pages)</del>
	<del>2.050-2.055</del>
	<del>(p. 2-15) (new page)</del>

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING  
CHAPTER 2 OF LANE MANUAL  
REGARDING PROVISIONS FOR  
MAINTENANCE AND AMENDMENT OF  
THE LANE MANUAL AND LANE CODE  
(LM 2.030-2.045, 2.065-2.082)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 2 is hereby amended by removing, substituting and adding the following sections:

<u>REMOVE THESE SECTIONS</u>	<u>INSERT THESE SECTIONS</u>
2.030-2.045, 2.065-2.080 as located on pages 2-3 to 2-6 (a total of 4 pages)	2.030-2.045, 2.065-2.082 as located on pages 2-3 to 2-6 (a total of 4 pages)

Said pages sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to amend LM sections ~~2.035 and 2.045~~ **2.030-2.045** and **2.065-2.082**, and add new LM section ~~2.050 and 2.055~~ and clarifying and correcting provisions for revisions for revising the Lane Manual **2.082** to revise the provisions regarding maintenance and amendment of the Lane Manual and Lane Code.

Adopted this day of \_\_\_\_\_, 192001

\_\_\_\_\_  
Chairman, Lane County Board of Commissioners  
(Revised by Order No. 78-7-26-1, Effective 7.26.78)

**2.045 Initiation, Drafting, and Processing the Proposed Manual Amendment.**  
See LM 2.065 ~~through~~ **LM 2.080**, substituting the words "Manual" for "Code" and "order" for "ordinance" and remembering that an order requires only one reading while

## MANUAL MAINTENANCE AND AMENDMENT PROCEDURES

### 2.030 Maintenance of the Manual.

The Lane Manual shall be maintained by the following procedures:

(1) One preliminary decision which must be made when considering additions, deletions or other changes to the Lane Manual or Lane Code is whether the change to be proposed involves an ordinance, order, or both. Because the Board exercises both legislative and administrative powers over County government, this decision may not always be an easy one. An ordinance is local law so when the public is being directed to do or not do something, an ordinance is used. When County employees or officers are given administrative direction or some ministerial matter in the implementation of an ordinance is involved, an order is appropriate.

(2) The Office of Legal Counsel will review the proposal and assist in assigning the proper Manual Chapter and section numbers and the appropriate termination category (see LM 2.040). The adopting order is the official version of the action of the Board.

(3) The Office of Legal Counsel is hereby assigned the duties of codification of the Lane Manual. Legal Counsel shall endeavor to keep the Manual and its copies as current as reasonably possible, and in format(s) conducive to public use, and to distribute a list of changes and a revised index on a regular basis.

(4) Legal Counsel may make certain editorial changes and corrections in the Manual, provided such changes do not alter the sense, meaning, effect or substance of any order. Changes and corrections may include the following: change, rearrange or renumber titles, chapters, appendices, sections or any other parts of the Manual or change numbering systems or cross-reference systems as necessary to make it more logical, readable or understandable; strike figures or words that are repetitious or unnecessary; change capitalization, punctuation, style or other format changes for purpose of uniformity and correct clerical, typographical or editorial errors. Such codification changes authorized under this section are intended to be non-substantive in nature and may be made without action of the Board.

(5) The Manual shall display a history of adoption, either by page or by section or subsection, utilizing the number and effective date of the most recent amending order. The Office of Legal Counsel, as part of its duties, shall determine appropriate placement, depending on the medium in which it is displayed. *(Revised by Order No. 78-7-26-1, Effective 7.26.78)*

### 2.035 Orders Amending Manual Provisions.

The Manual shall be amended by an order of the Board when substituting new sections for existing sections, adding new sections, or removing existing sections. The general format of an order transmitting a Manual change shall be as follows:

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER  
2 OF LANE MANUAL REGARDING  
PROVISIONS FOR MAINTENANCE AND  
AMENDMENT OF THE LANE MANUAL  
AND LANE CODE (LM 2.030-2.045, 2.065-  
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(2) The Office of Legal Counsel will review the proposal and assist in assigning the proper Manual Chapter and section numbers and the appropriate termination category (see LM 2.040). The adopting order is the official version of the action of the Board.

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### 2.035 Orders Amending Manual Provisions.

The Manual shall be amended by an order of the Board when substituting new pages sections for existing pagessections, adding new pagessections, or removing existing pagessections. The general format of an order transmitting a Manual change, ~~which can be written only after the proposed Manual amendment have been typed,~~ shall be as follows:

\_\_\_\_\_ IN THE BOARD OF COUNTY COMMISSIONERS  
\_\_\_\_\_ OF LANE COUNTY, OREGON  
  
\_\_\_\_\_ ) IN THE MATTER OF AMENDING CHAPTER  
O R D E R N O. \_\_\_\_\_ ) 2 OF LANE MANUAL TO AMEND LM  
\_\_\_\_\_ ) SECTIONS 2.035 AND 2.045, ADD  
\_\_\_\_\_ ) NEW LM SECTIONS 2.050 AND 2.055,  
\_\_\_\_\_ ) AND CLARIFYING AND CORRECTING

**REMOVE THESE SECTIONS**      **INSERT THESE SECTIONS**

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as located on pages 2-3 to 2-6  
(a total of 4 pages)

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Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to amend LM sections 2.030-2.045 and 2.065-2.080, and add new LM section 2.082 to revise the provisions regarding maintenance and amendment of the Lane Manual and Lane Code.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2001

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

*(Revised by Order No. 78-7-26-1, Effective 7.26.78)*

**2.045 Initiation, Drafting, and Processing the Proposed Manual Amendment.**  
See LM 2.065 through 2.080, substituting the words "Manual" for "Code" and "order" for "ordinance" and remembering that an order requires only one reading while an ordinance requires two. *(Revised by Order No. 93-3-31-8, Effective 3.3.93)*

**2.050 Distribution of the Manual.**  
The initial cost of the Lane Manual is \$75.00 and is available to any member of the public requesting a copy. An additional \$65.00 annual update charge will be charged and is payable in advance for the fiscal year for which updates are charged. *(Revised by Order No. 93-3-31-8, Effective 3.3.93)*

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