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## Chapter 2

### ADMINISTRATION

#### GENERALLY

##### **2.005 Board Action.**

(1) All formal action by the Board shall be in the form of ordinance or order, except where otherwise required by law.

(2) Ordinances enacted by the Board shall be in the form provided in subsections 18(1) and (3) of the Charter.

(3) Orders enacted by the Board shall be signed by the Chair or Acting Vice-Chair of the Board and shall become effective as of the date of signing unless otherwise provided. *(Revised by Ordinance No. 22-72, Effective 11.3.72; 10-75, 8.1.75; 11-01, 12.05.01)*

##### **2.010 Creation of Boards, Commissions, Etc.**

Provision for assignment of powers and duties, limitations, directions, allocation of functions, manner of appointment, compensation, title and creation, change and abolition of each department, agency, board, commission, committee, office, position, officer, agent and employee, shall be by order of the Board except where otherwise established by the Charter and shall become effective as of the date of signing unless otherwise provided. *(Revised by Ordinance No. 22-72, Effective 11.3.72)*

##### **2.020 Maintenance of the Code.**

The Code shall be maintained by the following procedures:

(1) The Board shall classify each new ordinance adopted as general or special.

(2) All ordinances, whether general or special, shall be numbered as the Board shall order. The original copy of each ordinance shall be filed in numerical order in the Board's office after being properly signed.

(3) Amendments to the Code shall be made by ordinance. The Office of Legal Counsel will assist in assigning the proper Code chapter and section numbers. The enacting ordinance is the official version of the action of the Board.

(4) The Office of Legal Counsel is hereby assigned the duties of codification of general County ordinances. Legal Counsel shall endeavor to keep the Code 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.

(5) Legal Counsel may make certain editorial changes and corrections in the Code, provided such changes do not alter the sense, meaning, effect or substance of any ordinance. Changes and corrections may include the following: change, rearrange or renumber titles, chapters, appendices, sections or any other parts of the Code or change code 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.

(6) The Code shall display the history of adoption, either by page or by section or subsection, utilizing the number and effective date of each amending ordinance, with the latest number appearing in the last position. The Office of Legal Counsel, as part of its codification duties, shall determine appropriate placement,

depending on the medium in which it is displayed. *(Revised by Ordinance No. 22-72, Effective 11.3.72; 10-75, 8.1.75; 19-83, 10.19.83; 11-01, 12.05.01)*

**2.025 Ordinances Amending Code Provisions.**

(1) The Code shall be amended by a general ordinance in the format shown below substituting new sections for existing sections in the Code, adding new sections to the Code, or removing existing sections from the Code.

(2) The general format of an ordinance transmitting a Code change shall be as follows:

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IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO.	IN THE MATTER OF AMENDING CHAPTER 2 OF LANE CODE TO AMEND, CLARIFY AND CORRECT PROVISIONS FOR REVISING THE LANE CODE (LC 2.010; 2.020; 2.025, 2.040, 2.060 and 2.070)
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The Board of County Commissioners of Lane County ordains as follows:

Chapter 2 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS 2.010-2.025, 2.040, 2.063-2.070 located on pages 2-1 to 2-3 (a total of 3 pages)	INSERT THESE SECTIONS 2.010-2.025, 2.040, 2.060-2.070 located on pages 2-1 to 2-3 (a total of 3 pages)
NONE	2.080 located on page 2-4 (a total of 1 page)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to amend, clarify and correct provisions for revising the Lane Code.

[Use following paragraph only when applicable]

An emergency is hereby declared to exist and this ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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

\_\_\_\_\_  
 Recording Secretary for this Meeting of the Board

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*(Revised by Ordinance No. 22-72, Effective 11.3.72; 10-75, 8.1.75; 11-01, 12.05.01)*

**2.030 Failure to Comply.**

Sections 2.020 and 2.025 are directory rather than mandatory and failure to comply with them shall not invalidate an ordinance. *(Revised by Ordinance No. 9-89; Effective 7.26.89)*

**2.040 Contracts Pursuant to Bid.**

No agreement or contract shall be entered into by Lane County with any party pursuant to bids under ORS Chapter 279 unless bid review procedures as adopted by order of the Lane County Board of Commissioners shall have been completed prior to the award of the bid. The procedures shall include legal review of the bid documents by the Lane County Office of Legal Counsel and review of the availability of budgeted funds by the department seeking the materials or services let for bid. *(Revised by Ordinance No. 9-89; Effective 7.26.89)*

**2.050 Long-Term Purchase Agreements for Personal Property.**

Pursuant to the authority granted to the Board by the County Charter and ORS 203.035, the Board may, by order, authorize the County to enter into long-term installment purchase agreements, lease purchase agreements, or other agreements to acquire personal property, if all payments due under such agreements are subject to the appropriation of funds. Any such agreements previously approved by the Board are hereby ratified and confirmed. *(Revised by Ordinance No. 9-89; Effective 7.26.89)*

**2.060 Contract Review Board (CRB).**

(1) Pursuant to ORS 279.055, the Lane County Board of Commissioners creates and designates itself as a local Contract Review Board (CRB), with all the powers and authorities provided in ORS Chapter 279.

(2) The CRB shall adopt rules governing public contracts by Board Order.

(3) The CRB may impose fees by Board Order for local public agencies for which it serves as their contract review board. *(Revised by Ordinance No. 6-94; Effective 9.13.94; 12-94, 1.11.95)*

**2.070 Subdivision Plat Approval.**

Pursuant to the authority granted to the Board by the County Charter and ORS 92.100, the Chair of the Board, or the vice-chair when the chair is absent, is authorized to approve all subdivision plats upon presentation for approval by the County Surveyor or his or her designee. *(Revised by Ordinance No. 12-94; Effective 1.11.95)*

## COUNTY ADMINISTRATOR

**2.110 County Administrator.**

(1) The County Administrator shall be the Chief Administrative Officer of the County and shall be responsible only to the Board of Commissioners.

(2) All previous delegation in effect at the time of enactment of this Ordinance shall remain in effect and any future delegation of the authority from the Board to the County Administrator shall be in writing.

(3) The County Administrator shall be Budget Officer of Lane County and perform the functions assigned to such officer under general State law.

(4) The County Administrator shall be responsible to the Board for the following functions.

(a) Coordinating the activities of all other County Departments.

(b) The direction of the activities of all other administrative Departments.

(i) Recruitment, appointment, corrective action and dismissal of administrative Department Directors.

(ii) Preparation and administration of annual Department Director performance evaluations.

(iii) The setting and adjusting of salaries of administrative Department Directors in annual merit adjustments within the ranges approved by the Board.

(iv) Before taking final action on appointment or dismissal of department directors, the Administrator shall advise the Board of the cause and process used in such action.

(v) The adjusting of salaries of the Assistant County Administrator, County Counsel, and the Performance Auditor in accordance with the Board's performance evaluations and within the salary ranges approved by the Board.

(c) The preparation and recommendation of the annual budget and compensation plan.

(d) Preparation and administration of a management compensation plan.

(e) Planning, directing and evaluation of the development of internal management systems and procedures.

(f) The preparation of administrative regulations and policies to carry out the efficient operation of the County.

(g) Enforcement of ordinances, orders, rules, regulations, procedures and policies adopted by the Board.

(h) Preparation and submission of an annual report on the status of County operations.

(i) Performance of other duties as the Board directs. *(Revised by Ordinance No. 13-83, Effective 5.27.83; 17-83, 10.1.83; 17-90, 1.18.91; 12-92, 10.14.92; 8-07, 9.14.07)*

### **2.115 Additional Functions of the Office of County Administration.**

(1) The Office shall have all those functions deemed necessary by the Board.

(2) Specifically, the Office shall have the following functions in addition to those responsibilities noted in LC 2.110 above:

(a) Community relations functions, to include internal publications, external communications, media liaison, community organization liaison, advisory committee liaison, citizen assistance, information center, publication coordination and graphics support services.

(b) Agenda management, Clerk of the Board functions and support staff functions for the Board.

(c) Intergovernmental relations staff functions for the Board.

(d) Development and maintenance of the Lane County Administrative Procedures Manual.

(e) Coordination of Justice Services, as supervised by the County Administrator.

(f) Community and Economic Development functions as supervised by the County Administrator.

(3) Other functions assigned by the Board as reflected in the Lane Manual.

(4) The Assistant County Administrator is authorized to perform County Administrator functions as assigned by the County Administrator. *(Revised by Ordinance No. 13-83, Effective 5.27.83; 17-83, 10.1.83; 5-85, 7.10.85; 8-86, 7.25.86; 17-90, 1.18.91; 12-92, 10.14.92; 8-07, 9.14.07)*

## MERIT SYSTEM

### **2.220 Merit System.**

The intent of LC 2.220 to 2.285 is to provide a Merit System of personnel administration, including: the appointment and promotion of County employees on the basis of merit and fitness; a classification plan for positions in the classified service; an equitable compensation plan; and a system to facilitate the handling of other personnel matters on the basis of merit. "Merit System" does not include the system adopted by the Fair Board as described in LC 2.225(1) below. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 5-98, 9.9.98)*

### **2.225 Application.**

The provisions of LC 2.220 to 2.285 and the rules adopted pursuant thereto shall apply only to the classified service of the County as established in Section 28 of the Charter, unless expressly provided therein and except as hereby delegated to the Fair Board.

(1) The Board of Commissioners delegates authority to the Lane County Fair Board to adopt a separate merit system of personnel administration, to include all elements required by the Charter, which system, classification plan, compensation plan and all implementing personnel rules shall apply to employees at the Lane County Fairgrounds.

(2) The employees at the fairgrounds shall be governed by the merit system as adopted and implemented by the Fair Board pursuant to LC 2.225(1) above, and not by LC 2.225-2.285 or provisions implementing them.

(3) The Board of Commissioners reserves the right to revoke the delegation to the Fair Board described in LC 2.225(1) above at any time it deems doing so is prudent, at which time the employees shall be governed by the Merit System described in LC 2.220 above and all implementing rules and regulations. Assimilation of these employees into the County Merit System shall be done in an equitable manner, recognizing that their employment by the Fair Board has been pursuant to the Home Rule Charter. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 5-98, 9.9.98)*

### **2.250 Administration.**

The Board of Commissioners shall be responsible for the administration of the Merit System. For the purpose of obtaining assistance in the administration of the Merit System, the Board may designate a County employee, appoint a full or part-time person, or contract for services from a person or agency competent in personnel administration. *(Revised by Ordinance No 7-74, Effective 7.5.74)*

### **2.255 Rules.**

(1) Personnel rules consistent with the purposes of LC 2.220 to 2.285 shall be adopted and may be amended by Order of the Board as in the case of Lane Manual provisions, or by the General Administrator, as in the case of provisions of the Administrative Procedures Manual. The rules shall establish specific procedures and regulations governing personnel matters. It shall be the duty of all persons, including independently elected officials and their appointees, who supervise County employees to implement and enforce the personnel rules.

(2) The heads of all Departments, or their delegees, whether appointed or elected, shall be the appointing authority for the Lane County employees who are employed in that Department, with all of the responsibilities and authority as designated by the Lane Code, Lane Manual and Administrative Procedures Manual. However, for the purpose of Oregon's collective bargaining statutes, ORS 243.650 through ORS 243.782, the Board of County Commissioners is the "public employer" of all classified

Lane County employees and not the appointing authority, unless the Lane County Charter, state statutes or case law provides otherwise. In addition, the Lane County Sheriff, who is the Director of the Department of Public Safety, is a co-employer with the Board of County Commissioners for all Lane County classified employees who work within the Department of Public Safety of Lane County. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 24-80, 1.16.81; 3-82, 1.27.82; 12-82, 5.19.82; 7-83, 3.15.83)*

### **2.260 Classification Plan.**

The Board shall cause to be prepared and shall adopt a position classification plan. The duties and responsibilities of all positions in the classified service, except as delegated in LC 2.225(1) above, shall be analyzed and each position shall be assigned to an appropriate classification according to the similarity of duties and responsibilities. Each classification shall have written specifications which shall include an appropriate title, a general description of duties and responsibilities, and a statement of minimum requirements of education and training, experience, professional licensing or certification, and other qualifications. A classification may contain one or more positions and all positions in the same classification shall be sufficiently alike to permit the use of a single descriptive title, a general statement of duties, the same qualification requirements, and the same pay range. The Board may modify the classification plan by creating or eliminating classifications. The General Administrator shall be charged with the responsibilities for determining initial classifications and approving or disapproving reclassifications of existing positions. Classification titles as established shall be used in all official personnel and financial records of the County. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 24-80, 1.16.81; 16-81, 10.23.81)*

### **2.265 Compensation Plan.**

The Board shall fix the maximum and minimum salary ranges for each classification in the classified service, except as delegated in LC 2.225(1) above. The Personnel Manager shall be charged with preparing and maintaining a compensation plan covering all classes of positions in the classified service which shall include for each classification the maximum and minimum salary range, as established by the Board of Commissioners, and such intermediate rates as are considered necessary and equitable. The Personnel Manager may modify, add to, or otherwise change the compensation plan as necessary to reflect Board of Commissioners' action fixing salary ranges. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 24-80, 1.16.81; 5-98, 9.9.98)*

### **2.270 Applications; Appointments and Promotions.**

(1) All persons applying for a position in the classified service shall fill out an employment application form to be provided by the Board. The qualifications of applicants for appointment or promotion shall be determined by appraisal and investigation of the application. In addition, the Board may require that applicants for positions in any designated classification achieve a passing grade on a written examination, performance test, test of physical fitness, interview or other means of determining their knowledge or ability to perform the required duties.

(2) In case of emergency and where the interest of the county or the public probably would suffer material injury by delay, as determined by the Board, the appointing authority may employ or promote such persons as may be needed without regard to LC 2.270(1) above for a period not to exceed 30 calendar days. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 24-80, 1.16.81; 3-82, 1.27.82)*

**2.275 Probationary Period.**

Unless otherwise agreed in collective bargaining agreements, probationary periods shall be as set forth in this section.

(1) Appointment Probationary Period. The first year following an appointment in the classified service shall be a probationary period, during which time an employee may be dismissed at any time without right of appeal. Employees shall be given permanent appointment upon successful completion of the probationary period.

(2) Promotional Probationary Period. The first year following a promotion in the classified service shall be a probationary period, during which time an employee may be demoted to his or her former classification at the discretion of the Appointing Authority. Employees shall be given permanent appointment to the new classification upon successful completion of the probationary period. *(Revised by Ordinance No. 7-74, Effective 7.5.74; 3-82, 1.27.82)*

**2.280 Tenure.**

The tenure of every employee shall be conditional on satisfactory behavior and performance of duties:

(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)*

**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-bearing capacity and available financial resources, including insurance; and for establishing, to the extent possible, an exposure-free County work and service environment. *(Revised by Ordinance No. 3-85, Effective 7.1.85; 8-87, 6.24.87)*

### 2.410 Self-Insurance Fund.

(1) The Self-Insurance Fund shall exist as a separate fund in order to centrally account for all expenditures and reserves associated with the protection of the County assets and operations. Accounts will be established within the fund for the financial administration of general liability, contract liability, personnel and labor relations liability, self-insurance, workers' compensation, and purchased insurance as shall be determined to be necessary.

(2) In conformity with Lane County's procedures, the following expenditures may be charged to the appropriate account of the Self-Insurance Fund.

(a) Costs and expenses related to administration, investigation, payment, and litigation of all insured and uninsured claims and losses arising from the County's operations including workers' compensation claims whether said costs incurred externally or internally within Lane County.

(b) Costs for repairing and replacing personal property, money and improvements to real property owned or leased by the County to the extent the County has contractually assumed risk of loss.

(c) Loss prevention expenditures for minor unanticipated projects not budgeted by the departments that are needed to immediately reduce risks of future losses and/or to comply with state/federal safety and health regulations.

(d) Insurance premiums for County operations.

(e) Those claims, settlements or judgments for which payment is in the best interests of Lane County or which have been judicially imposed. All settlements

of claims or lawsuits shall be made in conformity with state law and Lane Manual provisions.

(f) Any other insurance or self-insurance-related expenditures as deemed appropriate by the County Administrator within standard budgetary procedures.

(3) The Self-Insurance Fund shall not be charged for the expenses of:

(a) Condemnation actions.

(b) Litigation commenced by Lane County for Code enforcement purposes.

(c) Representing the Assessor on tax appeals.

(d) Representing Lane County on land use appeals, unless monetary damages, which could include attorney fees, are sought against Lane County.

(4) The County Administrator will ensure that the Self-Insurance Fund shall be maintained at an appropriate level with consideration for County needs, exposures, reported losses and the reported loss experience of each department.

(5) The Self-Insurance Fund shall be maintained at a level to pay all claims, premiums, administration expenditures, reserves and future reserves for incurred, but not reported, claims. Amounts shall not be transferred from the Self-Insurance Fund unless a program defined by LC 2.410(2) is discontinued without further financial obligation and/or it is determined by a qualified independent actuary based upon the standard for reserving against potential liability that the fund level may be adjusted. *(Revised by Ordinance No. 3-85, Effective 7.1.85; 8-87, 6.24.87)*

### **2.415 Delegation.**

The County Administrator shall promulgate administrative procedures and budget instructions as are necessary to implement, maintain and perform the duties mandated by LC 2.400 to 2.410. *(Revised by Ordinance No. 3-85, Effective 7.1.85)*

## **RETIREE MEDICAL BENEFIT TRUST FUND**

### **2.500 Dedication of the Retiree Medical Benefit Trust Fund.**

(1) Non-represented employees. Lane County has promised that, upon retirement, all employees employed in permanent positions on or before March 5, 1991, and who worked 10 continuous years of service would be eligible for County-paid retiree medical insurance. Employees hired after March 6, 1991, would not be eligible for that benefit. This promise applies to employees who are not members of a collective bargaining group.

(2) Represented employees. Lane County has made similar promises to employees who are members of collective bargaining units. Those promises are as follows:

(a) AFSCME-General Unit and Nurses Contract, Lane County Public Works Association Local 626, Administrative-Professional Association of Lane County Public Works, Inc, and Lane County Prosecuting Attorneys' Association. Upon retirement, all employees hired on or before July 1, 1987, and who worked ten (10) full, continuous years of service prior to age seventy (70) would be eligible for County-paid retiree medical insurance. Upon retirement, all employees hired after July 1, 1987, and before July 1, 1997, and who worked twenty (20) full, continuous years of service prior to age seventy (70) would be eligible for County-paid retiree medical insurance.

(b) Lane County Peace Officers' Association. Upon retirement, all employees hired on or before July 1, 1987, and who worked ten (10) full, continuous years of service prior to age seventy (70) would be eligible for County-paid retiree medical insurance. Upon retirement, all employees hired after July 1, 1987, and before

July 1, 1993, and who worked twenty (20) full, continuous years of service prior to age seventy (70) would be eligible for County-paid retiree medical insurance.

(3) These agreements or promises should be consulted to determine qualifications for retirement.

(4) The retiree medical benefit is a benefit that is limited in scope in that there are no new employees who will become eligible to receive it. As such, it is also a defined and limited liability for Lane County.

(5) The Board of County Commissioners has determined it is in the best interests of Lane County to provide a separate and dedicated trust fund for the purpose of paying for this defined liability. By virtue of the Ordinance creating this Lane Code provision, the Board hereby creates a Retiree Medical Trust Fund and dedicates all monies deposited in the Retiree Medical Trust Fund, now or hereafter, for the purposes enumerated below:

(a) To make payments in fulfillment of the promises of the County-paid retiree medical insurance as described in LC 2.500(1) and (2).

(b) To pay necessary and reasonable administrative and actuarial expenses, including but not limited to routine County indirect expenses, to manage and maintain the fund in a prudent manner in accordance with the normal fiduciary responsibilities associated with a trust fund.

(c) All earnings from investments of monies in the Retiree Medical Trust Fund shall accrue to the Trust Fund and are dedicated for the same purposes as the other Trust Fund monies.

(6) As part of the annual budget process, the Lane County Commissioners shall consider appropriations from the various funds of the County to transfer into the Retiree Medical Trust Fund to be used to prudently fund the outstanding liability for the retiree medical insurance benefit. Once transferred into the Retiree Medical Trust Fund, such monies are thereafter dedicated to the purposes described in LC 2.500(5) and shall be used for no other so long as there is an outstanding un-funded liability.

(7) Amounts shall not be transferred from the Retiree Medical Trust Fund unless and until it is determined by a qualified independent actuary based upon the standard for reserving for such outstanding liability that the Fund is fully funded. At that point, monies residing in the Trust Fund can be transferred to another County fund used for the purpose of providing employee benefits, but only to the extent that the transferred Trust Fund monies are equal to or less than the amount determined excess by the independent actuarial report. *(Revised by Ordinance No.4-03, Effective 6.20.03)*

## **ELECTIONS/INITIATIVE AND REFERENDUM**

### **2.620 Definitions.**

For the purposes of LC 2.625 to 2.657 below, the following words and phrases shall have the meaning ascribed to them by this section:

County Legislation. Those matters covered in LC 2.625 to 2.657 below and includes any measure proposing the adoption, repeal or amendment of any ordinance of the County or the repeal, revision or amendment of the Charter.

County Measure. Any other measure placed on the ballot by the County.

Final Petition. Refers to the petition signed by the number of qualified voters required by LC 2.625 below.

Prospective Petition. The prospective petition is subject to approval under ORS 250.165 and relates only to those matters covered in LC 2.625 and 2.657 below.

State Law and Regulations. Any reference to State law or administrative rule or regulation in LC 2.620 through 2.657 below, whether generally or by specific citation,

shall be to those laws, rules and regulations in effect on May 1, 2006. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82; 18-91, 1.10.92; 9-92, 7.27.92; 1-98, 2.25.98; 8-01, 1.4.02; 05-06, 7.21.06)*

### **2.625 Incorporation of State Law.**

(1) With respect to County legislation submitted to the voters through the exercise of the initiative and referendum powers, unless modified by LC 2.620 through 2.659, the procedure for filing prospective petitions, the form of petitions, the verification of signatures, the determination of ballot titles and statements and their judicial review, the manner, schedule and procedures for voters' pamphlet (both state and county), and the manner of conducting elections shall be as provided with respect to County measures for non-Home Rule counties under State law and regulations, except that the duties required of the District Attorney shall be performed by the County Counsel, and the petitions shall be signed only by electors residing in the County.

(2) With respect to any County measure other than County legislation where State law regarding elections requires certain duties of the District Attorney, including, but not limited to, the preparation of ballot titles, those duties shall be performed by County Counsel. This section shall not apply to the criminal prosecution of any persons for election law crimes, which duty shall be performed by the District Attorney. This section shall also not apply to where a special district is the election authority, in those cases, the District Attorney is charged with responsibility to prepare ballot titles. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82; 3-88, 5.13.88; 18-91, 1.10.92; 9-92, 7.27.92; 1-98, 2.25.98; 8-01, 1.4.02; 05-06, 7.21.06)*

### **2.630 Voters' Pamphlet.**

The Board may, by order, direct that measures with respect to County legislation or County measures, be included in the voters' pamphlet, prepared either by the Secretary of State or by the County Clerk. If so, the measure, ballot title, explanatory statement and arguments, if any, shall be printed, if they conform to the requirements of state law and administrative rule and the following:

(1) Explanatory Statement. The Board shall appoint a committee of not less than three nor more than five persons to write an explanatory statement that is an impartial, simple and understandable statement explaining the measure and its effect. To the extent possible, the committee shall include a balance of persons supporting and opposing the measure and one who is neutral. The statement shall not exceed 500 words. The committee shall file the statement by noon on the deadline as specified by state law or administrative rule for the state or county voters' pamphlet, as appropriate and applicable.

(a) Any person dissatisfied with the explanatory statement may petition the circuit court seeking a different statement and stating the reasons the statement filed is insufficient or unclear. If the petition is filed not less than the fifth day after the deadline for filing the explanatory statement, the court shall review the matter in the same manner and time frame as the Supreme Court in ORS 251.235, and shall certify an explanatory statement to the County Clerk.

(2) Arguments. Arguments must be filed with the County Clerk by noon on the deadline as specified by state law or administrative law, pursuant to the applicable schedule for a state or county voters' pamphlet. Typewritten arguments supporting or opposing the measure shall be printed on 29.8 square inches of the voters' pamphlet if the argument is accompanied by either a payment of \$300 or a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 electors eligible to vote on the

measure or either 10 percent of the total such electors, if the matter is for the state voters' pamphlet or 4 percent if for a County voters' pamphlet, whichever is less.

(3) Candidate Statements. Candidate statements shall conform to the applicable requirements of state law for the state or County voters' pamphlet, as appropriate.

(4) The form of voters' pamphlet, the determination of statements and arguments entitled to be included in the pamphlet and the space to be allotted to them, the filing deadlines, filing fees and the payment of costs of printing and distributing the pamphlets shall be as provided by ORS 251.285 or 251.305-251.435 and administrative rule, except as modified by LC 2.630(1)-(2). *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82; 18-91, 1.10.92; 9-92, 7.27.92; 1-98, 2.25.98; 8-01, 1.4.02; 05-06, 7.21.06)*

### **2.635 Initiative.**

On the filing with the County Clerk responsible for election matters of an initiative petition which proposes in a proper manner a measure of County legislation and which is signed by a number of qualified voters equal to six percent of the total number of votes cast in the County for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition, the measure shall be submitted at the next regular primary or general election following the filing of the final petition provided that, if the final petition is filed within four months prior to such election, it shall be submitted at the next succeeding primary or general election. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82)*

### **2.640 Referendum.**

Except for any ordinance containing an emergency clause, a referendum on any ordinance enacted by the Board shall be held following the filing with the County Clerk responsible for election matters according to the proper form and procedure of a referendum petition signed by a number of qualified voters equal to four percent of the total number of votes cast in the County for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. The final petition shall be filed with the County Clerk responsible for election matters within 90 days of the passage of the ordinance by vote of the Board. With the filing of the final petition, the effect of the ordinance shall be suspended until the date of the proclamation of the results of the referendum on the ordinance. The referendum shall be held at the next regular primary or general election following the filing of the final petition or at such earlier date as the Board may order, provided that, if the final petition is filed within four months prior to such primary or general election, it shall be held at the next succeeding primary or general election or at such earlier date as the Board may order. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82)*

### **2.645 Revision of Charter.**

Any measure relating to the amendment, revision or repeal of the Charter may be initiated by proper petition according to the procedure of LC 2.620 to 2.655 herein, except such measures shall be voted on only at the next succeeding primary or general election. The petition must be signed by a number of qualified voters equal to eight percent of the total number of votes cast in the County for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 18-91, 1.10.92)*

**2.650 Board Referral of Charter Revision.**

(1) The Board may order not less than 120 days prior to any regular primary or general election or not less than the latest date provided by state law for filing measures referred by a county governing body for the next available election date specified in ORS 203.085, that any measure relating to the amendment, revision or repeal of the Charter be referred to the electorate of the County at such election. The order shall set forth the changes in the language of the Charter which are proposed by the measure. If a majority of votes cast in such election favor the measure, the Charter shall be amended, revised or repealed as set forth in the order. The amendment, revision or repeal shall be effective on the date provided in the order, or if no date is provided, on the date of the formal certification of the results of the election by the County Clerk responsible for election matters.

(2) The County Counsel shall prepare a ballot title for a measure and shall file the title with the County Clerk responsible for election matters within five days after the date that the measure is referred to the electorate by order of the Board. The ballot title shall consist of a caption not exceeding 10 words in length by which the measure is concisely identified, a question of not more than 20 words which plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote, and an abbreviated statement summarizing the measure not exceeding 175 words in length. Any person dissatisfied with a ballot title as filed with the County Clerk may petition the Circuit Court of Lane County in accordance with the provisions of ORS 250.195. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82; 3-88, 5.13.88; 1-98, 2.25.98; 2-99, 5.21.99)*

**2.655 Inclusion in the Voters' Pamphlet.**

(1) The Board may at its option order that a description and discussion of the measure, ordered pursuant to LC 2.650 above, be included in the voters' pamphlet prepared by the Secretary of State or the County Clerk which shall contain, in addition to a copy of the ballot title of the measure, a statement explaining the measure and arguments for and against the measure.

(2) The statement and the argument, if included in the voters' pamphlet, shall conform to the requirements of state law as modified by LC 2.630. If the measure is to be included in a voters' pamphlet prepared by the County Clerk for an election other than the regular primary or general election, the explanatory statement and arguments shall be filed with the County Clerk by the deadlines specified by state law or administrative rule, as modified by LC 2.630.

(3) The Board may appoint a committee of three to five persons to prepare the arguments in support of the referred Charter amendment. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 19-81, 1.8.82; 18-91, 1.10.92; 1-98, 2.25.98; 2-99, 5.21.99; 8-01, 1.4.02; 05-06, 7.21.06)*

**2.657 Board Referral of a Measure.**

The Board may place on the ballot any County measure or refer a measure of County legislation to be voted on according to the procedures and deadlines specified by state law. The matter may be included in the voters' pamphlet, by order of the Board, in accordance with LC 2.630 above. If the measure is to be included in a County voters' pamphlet at an election other than the regular primary or general election, the deadlines for the explanatory statement and arguments shall be as set forth in LC 2.655(2) above. *(Revised by Ordinance No. 18-77, Effective 11.23.77; 9-86, 8.6.86; 18-91, 1.10.92; 3-94, 2.9.94; 1-98, 2.25.98; 2-99, 5.21.99)*

**2.659 Board Referral of Advisory Questions.**

(1) The Board may refer advisory questions relating to any matter to the people not less than 70 days prior to any primary, general or Statewide special election nor less than 30 days prior to any election held on the dates specified in ORS 203.085, which do not also qualify as a regular primary, general or Statewide special election.

(2) The ballot title shall be referred by the Board in the form that it shall appear on the ballot. The title shall consist of a caption of not more than 10 words, a question of not more than 20 words in length, and an explanatory statement of not more than 150 words. The explanatory statement shall contain a concise and impartial statement of the issue presented to the voter.

(3) The general procedure for conducting advisory question elections shall be consistent with ORS Chapter 255. The County Clerk responsible for election matters shall have the authority to take appropriate action to guarantee the submission of the advisory question to the appropriate voter group.

(a) After receipt of the Board referral, the County Clerk shall provide notice of the advisory question in the same manner specified in ORS 255.095.

(b) Advisory questions may be conducted Countywide or within only a portion of the County, however, the areas designated by the Board shall follow precinct boundaries established pursuant to ORS 246.410.

(c) No election contests or recounts, as specified in ORS Chapter 258 shall be permitted.

(d) No challenge to the ballot title, consisting of the caption, the question and explanatory statement, shall be permitted after Board referral to the people under this ordinance.

(e) Advisory questions referred pursuant to this ordinance shall be preceded on the ballot by the following statement:

"Referred to the people by the Board of County Commissioners. The questions are advisory only and shall have no binding legal effect whatsoever."

*(Revised by Ordinance No. 15-78, Effective 8.29.78; 19-81, 1.8.82)*

**SERVICE DISTRICTS****2.660 Establishment of Local Service District.**

Pursuant to Section 7 of the Charter, the method for establishing a local service district and for enlarging such a district already established, shall be as prescribed by the general laws of the State. *(Revised by Ordinance No. 17-72, Effective 9.8.72)*

**2.665 Referendum in Local Service District.**

Pursuant to Section 7 of the Charter, method for exercising the power of referendum in a local service district shall be as prescribed by the general laws of the State. *(Revised by Ordinance No. 17-72, Effective 9.8.72)*

**REAL PROPERTY COMPENSATION/  
REGULATION APPLICATION PROCESS****2.700 Findings and Purpose.**

(1) Findings. On November 2, 2004, the voters of the State of Oregon approved Ballot Measure 37 which added provisions to Oregon Revised Statutes (ORS) Chapter 197 to require, under certain circumstances, payment to landowners if a government land use regulation reduces property value. Ballot Measure 37 permits owners of private real property to apply for compensation for the reduction of property

value resulting from imposition of a land use regulation that restricts the use of private real property and the government has 180 days from such application to deny or pay the claim or take action to modify, remove, or not apply the regulation on the property. Since Ballot Measure 37 does not set forth a specific process for review of applications for compensation, it is in the best interests of Lane County to establish such a process in order to be able to assess such claims in a timely manner.

(2) Purpose. The provisions of LC 2.700 through 2.770 implement the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). The provisions of LC 2.700 through 2.770 establish a prompt, open, thorough and consistent process that enables property owners to present their legitimate claims consistent with the Oregon and U.S. Constitutions; enable persons with claims to have an adequate and fair opportunity to present them to the County; preserve and protect limited public funds; and establish a record of decision capable of appellate review. The provisions of LC 2.700 through 2.770 shall become operative only when the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) become effective. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.710 Definitions.**

For the purpose of LC 2.700 through 2.770 the following terms, phrases, words and their derivations shall have the meaning given in LC 2.710. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. Words not defined in LC 2.700 through 2.770 shall be given the meaning intended in the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), or as those words may be subsequently defined by statute. Words used in LC 2.700 through 2.770 that are the same as words used in the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) shall have the same meaning as the words used in those provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), notwithstanding any different definition in any other regulation. If not defined there, the words shall be given their common and ordinary meaning.

Claim. A claim filed under Ballot Measure 37.

County Administrator. The County Administrator or the Administrator's designee.

Exempt Land Use Regulation. A land use regulation that:

- (1) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
- (2) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
- (3) Is required to comply with federal law;
- (4) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
- (5) Was enacted prior to the date of acquisition of the property by the owner or a family member

Family Member. Includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

Land Use Regulation. Includes:

- (a) Any statute regulating the use of land or any interest therein;
- (b) Administrative rules and goals of the Land Conservation and Development Commission; and
- (c) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances.

Owner. The present owner of the property, or any interest therein.

Valid Claim. A claim submitted by the owner of real property that is subject to a land use regulation adopted or enforced by Lane County that restricts the use of the private real property in a manner that reduces the fair market value of the real property. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.720 Application for Claim.**

An applicant seeking to file a claim under LC 2.700 through 2.770 shall be the present owner of the property that is the subject of the claim at the time the claim is submitted. An applicant shall submit an application to the County Administrator consisting of all of the items set out in LC 2.720(1) through (9). The County Administrator may waive the submission of any materials if not deemed applicable to the evaluation of the specific claim. Within 10 working days of when the application is first submitted, the County Administrator may require additional information beyond that listed in LC 2.720(1) through (9) where useful to address approval criteria. The applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The County will not deem the application complete until all information required by the County Administrator has been submitted. Unless specifically waived by the County Administrator, the following must be submitted:

- (1) A completed application form;
- (2) The name, mailing address, and phone number of the property owner filing the application, and of each of the other owners of the subject property and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each, if any, along with the signature of each of the other owners indicating consent to the application claim;
- (3) A legal description and tax lot number of the subject property as well as a street address for the property (if any);
- (4) A title report issued within 30 days of the application's submittal, including title history and including a statement of the date the applicant acquired ownership of the subject property and showing the ownership interests of all owners of the property or, as an alternative to the title report, a copy of the deed(s) granting all existing ownership interests to the owner(s) of the subject property signing the application;
- (5) A statement specifically identifying the section of Lane Code or other land use regulation that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property, including the date the regulation was adopted, first enforced or applied to the subject property;
- (6) A copy of a written appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after application of each of the challenged regulations, individually, and after the application of all of the challenged regulations, cumulatively;
- (7) A written statement addressing the criteria listed in LC 2.740(1)(a) through (d);

(8) A statement by the applicant specifying the amount of the claim, and the fair market value of the property before and after application of the challenged land use regulation(s); and

(9) Copies of any leases or covenants, conditions and restrictions applicable to the subject property if any exist that impose restrictions on the use of the property. Unless waived by the County Administrator, an application also shall include an application fee, in the amount established by Order of the Board, to at least partially cover the County costs of processing the application, to the extent an application fee may be required as a condition of acceptance of filing of an application for a claim under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). The County shall refund the application fee if it is determined by the County or by a court that the applicant is entitled to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.730 Completeness Review.**

The County Administrator shall review a claim application and, within 10 working days of its receipt, notify the applicant as to whether the application is complete. If the County Administrator determines that the application is complete, the County Administrator shall begin the application review process. If the County Administrator determines that the application is incomplete, the county shall advise the applicant in writing of the necessary missing information. Within 10 days of the mailing of a notice of missing information, the applicant shall submit to the county a written statement indicating either an intent to submit the missing information or a refusal to submit the missing information. A statement indicating an intention to submit missing information shall constitute a waiver of the 180-day deadline contained in the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) for a period of time equal to the time it takes to supply the missing information. The County shall accept the application and begin review either:

- (1) Upon receipt of all of the missing information requested by the County;
- (2) Upon receipt of a written statement from the applicant indicating that the missing information will not be provided; or
- (3) Upon the 20th day after mailing the notice of missing information referred to above, if the applicant has not responded. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.740 Application Review and Recommendation.**

(1) The County Administrator shall make a determination as to whether the application qualifies for Board compensation consideration. An application qualifies for compensation consideration if the applicant has shown that all of the following criteria are met:

- (a) The County has either adopted or enforced a land use regulation that restricts the use of private real property or any interest therein;
- (b) The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed;
- (c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner; and
- (d) The challenged regulation is not an exempt regulation as defined in LC 2.710.

(2) If an application fails to meet one or more of the criteria listed above, the County Administrator shall issue a written final decision denying the claim and explaining the reason(s) for determining that the application does not qualify for

compensation consideration and will not be referred to the Board. If the application meets all of the criteria in LC 2.740(1)(a) through (d), the County Administrator shall refer the application to the Board and recommend, based on consideration of the criterion at LC 2.760(3), that the Board either compensate the applicant for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation or modify, remove, or discontinue application of the land use regulation to the subject property.

(3) After consideration of the information included in the application and any other evidence obtained or received, the County Administrator shall determine whether modifying, removing, or discontinuing application of a land use regulation is necessary to avoid owner entitlement to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), and if so the extent needed to avoid the entitlement to such compensation and the amount of compensation to which the owner would be entitled without modifying, removing, or discontinuing application of a land use regulation. The County Administrator shall compare the public benefits from application of the land use regulation to the private real property with the public burden of paying the required compensation to the owner if a modification or waiver of the land use regulation is not granted, taking into consideration the financial resources of the County for the payment of such claims. Based on this comparison, the County Administrator shall prepare a written report to the Board stating these determinations and the evidence on which they are based.

(4) If waiver or modification of a land use regulation is necessary to avoid owner entitlement to compensation, the County Administrator shall make a recommendation either to grant a waiver or modification of the land use regulation that will avoid owner entitlement to compensation, grant a waiver or modification of the land use regulation that will not avoid but will reduce the compensation to which the owner is entitled and pay the reduced compensation, or deny a waiver or modification of the land use regulation and pay the compensation to which the owner is entitled.

(5) Notice of the denial or recommendation to Board shall be mailed to the applicant.

(6) The County Administrator shall issue a decision denying the claim or making a referral recommendation to the Board by the 45th day after the application was accepted. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.750 Application Notice.**

(1) Within 5 days of the referral to the Board, but no less than 20 days before the Board holds a public hearing, written notice of the application referral shall be mailed to all of the following:

(a) The applicant;

(b) Other owners of the subject property and anyone with any interest in the property, including lien holders, trustees, renters, or lessees, as listed on the application;

(c) Owners of record on the most recent property tax assessment roll of properties located within 500 feet of the perimeter of the subject property located entirely within an urban growth boundary or Rural Community and within 1500 feet of the perimeter of all other subject properties;

(d) Neighborhood groups or community organizations officially recognized by the Board and whose boundaries include the subject property; and

(e) Other agencies or interested parties as determined by the County Administrator.

(2) The failure of any person to receive notice shall not affect or invalidate any proceedings under LC 2.700 through 2.770.

(3) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property;

(b) The criterion for the decision;

(c) The place, date, and location of the hearing;

(d) The nature of the application and the proposed use or uses which could be authorized if the identified land use regulation is waived or modified with respect to the subject property;

(e) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

(f) The name and telephone number of a county contact person; and

(g) A brief summary of the local decision making process for the decision being made. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.760 Board Consideration and Decision.**

(1) Upon conclusion of any hearing on a claim application, and prior to the expiration of 180 days from the date a claim was filed, the Board shall either declare:

(a) The claim is a valid claim and the amount of compensation, if any, due to the owner(s) of the subject property; or

(b) The claim is a valid claim and the County will, as of the date of the final Board decision, modify, remove, or choose not to apply the challenged land use regulation(s) in a manner which reduces the value of the subject property and allows the owner to use the property for a use permitted at the time the owner acquired the property.

(2) Where more than one regulation is being challenged, the Board may provide for a combination of the two remedies listed above.

(3) The Board decision shall be based upon consideration of whether the public interest would be better served by compensating the applicant, or by modifying, removing, or choosing not to apply the challenged land use regulation(s) to the subject property. The Board decision shall be accompanied by a written decision that states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria set forth in LC 2.760(3).

(4) Within 5 days after the Board renders a decision, the County shall mail notice of the decision to all parties to the proceeding. The notice shall include a summary of the decision.

(5) The County shall record notice of the Board decision in the county deed records. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

### **2.770 Board Decision Effect.**

(1) Pursuant to Ballot Measure 37 (November 2, 2004), and notwithstanding any other law, rule, ordinance, resolution, goal or other enforceable enactment of the County, and notwithstanding any other procedure for release, exception, or otherwise in the Lane Code, the Board is authorized to modify, remove, or discontinue application of a challenged land use regulation by Order pursuant to LC 2.700 through 2.770 when the Board, in its discretion, elects to do so rather than paying compensation to the property owner.

(2) Any modification, removal, or discontinued application of a regulation shall be in effect during such time as the owner owns the subject property and shall automatically cease when the property is owned by a new owner. Following termination of ownership of the property by the owner, the discontinued regulation or any subsequent

amendments shall be reinstated and apply to the property, and the new property owner shall, to the maximum extent permitted by law, bring the property immediately into compliance with the reinstated regulation.

(3) If the Board grants an Order modifying, removing, or discontinuing application of a challenged land use regulation as a means to avoid having to compensate, or as a means to limit compensation to, an owner under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), and if, based on an appellate court interpretation or invalidation of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), in the same or any other case, the applying owner was not entitled to compensation in relation to the modified, removed, or discontinued challenged land use regulation, then the Order shall be deemed to have been invalid and ineffective as of and after the date of the Board's Order. Any such invalidity and ineffectiveness shall be limited as necessary to avoid the County being required to compensate the owner under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

(4) Any modification, removal, or discontinued application of a challenged land use regulation Order granted under LC 2.700 through 2.770 shall terminate automatically on the occurrence of any event which determines the owner or future owner of the private real property that is the subject of the modified, removed, or discontinued application of a challenged land use regulation Order would not be entitled to just compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) in relation to the land use regulation made inapplicable by the Board Order. *(Revised by Ordinance No. 9-00, Effective 12.6.00; 18-04, 12.1.04)*

## COUNTY LANDS AND BUILDINGS

### **2.800 Parking.**

(1) The Board may designate by separate order certain locations on County-owned or controlled lands for parking purposes and may further order such regulation of parking considered reasonable and appropriate, including establishing user's fees and administrative charges in connection with such parking.

(2) For purposes of administration of any parking regulations ordered in accordance with LC 2.800(1) above, it shall be presumed:

(a) That a motor vehicle or other transportation vehicle was used with the owner's consent.

(b) That the owner of record was operating the vehicle whenever the actual operator is unknown.

(c) That a vehicle was parked for one-half the chargeable period whenever the actual time period is unknown. *(Revised by Ordinance No. 17-72, Effective 9.8.72; 18-77, 11.23.77)*

## FEES AND ASSESSMENTS

### **2.900 Fees to be Charged by the County Clerk for Recording and Other Services.**

(1) The County Clerk shall charge no fees to Lane County or any of its Departments for recording.

(2) The fee for approval of a plat by the county court is \$5.

(3) For recording and indexing any plat, the County Clerk, in whose office the deed records of the County are kept, shall charge \$20 plus \$10 per lot.

(4) Pursuant to ORS 203.148 a fee of \$10 shall be charged for recording any instrument under ORS 205.130(2). This fee is in addition to any other fee charged by the

County Clerk. All moneys collected under this section shall be deposited in the Public Land Corner Preservation Fund. *(Revised by Ordinance No. 8-79, Effective 7.26.79; 5-84, 6.15.84; 6-86, 6.18.86; 19-86, 2.6.87; 15-87, 9.27.87; 5-03, 7.17.03; 6-08, 1.2.09)*

**2.905 Law Enforcement Medical Liability Account Assessment.**

Within 60 days of receipt of an assessment levied by Lane County Justice Courts pursuant to Section 5(4)(a) of Ch. 778 of 1991 Or Laws (SB 1142), the assessment shall be transmitted to the Oregon Department of Revenue for placement in the Law Enforcement Medical Liability Account. *(Revised by Ordinance No. 4-92, Effective 6.12.92)*

**2.920 Forfeiture Assets.**

Property or proceeds distributed to Lane County under Oregon Constitution article XV 10(7)(c) shall be deposited in the General Fund to be available for all lawful General Fund purposes. *(Revised by Ordinance No. 8-02, Effective 7.11.02)*