

Lane Manual  
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## Chapter 4

### MANAGEMENT POLICIES

#### FINANCIAL AND BUDGET MANAGEMENT

##### **4.005 Purpose.**

The purpose of these policies is to provide guidance to the departments in the prudent management of the financial affairs of Lane County. The following financial and budget policies are adopted in support of the County's strategic goals, to ensure stability in service delivery, and to promote the efficient use of public funds. *(Revised by Order No. 84-12-19-9; Effective 12.19.84; 06-5-31-1, 5.31.06)*

##### **4.010 Policies.**

Departments will use the following policies in administering their budgets, developing long-range goals and plans, and dealing with the public and other governments.

(1) Budget and Management Policies:

Goal: To provide an accountable form of government to the citizens of Lane County.

(a) The County budget will provide information concerning program service delivery and will integrate performance measures and productivity indicators, where possible.

(b) The County budget will provide for an appropriate balance between the operating and capital portions of the budget to insure that equipment and facility maintenance and replacement are adequately funded and occur in a timely cost-effective manner.

(c) Long-range financial plans and revenues and expenditure estimates will be developed in order to contribute to financial and program stability.

(d) The County will endeavor to prepare and publish a comprehensive annual disclosure of its financial affairs in a format intelligible to the interested public, with the goal of obtaining the Certificate of Excellence in Financial Reporting (issued by the Governmental Finance Officers Association).

(e) The County will manage its separate funds in a manner that insures that one fund does not improperly subsidize another fund.

(2) Revenue Policies:

Goal: To develop and maintain balanced sources of revenue sufficient to meet the ongoing financial commitments of Lane County.

(a) To the extent feasible, one-time revenues will be used for one-time capital expenditures or projects and will not be used for recurring operating purposes.

(b) Prior to initiating new projects, whether service programs, grants, or capital improvement projects, financial impact analyses will be completed and considered. The analysis will identify the short term and long-range effects of such programs on the County along with any commitment for additional County resources.

(c) The County will strive to diversity revenues and develop controllable revenue sources in order to maintain services during times of economic downturn.

(d) Charges for services will be set by the Board of Commissioners and based on an analysis of who benefits from the service, amounts charged by other agencies for similar services, the actual direct and indirect cost of providing the services, and statutory limits. It is the general policy that fees will be set to recover the cost of providing the service.

(e) Fees and charges for internal service funds will be set at a cost recovery level. For replacement reserves, the charges will be established at a level to fund the replacement over the expected useful life of the equipment. Internal service charges will be reviewed annually for appropriateness.

(f) The County may sell or lease services that were developed to meet a County need, but the sale or lease will be secondary to the purpose of meeting the identified need.

(3) Reserve Policies:

Goal: To maintain adequate reserves to provide a cushion against unforeseen events and economic downturns, thus providing for stability in planning and service delivery, and to maintain a reserve level sufficient to maintain a favorable bond rating.

(a) The County will establish reserve funds that can be used to reduce the impact of revenue fluctuations and provide for more stable delivery of services to Lane County citizens.

(b) The County will strive to maintain a minimum of a 5% Prudent Person Reserve for all funds except the General Fund. The reserve in each fund will be reviewed annually during the budget process by the designated fund manager and associated committee.

(c) The County will establish operational reserves within the General Fund and strive to maintain a reserve balance of at least 10% of General Fund operating revenues. Refer to General Fund Reserve Policy at LM 4.011 below.

(d) The County will establish and budget adequate contingency reserves for all operating funds to meet unanticipated requirements during the budget year.

(4) Expenditure Control Cost Recovery Policies:

Goal: To delivery maximum services in a cost effective and efficient manner.

(a) The County will increase efforts to review programs effectiveness to insure maximum return from extremely limited resources. One major effort will be an expanded performance audit capability.

(b) Contracting for services with outside agencies/vendors will be considered when cost efficient and consistent with County labor policies.

(c) Intergovernmental services agreements shall be encouraged wherever services used by several departments can be more effectively provided on a collective basis. Service billings to user agencies will be sufficient to fully recover costs of operation, including depreciation of equipment, direct and indirect costs.

(d) Department expenditures shall not exceed appropriations, and expenditures of discretionary General Fund dollars will not exceed the amount approved in the department budget, except upon written authorization by the Board of Commissioners.

(e) The County will charge the allowable indirect to all departments and funds in the most equitable manner possible and will recover the allowable indirect from all grants, contracts and intergovernmental agreements. Any exceptions will be made only upon Board approval.

(f) It is County policy to fully expend all grant, contract, and other program generated revenues (e.g. fees, reimbursements) prior to expending county funds unless otherwise directed by specific grant or contract requirements.

(g) Any services or programs that are largely or wholly supported by time-limited grant or contract funds will be considered to automatically sunset at the expiration of the grantor contract

(5) Lapse Policy:

Goal: To maintain the integrity of financial planning models, provide accountability, and maintain reserve levels.

(a) Each department utilizing General Fund resources is expected to lapse 2% of net General Fund use. The lapse generally results from expenditures less than the total appropriated amount. However, revenues in excess of the budgeted amount can be used to offset expenditures for the net lapse calculation.

(b) If a department fails to meet the 2% lapse target by more than \$5,000, the department is expected to repay the shortfall to the General Fund within one year. At year-end, an interfund loan will be executed to cover the shortfall, which is subject to approval by the Board of Commissioners for approval. (Refer to Lane Manual 4.034-4.040).

(c) Under extraordinary circumstances, the Board of Commissioners may waive the lapse expectation for one or more departments. (*Revised by Order No. 02-1-30-1; Effective 1.30.02; 06-5-31-1, 5.31.06*)

#### **4.011 General Fund Reserve Policy**

Lane County will establish adequate reserves to provide a cushion against unforeseen events and economic downturns. Adequate reserves provide for stability in planning and service delivery and assist the County in maintaining a favorable bond rating. The County will establish operational reserves within the General Fund and strive to maintain a reserve balance of at least 10% of General Fund operating revenues. The General Fund operational reserve will have two components:

(1) Emergency Reserve.

(a) The first 5% reserve will be designated by the Board as emergency reserve. The emergency reserve is available to fund one-time or non-recurring emergency, unanticipated expenditure requirements. Emergency examples include disaster relief, expenditures related to essential services, or expenditures that are related to public life and safety issues. Use of the reserve requires a Board order.

(b) Restoration of the emergency reserve will begin the fiscal year following use and will be the first priority for any “lapse” or carryover resources. During budget development, consideration will be given to authorizing appropriations at 98% of available resources in an effort to rebuild the 5% reserve in the earliest prudent timeframe.

(2) Economic Stabilization Reserve.

(a) The second 5% reserve will be designated by the Board as an economic stabilization reserve. The economic stabilization reserve is available to reduce the impact of revenue fluctuations and drops in revenue growth due to economic downturns. The reserve can be used to continue high priority services that could not otherwise be funded by current revenues.

(b) Use of the stabilization reserve can be approved through the annual budget process, or by Board order. The Budget Committee and Board should consider trends such as:

- (i) Revenue growth below 2.5% annually
- (ii) Unemployment rate in excess of 7%

(c) When the General Fund reserve falls below 10% as a result of use of the economic stabilization reserve, or as a result of failure to meet carryover targets, the Board will endeavor to restore the reserve as soon as possible to maintain the fiscal integrity of the County and maintain a favorable bond rating.

(d) Restoration of the reserve will be targeted within two fiscal years, and the restoration plan will be included in the County Financial Plan and adopted budget. The restoration plan should give consideration to measures such as:

(i) Increasing the “lapse” expectation by reducing appropriated expenditures.

(ii) Appropriating a minimum of 1% of operating revenues annually to the reserve.

(iii) Temporary reductions in assessments to other funds, to be redirected to rebuilding the reserve.

(e) Both components of the targeted General Fund reserve are considered as “operational reserve” (Account 992920) and require appropriation through the Supplemental Budget process before expenditures can be made. *(Revised by Order No. 06-5-31-1, Effective 5.31.06)*

#### **4.012 Administration Authority**

The County Administrator is delegated the authority to develop and maintain Administrative Procedures in accordance with LM 2.095 and to implement adopted policies of the Board, in the areas of financial and budget management and administration, and the authority to approve cash accounts and funds. *(Revised by Order No. 06-12-13-6, Effective 12.13.06)*

### **INVESTMENT POLICIES**

#### **4.015 Purpose.**

The purpose of these policies is to provide direction to the Director of Management Services in the investment of surplus cash in all funds, including moneys held in a fiduciary capacity. *(Revised by Order No. 94-6-28-7, Effective 6.28.94; 04-12-8-4, 12.8.04)*

#### **4.020 Policies.**

The following are the policies to be used by the Director of Management Services in administering the investment program.

(1) Investment practices shall be in accord with all applicable state and federal statutes and regulations. Investments shall be made in accordance with such statutes and regulations, including but not limited to, ORS chapters 294 and 295 as applicable.

(2) Maturity of such investments will be made to coincide as nearly as practical with the expected use of the funds and may not exceed three (3) years or statutory requirements, unless matched to a specific cash flow and approved by the Board of Commissioners.

(3) Investment of County funds shall be made only upon the authorization of the Director of Management Services or designee.

(4) Other Lane County officials receiving money in their official capacity must deposit such funds with the Director of Management Services, or at the discretion of the Director, in checking/negotiable order of withdrawal accounts.

(5) All investments shall be placed to ensure a competitive rate of return and be consistent with considerations of safety, liquidity and yield.

(6) The County Administrator is delegated the authority and responsibility to develop and maintain Administrative Procedures to implement these policies.

(7) LM 4.020 shall be adopted not less than annually by the Board of Commissioners. *(Revised by Order No. 07-02-21-4, 2.21.07; 08-02-06-5, 2.6.08)*

## DEBT POLICIES

### 4.025 Purpose.

The purpose of these policies is to provide direction to the Director of Management Services in the issuance and management of the County's borrowing and capital financing activities. *(Revised by Order No. 06-9-13-9, Effective 9.13.06)*

### 4.030 Policies.

The following are the policies to be used by the Director of Management Services in administering the issuance of debt.

(1) Debt management practices shall be in accord with all applicable state and federal statutes and regulations. Debt shall be issued in accordance with such statutes and regulations, including but not limited to, ORS chapters 287 and 288 as applicable.

(2) Debt shall be issued in a manner that minimizes the County's debt service and issuance costs while maintaining the highest practical credit rating.

(3) Repayment schedules for debt retirement for capital projects shall not exceed the useful life of the asset acquired through the debt issuance.

(4) Bonds and long-term debt obligations shall be issued only upon the authorization of the Board of County Commissioners. *(Revised by Order No. 06-9-13-9, Effective 9.13.06; 06-12-13-6, 12.13.06)*

## INTERFUND LOAN POLICIES

### 4.035 Purpose.

The purpose of these policies is to outline the requirements and responsibilities of departments regarding the use of interfund loans as a short-term financing resource to address cashflow needs in County operations or capital financing plans. *(Revised by Order No. 04-4-28-16; Effective 4.28.06)*

### 4.040 Policies.

The following are the policies to be used by departments entering into interfund loan transactions:

(1) Interfund loans are a tool employed by the County to assist funds and programs experiencing short-term, transitory cash imbalances created in the conduct of activities approved by the Board of County Commissioners.

(2) Interfund loan requests must be reviewed and approved by the County's Finance and Audit Committee prior to taking a request for authorization to the Board of County Commissioners.

(3) Interfund loans must be authorized by an order of the Board of County Commissioners, which shall state the fund from which the loan is to be made, the fund to which the loan is to be made, the purpose for which the loan is made and the principal amount of the loan, along with a schedule for repayment of principal and interest, or a statement that interest is not applicable to the loan.

(4) Interfund loans must be made in compliance with all other statutory requirements and limitations of ORS 294.460. The provisions of ORS 294.460 are included in LM 4.040(5) and (6) below.

(5) Interfund loans are to be characterized as either "operating" or "capital" and shall meet the following additional requirements, consistent with their character:

(a) An "Operating Interfund Loan" is defined as a loan made for the purpose of paying operating expenses. An operating interfund loan:

(i) Shall be budgeted and repaid no later than the end of the fiscal year subsequent to the period in which the loan was made;

(ii) If not repaid in the same fiscal year in which it is made, the full repayment of the loan shall be appropriated as a budget requirement in the subsequent fiscal year; and

(iii) Is required to be assessed interest, unless otherwise stated in the adopting order.

(aa) If interest is assessed, the rate of interest will be equivalent to the actual earnings rate in the Lane County Investment Pool, unless otherwise stated in the adopting order.

(bb) If interest is assessed, such interest will be computed as simple interest on the outstanding balance from the date of the loan to the date of repayment or partial repayment, unless otherwise stated in the adopting order.

(b) A "Capital Interfund Loan" is defined as a loan made for the purpose of financing the design, acquisition, construction, installation, or improvement of real or personal property and not for the purpose of paying operating expenses. A capital interfund loan:

(i) Shall not exceed 60 months in duration;

(ii) Shall set forth in the adopting order a schedule under which the principal amount of the loan, together with interest thereon at the rate provided for pursuant to LM 4.040(5)(b)(iii) below, are to be budgeted and repaid to the lending fund;

(iii) Shall be assessed interest at a rate that is equivalent to the actual earnings rate in the Lane County Investment Pool, unless otherwise stated in the adopting order; and

(iv) Shall accrue interest computed as simple interest on the outstanding balance from the date of the loan to the date of repayment or partial repayment, unless otherwise stated in the adopting order.

(6) Loans shall not be made from the following funds or restricted resources:

(a) From debt service reserve funds to the extent that the amount of the loan exceeds the amount required to be held in the reserve fund by covenant with the holders of the bonds or other obligations;

(b) From debt service funds; nor

(c) From monies restricted to specific uses under constitutional provisions, unless the purpose of the loan is an allowed use under constitutional provisions.

(7) In addition to the statutory requirements and limitations of ORS 294.460, listed in LM 4.040(5) and (6) above, the following additional policies and provisions shall apply to all County interfund loans:

(a) Interfund loans shall not be made from funds otherwise restricted by law, bond covenants, grantor requirements, Board order or ordinance for specific uses, unless the purpose of the loan is an allowed use under those restrictions or the restricting entity approves the loan transaction.

(b) Interfund loans are not to be used to fund on-going operating activities other than those approved by the Board of County Commissioners in a formal budget action.

(c) Interfund loans are not to be used to balance the on-going operating budget of the borrowing fund due to a shortage of spending authorization.

(d) Interfund loans will be granted only after it has been demonstrated that reasonable consideration was given to other potential resources available to the fund and when the loan is required to meet a pressing need or to take advantage of a special opportunity.

(e) Total interfund loans to an individual fund may not exceed the greater of

(i) 40% of available unrestricted fund balance of the borrowing fund, or

(ii) 20% of annual “total revenue” plus “other financing sources” of the borrowing fund,

both as determined in accordance with GASB 34.

(f) Interfund loans made to General Fund departments or programs shall not obligate unrestricted General Fund general revenue sources for future loan repayments beyond the current fiscal year.

(g) Interfund loans may be made only if there is a likely expectation that the fund receiving the loan will have the ability to repay it. In other cases, the use of an interfund transfer should be considered for appropriateness.

(h) Consideration shall be given to the adequacy of resources in the lending fund, and in no case shall an interfund loan be made when the consequence of that loan would be to deter or otherwise interfere with any function or project for which the fund was established.

(i) Interfund loans may be repaid in advance without any additional accrual of interest (if applicable) or any other penalties.

(8) No County fund shall carry a deficit cash balance for more than six months during any 12-month period without the written authorization of the County Administrator. Lacking that authorization, the fund managers shall be required to proceed with initiating an interfund loan authorization discussion with the Finance and Audit Committee and request to the Board of County Commissioners

(9) At no time shall a County fund carry a deficit fund balance at fiscal year end. *(Revised by Order No. 04-4-28-16; Effective 4.28.16)*

#### **ROAD FUND REAL PROPERTY ASSETS REAL PROPERTY ASSETS PURCHASED WITH STATE GAS TAX REVENUES PRIOR TO 1980**

##### **4.050 Purpose.**

The purpose of these provisions is to address the appropriate use of real property assets originally acquired with State Gas Tax Revenues prior to 1980. At that time, the Road Fund was comprised primarily of Gas Tax Revenues, governed by Oregon Constitution, Article IX, Section 3, which could be used generally only for roads, police and parks; and Federal Forest Receipts, governed by 16 USC Section 500, which could be used generally only for roads. Article IX, Section 3a was adopted by the voters on May 20, 1980, amending Section 3 by limiting the permissible use of Gas Tax Revenues to roads and highways, and deleting police and parks as permissible uses. The amendment was prospective only. It is presumed that the Federal Forest Receipts have been lawfully expended for roads; the appropriate use of these revenues has not changed and they are therefore not addressed by the policies below. The policies below are based on advice of counsel presented to the Board at the time of their adoption. *(Revised by Order No. 98-7-29-18; Effective 7.29.98)*

##### **4.055 Use.**

(1) Property purchased prior to 1980 and used for either parks or policing can continue to be used for that purpose.

(2) If it can be established that the property was purchased only with Gas Tax Revenues, property purchased prior to 1980 and used for roads can be used for parks or

policing. The costs of conversion to such use or of making improvements is addressed below.

(3) Property purchased prior to 1980 and used for roads, parks or policing can be used for other purposes if and only if:

(a) Fair market rent is paid to the Road Fund.

(b) There is a reasonable and identified expectation that the property will be needed for roads, parks or police purposes in the future such that the other use is not regarded as permanent. *(Revised by Order No. 98-7-29-18; Effective 7.29.98)*

#### **4.060 Maintenance.**

(1) Current and on-going maintenance and utility costs shall be paid by users in proportion to the actual use of the service to the extent determinable. If not readily determinably, costs shall be shared and paid for by the users on the basis of the percentage square foot use of the property.

(2) Police and parks (or any other user not currently eligible to be funded with Gas Tax Revenues) shall pay their share from a source other than Gas Tax Revenues. Road Fund eligible users shall pay their share with Road Fund revenues.

(3) The Public Works Department shall be responsible for maintenance of and accounting for all property purchased with Gas Tax Revenues or other Road Fund revenues if the property is used in part or in whole for road or road-related uses.

(4) Property purchased with pre-1980 Gas Tax Revenues and devoted exclusively to either parks or policing shall be maintained by and accounted for by the user. *(Revised by Order No. 98-7-29-18; Effective 7.29.98)*

#### **4.065 Improvements.**

(1) Improvements can be made to pre-1980 acquired property currently used for road purposes and can be paid for with Road Funds.

(2) Improvements can be made to pre-1980 acquired property currently used for mixed road purposes and non-Road Fund eligible (parks, policing and other) purposes, and be paid for with Road Funds, if and only if the non-Road Fund eligible user pays to the Road Fund fair market rent for its proportionate share of the improvement.

(3) Improvements can be made to pre-1980 acquired property currently used exclusively for parks or policing and paid for with Road Funds, if and only if:

(a) The parks or police user pays fair market rent to the Road Fund for the improvement, and

(b) There is a reasonable and identified expectation that the property will be needed for roads in the future such that the other non-Road Fund use is not regarded as permanent.

(4) If improvements are made to pre-1980 acquired property and are paid for with funds other than Road Funds in either of the two circumstances listed immediately above, there would be no need to pay fair market rent to the Road Fund for the improvement. *(Revised by Order No. 98-7-29-18; Effective 7.29.98)*

#### **4.070 Sale.**

(1) The sale proceeds of a real property asset acquired prior to 1980 which has been used exclusively for roads shall be deposited in the Road Fund.

(2) The sale proceeds of a real property asset acquired prior to 1980 which has not been improved with any post-1980 Road Funds, and which has been used exclusively for either parks or policing, shall be deposited in a fund which supports that use (parks or policing), and shall be used exclusively for the same purpose as the real property was used.

(3) Upon the sale of a real property asset acquired prior to 1980 which has been improved with post-1980 Funds (of any source) and which has been used for mixed purposes (roads, parks, policing or other purposes) the proceeds shall be distributed in a fair and equitable manner, taking into account the source of funds for acquisition and improvement, depreciation, rents paid, and usage over the period of County ownership. *(Revised by Order No. 98-7-29-18; Effective 7.29.98)*

## **VIDEO LOTTERY ALLOCATION POLICY**

### **4.100 Purpose.**

The Video Lottery Allocation Policy reaffirms that video lottery receipts must be applied to programs and activities which support economic development in Lane County. Video lottery revenue is received from the State of Oregon as a transfer from the Oregon State Lottery Fund. The Oregon State Lottery Fund is governed by Oregon Constitution, Article XV Section 4. This policy defines economic development activities for Lane County and provides guidance for strategic allocation of video lottery funds to economic development programs and activities. This policy reaffirmation is the basis for all video lottery allocation decisions for the benefit of Lane County citizens, and is meant to encourage partnerships between the County, communities within the county, non-profit organizations, private parties, and others directly involved in economic development activities, which meet one or more of the economic development objectives or categories listed in paragraph 4.105 below. *(Revised by Order No. 01-2-21-2; Effective 5.1.02; 05-11-30-3, 11.30.05)*

### **4.105 Definition of Economic Development.**

Economic development is a program, a group of policies, and/or activity that seeks to improve the economic well being and quality of life for a community. Ideally, it will create and retain jobs, enhance employment opportunities, increase family wage income, and provide a stable tax base. Creation of new high paying jobs and improvement of worker's wages are the principal outcomes anticipated from this economic development policy. Outcomes may also include community development investments in infrastructure, commercial and business parks, other public/private partnerships, organization capacity development, and strategies that leverage funds and resources to accomplish the following:

(1) **Business Development.** Programs that encourage business growth and investment that create new employment opportunities, attract and expand business, increase tourism, and facilitate start-up and emerging businesses.

(2) **Workforce Development.** Partnerships between business, education and government that build the skills of the local workforce and increase opportunities for families to meet or exceed the median household income for Lane County. *(Revised by Order No. 01-2-21-2; Effective 5.1.02; 05-11-30-3, 11.30.05)*

### **4.110 Allocation.**

Within the above definition, the revenues derived from the State's 2.5% video lottery distribution for economic development shall be allocated between two economic development categories. Through the annual budget process, the Board shall appropriate a maximum of 50% of the annual receipts to general allocation programs and the remainder (50% minimum) of the annual receipts for economic development strategic investment projects. All (100%) of unspent monies from previous years shall be appropriated for economic development strategic investment projects.

(1) Category 1 - General Allocation for Economic Development Program. Up to half (50%) of the County's annual receipts from video lottery revenue shall be allocated to the Category of General Allocation Economic Development Program. The purpose of the General Allocation is to pay for ongoing County programs and services which meet the adopted definition of economic development. The rationale is that citizens, tourists, employees and potential business owners shall benefit from a stable economic base, prepared and ready workforce, nurturing atmosphere for business growth and investment and consistent and knowledgeable development staff. Guidelines for the General Allocation for Economic Development Program shall be:

(a) The cost of administering the video lottery receipts shall be paid with video lottery funds from the General Allocation category.

(b) A working capital reserve for General Allocation programs may be maintained.

(c) The County may continue to participate in forums for exchanging ideas and addressing the economic development needs of the County.

(d) The County may contract with other agencies for the purpose of community/county promotion, marketing/recruitment, and other economic development support services, the sole purpose of which is to build capacity over time and increase and/or stabilize the economy of the County and its citizens.

(e) The County may maintain or hire County staff internally or contract with other agencies to provide economic development support services to the county and/or communities within the county.

(2) Category 2 - Economic Development Strategic Investment Program. The County shall establish the "Economic Development Strategic Investment Program." The purpose of this category is to assist communities to pro-actively leverage video lottery dollars through public-private partnerships that will make a measurable difference in the economic growth and stability of Lane County. This program shall be capitalized annually with a minimum of 50% of the new video lottery revenue received each year from the Oregon State Lottery Commission's transfer to counties for economic development activities. In addition, all revenue unspent in previous years will be added to this category. General guidelines for this category shall be:

(a) Any activity or project supported by this program must demonstrably and directly increase the chance of making a measurable difference to the economy of Lane County and its citizens.

(b) Projects are expected to have some financial support other than video lottery money.

(c) Allocations toward projects or facilities identified in a recognized capital improvement plan (e.g., the County, community within the county or economic development organization's capital improvement plan) shall receive priority consideration.

(d) Projects that require multi-year commitments may be funded.

(e) Allocations shall be made by the Board upon the advice of the Economic Development Standing Committee, after review and comment by the Lane Economic Committee.

(f) No obligation shall exist to recommend an annual expenditure from this category. Projects should only be recommended for funding if they substantially meet the general guidelines and can demonstrate a direct impact on economic development of the community. Some or all of the funds may be carried over in any year for larger allocations in a later year.

(g) The cost of administering the Economic Development Strategic Investment program shall be paid with video lottery funds from the economic

development strategic investment category. *(Revised by Order No. 01-2-21-2; Effective 5.1.02; 05-11-30-3, 11.30.05)*

## COMPUTER AND COMMUNICATION RESOURCES

### **4.200 Purpose.**

The purpose of this policy is to provide guidance to the departments and employees in the prudent use and management of the computer resources, communication resources, and information technology of Lane County. *(Revised by Order No. 01-3-14-4; Effective 3.14.01; 05-11-2-1, 11.2.05)*

### **4.220 Policy.**

Computer resources, communication resources, and information technology are provided and shall be used in the furtherance of County business. The County Administrator shall adopt administrative procedures implementing this policy, including sanctions for policy violation. Those procedures may include minor and incidental personal use, which for the limited purpose of compliance with the state ethics rules is considered part of the compensation package for County officers and employees. The County Administrator is authorized to establish a monthly stipend in lieu of an assigned communication device. *(Revised by Order No. 01-3-14-4, Effective 3.14.01; 05-11-2-1, 11.2.05)*

## FIREWISE INCENTIVES PROGRAM

### **4.300 Purpose.**

The purpose of this voluntary program is to institute specific incentives, including building permit fee waivers and grant funding opportunities, for targeted residential construction and landscaping improvements that qualify under Title III, Section 601 of Public Law 110-343 - The Emergency Economic Stabilization Act of 2008. These provisions establish and define allowable incentives, and the authority of county staff to conduct fire safety property assessments to determine program eligibility and to confirm that requirements of the program have been satisfied. Participation in this program shall be voluntary. *(Revised by Order No. 09-3-31-4, 4.15.09)*

### **4.305 Financial Incentives.**

In an effort to reduce the catastrophic loss of life, property and natural resources from a wildland urban interface disaster Lane County promotes home design, construction, landscaping and maintenance activities that follow the national Firewise Communities program guidelines. To this end, the following incentives are available to qualifying county homeowners within Lane County and outside of the Urban Growth Boundary of an incorporated city, to the extent consistent with LM 4.310:

(1) **Building Permit Fee Waivers.** Building permit fees may be waived for property owners and supplanted with Title III funds for those qualifying improvements listed under LM 4.305(2) that are made to lawfully established dwellings and that meet applicable standards found in the 2009 International Urban-Wildland Interface Code. These waivers shall cover 100% of building permit fees, when permits are required for said improvements, up to a maximum amount of \$2,500. However, no more than 20% of the total annual Title III incentive funding available each fiscal year shall be applied towards fee waivers. Fees for planning actions, septic permits, and other approvals separate from the building permit are not covered by this waiver. The county may require

a deposit for these permits not to exceed the lesser of either 25% of the permit fee, or \$1,000. The purpose of such deposits is to ensure that applicants bring projects to a satisfactory conclusion while their eligible funds are being held in abeyance from other projects. If a project is not completed in a timely manner this deposit will be retained only to the extent necessary to compensate Lane County for costs incurred in review of the project. Deposits will be refunded in full upon the completion of all work required on the project, if done within 1 year of eligibility being determined and approved.

(2) Building Improvement Incentives. Financial incentives to pay licensed contractors and landscapers are available to eligible County homeowners who satisfactorily complete the following types of building improvements:

Improvement	Available Financial Incentive
(a) Roof Covering (Shake to Class A).	80% of construction cost up to \$4,000 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(b) Noncombustible Exterior Siding	80% of construction cost up to \$4,000 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(c) Fire Resistant Glazing for Windows, Skylights and Other Exterior Glass Applications.	80% of construction cost up to \$1,500 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(d) Exterior Doors.	80% of construction cost up to \$300 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(e) Spark Arrestor Installation.	\$100
(f) Vent Protection.	\$100

(3) Landscaping Improvements. Financial incentives to complete the following types of landscaping improvements are available as follows:

Improvement	Available Financial Incentive
(a) Defensible Space Development.	\$500 (base) and up to \$1,000 when warranted by specific site conditions.
(b) Driveway Access.	\$200 when warranted by site conditions and performed in conjunction with (3)(a), above.
(c) Fire Resistant Plants & Hardscaping.	\$300, maximum, in conjunction with (3)(a), above.
(d) Defensible Space Irrigation System.	25% of installation and system costs up to \$500, in conjunction with (3)(a), above.

(4) Applicants pursuing incentives provided for in LM 4.305 (1)-(3) must address specific qualifying standards and criteria as the Public Works Director may reasonably require. These standards and criteria are set forth on the Lane County Firewise Incentives Grant Application form. This application must be completed by the applicant or his or her authorized agent and submitted to the Land Management Division prior to the start of any project where county Firewise Incentive Program funds will be sought.

(5) No person, entity, or affiliation shall be eligible for Firewise financial incentives for more than 2 residences annually. *(Revised by Order No. 09-3-31-4, 4.15.09)*

#### **4.310 Eligibility Determinations.**

The LMD Manager shall inspect properties to determine eligibility for the incentives provided for in LM 4.305 (1)-(3) under the authority provided in LM 4.320. These determinations will be based upon a review of significant risk factors including, but not limited to slope, aspect, surrounding vegetative fuel type, property access, and roof composition. The Manager shall also make inspection to determine that all conditions of program participation have been satisfactorily completed. *(Revised by Order No. 09-3-31-4, 4.15.09)*

#### **4.315 Appeals.**

In accordance with LM 4.310, the LMD Manager shall determine program eligibility and determine when program requirements have been satisfied. Any adverse determination may be appealed by the homeowner, as provided herein.

(1) Public Works Director Review. Homeowner applicants may appeal any adverse determination to the Public Works Director. The appeal shall be in writing, in substantially the form required by the Department, be submitted within 14 days of the action complained of, and must include all information necessary to fully complete the form. The Land Management Division shall charge a fee of \$100 as cost for the appeal, but said fee shall be refunded to the applicant in the event that the appeal is upheld.

Within 60 days from the date that an appeal is filed, the Public Works Director shall review the appeal and provide written notification of his or her final decision to the applicant.

(2) Board Review. In the event that the applicant is not satisfied with the decision of the Public Works Director, further appeal may be made to the Board of Commissioners as follows:

(a) Requests for Board consideration must be submitted to Land Management Division on a form provided by the Division not later than 14 days from the date of the decision of the Public Works Director.

(b) Within 60 days of receiving a request for Board consideration the Board shall determine if they will elect to review the appeal. The decision to review or not to review shall be within the discretion of the Board. In determining whether or not to review the appeal the Board shall use the decision criteria provided for in Lane Code 14.600 (3)(a)-(d) with the following exceptions:

(i) The term 'Planning Director' shall mean the LMD Manager.

(ii) The term 'Hearings Official' shall mean the Public Works Director.

(c) The Land Management Division shall charge a fee of \$250, all of which shall be refunded if the applicant prevails.

(d) The conduct of Board's review shall be performed substantially as provided for in Lane Code 14.400(7)-(10) with the following exceptions:

(i) The term 'Approval Authority' shall mean the Lane County Board of County Commissioners.

(ii) The term 'previous Approval Authority' shall mean the Lane County Public Works Director.

(iii) The term 'Director' shall mean the LMD Manager.

(iv) Lane Code 14.400(9)(b) shall not be applicable.

(e) All decisions made by the Board of Commissioners pursuant to LM 4.315(2) shall be final. *(Revised by Order No. 09-3-31-4, 4.15.09)*

**4.320 Authority to Access Properties.**

Only when requested by an interested property owners will the Public Works Director be authorized to make entry upon properties for the purposes of evaluating the exterior of residential structures and surrounding landscaping to assess the potential threat of wildfire to those properties, to determine potential eligibility for funding pursuant to LM 4.310, and to inspect and certify that requirements of the Lane County Firewise Incentive Program have been satisfactorily completed. Except where there is a substantial danger to health or safety, information collected from these site visits shall not be admissible in any Lane County code enforcement proceeding, nor may it form the basis of any subsequent investigation thereof. *(Revised by Order No. 09-3-31-4, 4.15.09)*

**4.325 Conflicts of Interest.**

No County personnel shall evaluate their own property or the property of a relative for eligibility under this program. "Relative" means: spouse, domestic partner, grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece, nephew or first cousin. *(Revised by Order No. 09-3-31-4, 4.15.09)*