

W. 19. b.

AGENDA COVER MEMO

AGENDA DATE: December 1, 2004

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Stephen L. Vorhes,  Assistant County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO ESTABLISH FEES CHARGED BY THE COUNTY ADMINISTRATOR FOR REAL PROPERTY COMPENSATION CLAIM APPLICATIONS RESULTING FROM BALLOT MEASURE 37 (NOVEMBER 2, 2004) (LM 60.842)

I. **MOTION:** I move to approve the order.

II. **ISSUE OR PROBLEM:** The effective date of Ballot Measure 37 is December 2, 2004. In order to establish fees for processing claims, amendments must be made to LM 60.842.

III. **DISCUSSION:** On November 2, 2004, Oregon voters approved Ballot Measure 37 to add provisions to ORS Chapter 197 to require payment to landowners if a government land use regulation reduces private real property value. Since Ballot Measure 37 does not specify a method for making claim applications, draft Lane Code provisions have been prepared to establish such a process. Ordinance No. 18-04 presents a claim application process for Board consideration. It includes authorization for fees to be set by Board Order. The proposed changes to Lane Manual reflect the approval of Ballot Measure 37 and set initial fees at \$750 plus notice costs of \$100. In addition, the proposed fee provisions enable billing for additional costs in the event the initial fees are not sufficient to cover actual county costs. If the Board elects to compensate a property owner, the fees will be refunded.

IV. **OPTIONS:**

1. Approve the order.
2. Do not approve the order.

V. **RECOMMENDATIONS:** Recommend Option 1.

VI. **ATTACHMENTS:**

1. Board Order.
2. Lane Manual 60.842

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF
THE LANE MANUAL TO ESTABLISH FEES
CHARGED BY THE COUNTY ADMINISTRATOR
FOR REAL PROPERTY COMPENSATION CLAIM
APPLICATIONS RESULTING FROM BALLOT
MEASURE 37 (NOVEMBER 2, 2004) (LM 60.842)

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

Lane Manual Chapter 60 is hereby amended by removing, substituting, and adding the following section:

REMOVE THIS SECTION

60.842
page 60-25
(a total of 1 page)

INSERT THIS SECTION

60.842
as located on page 60-25
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to establish fees charged by the County Administrator for real property compensation claim applications resulting from Ballot Measure 37 (November 2, 2004) (LM 60.842).

Adopted this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11-17-2004 Lane County


OFFICE OF LEGAL COUNSEL

Tissue exam by KOH slide samples	\$ 28.00
Tympanogram.....	\$ 48.00
Urinalysis, non-automated, without microscopy.....	\$ 17.00
Urinalysis, routine.....	\$ 22.00
Venipuncture finger/heel/ear stick routine.....	\$ 16.00
(c) Family Planning – Community Health Centers See LM 60.840(3), Family Planning Fees	
(d) Immunizations – Community Health Centers See LM 60.840(2)(c), Communicable Disease Fees	
(e) Mental Health – Community Health Centers See LM 60.840(6), General Mental Health Fees	
(f) Dental Services – Community Health Centers	
Child prophy with fluoride	\$ 50.00
Child prophy without fluoride	\$ 36.00
Fluoride only, child.....	\$ 14.00
Periodic Oral Evaluation.....	\$ 23.00

(Revised by Order No. 98-8-12-2, Effective 8.12.98; 99-9-29-9, 9.29.99; 01-6-13-9, 6.13.01; 01-10-17-2, 10.17.01; 02-5-7-2, 5.7.02; 02-6-26-8, 7.1.02; 02-10-2-13, 10.2.02; 03-6-11-9, 7.1.03; 04-2-4-7, 2.4.04; 04-6-30-6, 7.1.04)

60.841 District Attorney – Medical Examiner Fees.

(1) General Fees.

Medical Examiner Record Copy	\$ 15.00
First copy for immediate family, governmental investigative agency, and medical facility involved	Free

(Revised by Order No. 02-6-26-8, Effective 7.1.02)

60.842 Fees for Real Property Compensation Claim Application.

Pursuant to Lane County Charter, Chapter II, Section 5, and LC 2.700 through 2.770, a fee is established to cover County costs of processing an application filed to seek compensation under the procedures in LC 2.700 through 2.770. Unless waived by the County Administrator, an application for a claim of compensation from Lane County pursuant to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and LC 2.700 through 2.770 shall include an application fee of \$750.00 for the initial costs incurred by the County in processing the application. In addition, the applicant shall pay to the county \$100.00 for notice costs as required by the County Administrator. In the event the initial application fee or notice cost payments are not sufficient to cover all of the County costs as determined by the County Administrator, the applicant shall pay the balance of the actual county costs upon receipt of an appropriate billing statement from the County. The County shall refund the application fee and costs paid by the applicant if it is determined by the County or by a court or other reviewing body that the applicant is entitled to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and the County compensates the applicant. *(Revised by Order No. 00-12-6-8, Effective 12.6.00; 01-6-13-9, 7.1.01)*

||At right margin indicates changes

LEGISLATIVE

Bold indicates material being added

FORMAT

~~Strikethrough~~ indicates material being deleted

FORMAT

60.841

Lane Manual

60.842

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60.842 Fees for Real Property Compensation Claim Application.

Pursuant to Lane County Charter, Chapter II, Section 5, and LC 2.700 through 2.770, a fee is established to ~~partially~~ cover County costs of processing an application filed to seek compensation under the procedures in LC 2.700 through 2.770. Unless waived by the County Administrator, an application for a claim of compensation from Lane County pursuant to ~~Article I, Section 18(a) through (f) of the Oregon Constitution~~ **the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004)** and LC 2.700 through 2.770 shall include an application fee of ~~\$850~~**\$750.00** for the **initial** costs incurred by the County in processing the application. In addition, the applicant shall pay to the county \$100.00 for notice costs as required by the County Administrator. **In the event the initial application fee or notice cost payments are not sufficient to cover all of the County costs as determined by the County Administrator, the applicant shall pay the balance of the actual county costs upon receipt of an appropriate billing statement from the County.** The County shall refund the application fee and costs paid by the applicant if it is determined by the County or by a court or other reviewing body that the applicant is entitled to compensation under ~~Article I, Section 18(a) through (f) of the Oregon Constitution~~ **the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and the County compensates the applicant.** *(Revised by Order No. 00-12-6-8, Effective 12.6.00; 01-6-13-9, Effective 7.1.01)*