

Agenda Cover Memo



Memo Date: July 29, 2009
Order Date: August 4, 2009, (Work Session)

TO: Board of County Commissioners
DEPARTMENT: Public Works Dept./Land Management Division
PRESENTED BY: Matt Laird, Land Management Division Manager *ML*
AGENDA ITEM TITLE: **Report / Discussion:** Use of Fees Collected by Waste Management Division for Land Management Division Code Compliance and Enforcement or Long-Range Planning Purposes.

I. ISSUE

The Board Agenda Setting Team scheduled this item with the Land Management Division (LMD) to discuss the allocation of the Waste Management tipping fee revenue in LMD.

II. DISCUSSION

A. BACKGROUND

On May 5, 2009, the Land Management Division (LMD) provided a report back to the Board regarding the LMD Fiscal Year 09/10 Budget. The report concluded that LMD was projecting a shortfall of \$450,000 and requested general fund support. The Board at that time directed LMD to investigate other funding sources. Reference Attachment 3.

On May 20, 2009, the Director of Public Works provided a report back to the Board with options for sustaining funding for LMD services through the use of Waste Management tipping fees. This report included four options for the Board to consider. The Board chose Option 3. Option 3 included raising the Waste Management "other fee" to \$5.50/ton and allocating the revenue to LMD for long range planning, code compliance and enforcement, customer service and improvements in technology. The proposal was estimated to generate approximately \$1,050,000 and fund 4 FTE.

On June 23, 2009, The Board adopted Order No. 09-6-23-1, amendments to Lane Manual (LM 60.875) to allocate revenue of the solid waste "other fee" to the Land

Management Division effective July 1, 2009. In addition, the Board approved raising the "other fee" to \$5.50/ton effective August 1, 2009. Reference Attachment 1.

The approved FY09/10 Budget authorized the allocation of the "other fee" to LMD to avoid service reductions and increase extra help. Land Management will be preparing a supplemental budget for the Board's approval that will allocate the increase in the "other fee" to LMD and authorize the 4 FTE approved by the Board. In the meantime, LMD will be bringing on extra help to work on the existing backlog and begin work to improve services.

B. ANALYSIS

The revenue collected from the Waste Management (WM) tipping fee will be directed to the long range planning and compliance areas. A question has been raised whether this new funding stream can be used to lower permit fees. The amendments to Lane Manual Section 60.875 require the revenue from the "other fee" to be directed toward long range planning and code compliance. Revenue from permit fees for LMD are primarily allocated in the planning, building and sanitation program budgets; therefore redirecting this revenue stream to permit fees would not be consistent with the Lane Manual guidelines. There is a long range planning surcharge of 13% that is added to all permit fees in LMD. Reducing the long range planning surcharge would have the effect of lowering all permit fees across the board in LMD and would be consistent with Lane Manual.

It should be noted that reducing the long range planning surcharge will have consequences on the budget. When the options in the May 20th Board Memo were presented, they were calculated based on the new WM tipping fee being added to the existing revenue coming into LMD, not as a replacement for any of the surcharge. The long range planning surcharge is currently 13 percent of all permit fee revenue. In FY 08/09, the surcharge generated \$312,828. Based on FY 08/09 permit volume, reducing the surcharge by 3 percent, would set the rate at 10 percent and would equal a loss of \$72,191 in revenue. Reducing the surcharge by 3 percent would impact the estimated 4 FTE authorized by the Board by .75 -1.0 FTE.

As was stated in Option 3 of the May 20th Board Memo, management proposed to allocate the revenue from the WM tipping fee to fund 4 FTE in long range planning, code enforcement and compliance, customer service, and provide for improvement in technology. Staff in long range planning are responsible for presenting the long range planning work program to the Board of Commissioners for approval. Reference Attachment 4. Since the County Population Forecasting work was recently completed and staff will be added to the program via the new WM tipping fee allocation, LMD will begin to work with the Board to reprioritize a new list of long range planning projects and develop a work program for the Board's approval.

C. CONCLUSION

Management in LMD propose to allocate the new revenue received from the Waste Management tipping fee in accordance with the May 20th Board Memo. This will include adding staff in the Long Rang Planning and Compliance service areas. Adding staff is estimated to take approximately 2 months. In the short term until permanent staff can be added, management proposes to hire temporary planning staff for application processing, process improvement, and assistance with the back log of land use applications that were received prior to the new WM revenue source.

RECOMMENDATION

No staff recommendation. This is a Board discussion item.

Attachments: 1) June 23, 2009 Board memo and Order No. 09-6-23-1
2) May 20, 2009 Board memo
3) May 5, 2009 Board memo
4) Current Long Range Planning Work Program Table

T.4.b.

Memorandum Date: June 8, 2009
Meeting Date: June 23, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works / Waste Management Division

PRESENTED BY: Marsha Miller, Public Works Director
Patti Hansen, Waste Management Division Manager

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO REVISE SOLID WASTE FEE PROVISIONS (LM 60.875).

I. MOTION

THAT THE BOARD ORDER BE ADOPTED AMENDING LANE MANUAL (LM 60.875) TO ALLOCATE SOME OF THE REVENUE OF THE SOLID WASTE FEES TO THE LAND MANAGEMENT DIVISION CODE COMPLIANCE, ENFORCEMENT AND LONG-RANGE PLANNING PROGRAMS EFFECTIVE JULY 1, 2009 AND AUTHORIZING THE WASTE MANAGEMENT DIVISION TO INCREASE THOSE FEES EFFECTIVE AUGUST 1, 2009.

II. AGENDA ITEM SUMMARY

It is estimated that the Land Management Division will realize a funding shortfall for FY 09/10. The Board is being asked to consider an allocation of and increase in the Waste Management Division fees to help fund the compliance, code enforcement and long-range planning programs in the Land Management Division of the Public Works Department.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On March 10, 2009, the Public Works Department met with the County Administrator, Jeff Spartz, regarding the FY 09/10 budget. At this meeting, Mr. Spartz recommended that an oral report be given to the Board outlining the Land Management Division budget. Specifically, he directed that the Board be informed that the proposed budget was being balanced by including \$450,000 of general fund money.

E. Analysis

A proposal considered by the Board on May 5, 2009, was to support long range planning and code enforcement and compliance through allocating the "other fees" in Waste Management to those services. In addition, the Board discussed the possibility of moving Land Management services out to Public Works Administration at Delta and developing a "Customer Service Center" for all Public Works customers. This consolidation would provide better support for Land Management and better efficiency in providing service to the citizens of Lane County.

All rural and urban Lane County citizens benefit from long range planning efforts that shape the livability of Lane County. In addition, all citizens will benefit from access to public information regarding various land uses in their community and from equal and fair enforcement of the community's land use regulations. The cost of those services are appropriately spread throughout the county to as large a pool of potential users and those who benefit from the services as possible. Providing these services requires staff to maintain, update and monitor the land use policies, regulations, information and enforcement of the Lane County Rural Comprehensive Plan and the land use plans for each of the cities and urban areas throughout Lane County. All of the rural and urban Lane County citizens stand to benefit from these services. All of the rural and urban Lane County citizens create waste and have need of solid waste services. It is reasonable to collect fees from all of the Lane County citizens creating and disposing of waste to provide funding for long range planning, information, code compliance and enforcement services in order to maintain those services and Lane County's livability.

F. Alternatives/Options

Option 1. Raise the solid waste service "other fee" to \$5.50/ton effective August 1, 2009, and allocate all the revenue from that fee collected on and after July 1, 2009, to LMD for the code compliance, enforcement and long range planning programs. This proposal would generate approximately \$1,050,000 and could fund employees for code compliance, code enforcement and long range planning. This option would result in a \$67.00/ton tipping fee.

Option 2. Direct staff to pursue other options as discussed by the Board.

IV. TIMING / IMPLEMENTATION

Staff is recommending August 1, 2009, as the effective date of the fee increases to allow 30 days notification to haulers and constituents of Lane County. Staff also recommends July 1, 2009, as the effective date to transfer all the revenue of the current and future "other fees" to the Land Management Division. Staff also

recommends the Other Fee fund balance as of 6/30/09, be left in place to provide funding for the waste diversion and nuisance site clean up work it was originally established to provide.

Staff has notified the cities and haulers of the Board direction and proposed fee schedule.

V. RECOMMENDATION

Staff recommend Option 1.

VI. FOLLOW-UP

Following Board approval, the Waste Management Division will notify users of the rate change.

VII. ATTACHMENTS

Board Order with Lane Manual 60.875 (LM 60.875) changes.

BEFORE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

09-6-23-1

IN THE MATTER OF AMENDING CHAPTER 60 OF
THE LANE MANUAL TO REVISE SOLID WASTE
FEE PROVISIONS (LM 60.875)

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

60.875

as located on pages 60-91 through 60-101
(a total of 11 pages)

INSERT THIS SECTION

60.875

as located on pages 60-91 through 60-101
(a total of 11 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise solid waste fee provisions by allocating a portion of the fees collected after June 30, 2009, to long range planning or code compliance and enforcement programs in the Lane County Public Works Land Management Division and increase those fees (LM 60.875). The fee increase provisions adopted by this Order shall become effective on August 1, 2009.

Adopted this 23 day of JUNE 2009.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-16-2009 Lane County



OFFICE OF LEGAL COUNSEL

60.865 Law Library Fees.

(1) Circuit Court Fees Assessed on Behalf of the County Law Library. Under the authority of ORS 21.350, the law library fee in each civil suit, action, or proceeding filed in the Circuit Court of Lane County shall be 28% of the filing fee provided by law rounded to the next full dollar. No such fee shall be charged in accordance with this section that exceeds 28% of the filing fee as provided by law.

(2) For additional services provided in the Law Library, the following fees are established:

- (a) Self-service photocopies (cash)..... \$.20/page
- (b) Copy cards⁴⁷..... \$ 1.00 plus \$.20/page
- (c) Fax service (dependent on number of pages faxed/telephone charges/staff time):
 - Faxes received \$ 1.00 plus .20/page
 - Faxes transmitted (local area)..... \$ 1.50 plus \$.30/page
 - Faxes transmitted (Oregon—503) \$ 1.50 plus \$.35/page
 - Faxes transmitted (U.S./Canada) \$ 2.00 plus \$.60/page
 - Faxes transmitted (international) \$ 6.00 plus \$3.00/page
- (d) Computer prints \$.20/page
- (e) Microform copies \$.20/page
- (f) Poster prints \$ 7.50/page printed
- (g) Document delivery \$12.00/citation plus \$.20 for each page over 20 pages
- (h) Video equipment for courtroom use \$ 10.00/day
- (i) Overhead projector for courtroom use..... \$ 10.00/day
- (j) Lost access key card \$ 25.00
- (k) Lost/damaged materials replacement cost plus \$40.00 processing fee
- (l) Interest rate on late bills (more than 30 days)..... 9%

(Revised by Order No. 97-10-29-5, Effective 10.29.97; 05-5-11-5, 5.11.05; 07-9-19-1, 9.19.07)

60.870 Records Search Fee.

In accordance with the authority granted by ORS 192.440, a records search and inspection fee is hereby established for the purpose of reimbursing Lane County for its actual cost in making records available under ORS Chapter 192.

Per single request, search or examination,
employee lost time less than one hour.....-None-
Search or examination requiring an hour or more
of employee time.....The hourly wage rate for the
employee involved as
determined by the Department
Head.

(Revised by Order 75-2-19-9, Effective 2.19.75)

60.875 Fees for Lane County Solid Waste Services.

Pursuant to Lane County Charter, Chapter II, Section 5, and LC 9.005 through 9.070, this section establishes a rate schedule for disposal of solid waste at all Lane County solid waste facilities and a Solid Waste System Benefit Fee for countywide solid waste

⁴⁷Copy cards are sold in pre-valued denominations of \$10.00, \$20.00, \$50.00, and \$100.00, but can be re-valued to any level, at \$.20 per page. Cost of initial copy card is \$1.00.

management services, assessed on all municipal solid waste generated inside Lane County. Except where otherwise clearly indicated, all individuals, firms, agencies or corporations whether Public or private, shall pay the total solid waste service fee at any of the County solid waste facilities which includes the listed Disposal Fee, the System Benefit Fee assessed against any municipal solid waste which is generated inside Lane County, and other fees as listed and further described in LM 60.875(3). All individuals, firms, agencies or corporations whether Public or private, using solid waste disposal facilities other than Lane County facilities, shall pay to Lane County the System Benefit Fee assessed against any municipal solid waste which is generated inside Lane County. The solid waste service fees are established, as follows:

(1) User Fees for Residential, Commercial and Industrial Waste, Not Including Specific Wastes Listed in LM 60.875(2). At sites where Lane County provides scales for determining weight-based fees and the scales are functioning, the weight-based fee will be charged for all commercial and industrial wastes. Lane County retains sole authority to charge by weight or volume and to classify loads as commercial or residential at any site.

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(a) Up to 3 can maximum	\$ 7.74	\$10.26	none	\$ 18.00
(b) More than 3 cans to 3 cu. yd. maximum	\$12.90	\$17.10	\$1.00	\$ 31.00
(c) Loose waste over 3 cu.yd/	\$52.89/ton \$ 6.02/cu.yd	\$70.11/ton \$ 7.98/cu.yd	\$ 11.00/ton \$ 2.00/cu.yd	\$ 134.00/ton \$ 16.00/cu.yd
(d) Compacted waste- volume based fee	\$15.69/cu.yd	\$20.81/cu.yd	\$ 2.00/cu.yd	\$ 38.50/cu.yd
(e) Compacted waste- weight-based fee ⁴⁸	\$53.75/ton	\$71.25/ton	\$ 11.00/ton	\$ 136.00/ton
(f) Demolition rubble, construction waste, land clearing debris	\$52.89/ton or \$ 7.74/cu.yd	\$70.11/ton or \$10.26/cu.yd	\$ 11.00/ton \$ 2.00/cu.yd	\$ 134.00/ton or \$ 20.00/cu.yd
(g) Big concrete chunks, stumps, rock, dirt	\$52.89/ton or \$48.16/cu.yd	\$70.11/ton or \$63.84/cu.yd	\$ 11.00/ton \$ 2.00/cu.yd	\$ 134.00/ton or \$ 114.00/cu.yd

The minimum weight-based fee in any case shall be \$18.00. Except where Lane County has provided scales to determine fees based on weight of waste, minimum fees for compacted garbage collection vehicles and other enclosed vehicles shall be based upon rated cubic yard capacity regardless of the actual volume being hauled. Minimum fees for container vehicles of capacity greater than 3 cubic yards shall be based on the volume of the vehicle or container. Loads heaped above an open container will be charged based on the total estimated loose waste volume.

(2) User Fees for Specific Waste. Where Lane County provides scales and they are working, the weight-based fee will be charged. Lane County retains sole authority to charge by weight or volume and to classify loads at any site.

	System Benefit Fee	Disposal Fee	Total Fee
(a) Tires: ⁴⁹ (i) Smaller than 17 inch rim diameter (tire only)	\$ 0.86 ea.	\$ 1.14 ea.	\$ 2.00 ea.

⁴⁸ Volume charge used at sites without scales or when existing scales are not functioning..

⁴⁹ Tires shall not be accepted from commercial sources. Up to ten tires per day may be accepted per individual load. Tires larger than 30 inches will not be accepted.

	System Benefit Fee	Disposal Fee	Total Fee
(ii) Smaller than 17 inch rim diameter (including wheel)	\$ 1.29 ea.	\$ 1.71 ea.	\$ 3.00 ea.
(iii) 17 inch through 24 inch rim diameter (tire only)	\$ 2.58 ea.	\$ 3.42 ea.	\$ 6.00 ea.
(iv) 17 inch through 24 inch rim diameter (including wheel)	\$ 4.30 ea.	\$ 5.70 ea.	\$ 10.00 ea.
(v) 24 inch through 30 inch rim diameter (tire only)	\$ 8.60 ea.	\$ 11.40 ea.	\$ 20.00 ea.

(vi) Fee for Tires Placed in Waste Stream. Double the current tire fee in LM 60.875(2)(c)(i)-(v) based on the size of the tire and whether the wheel is present, per tire, per occurrence. This fee shall be assessed to any customer who places, or causes to be placed, any tire or tires in the disposal area of any Lane County solid waste facility.

(b) Petroleum Contaminated Soil (PCS). Only PCS that meets Lane County standards for disposal will be accepted regardless of the material being treated as waste or used as cover material. A special waste permit is required before any material is delivered to Short Mountain Landfill. PCS will be charged as follows:

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
PCS accepted for disposal	\$ 26.45/ton or \$24.08/cu.yd	\$ 35.05/ton or \$31.92 /cu.yd	\$ 5.50/ton \$ 1.00/cu.yd	\$ 67.00/ton or \$ 57.00/cu.yd

PCS that is accepted for use as cover material will be charged the current Disposal Fee for loose waste, not including the System Benefit Charge. [See LM 60.875(1)(c).] At the discretion of the Manager, or his or her authorized representative, PCS that is accepted for use as cover/fill material may be charged the current rate for cover/fill material. [See LM 60.875(2)(i).]

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(c) Asbestos				
(i) Bulk	none	\$91.50/ton or \$22.00/cu.yd	\$ 5.50/ton \$ 1.00/cu.yd	\$97.00/ton or \$23.00/cu.yd (minimum charge \$23.00)
(d) Infectious Wastes, as defined in ORS 459.386	none	\$91.50/ton or \$14.00/cu.yd	\$ 5.50/ton \$ 1.00/cu.yd	\$ 97.00/ton or \$ 15.00/cu.yd (minimum charge \$15.00)

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(e) Yard Debris and Wood Waste ⁵⁰				
(i) Up to 3 cu.yd	\$10.75/cu.yd	\$14.25/cu.yd	\$ 2.00/cu.yd	\$ 27.00/cu.yd
(ii) Over 3 cu.yd	\$48.59/ton or \$ 5.16/cu.yd	\$64.41/ton or \$ 6.84/cu.yd	\$ 11.00/ton \$ 2.00/cu.yd	\$124.00/ton or \$ 14.00/cu.yd

(f) Special wastes. A special waste is any waste material that, because of its origin, physical state or characteristics, would suggest that it may: be a hazardous waste, contain

⁵⁰ Only applies at sites where separate yard debris and wood waste collection is conducted.

hazardous substances or wastes prohibited in municipal landfills, require additional management such as hazard review or special disposal conditions or precautions, carry potential liability to Lane County disposal sites or create unsafe or unhealthy conditions for Lane County employees or the public.

Examples of special wastes include, but are not limited to, clean-up materials from petroleum or chemical spills and or tank removals, industrial chemicals and by-products, liquids, dusts, sludges (liquid/solid mixtures), wastes in drums, tank trucks or vacuum trucks.

Prior to delivery for disposal a special waste application must be submitted to Lane County for each special waste. The special waste will be thoroughly investigated to determine that it is not considered to be a hazardous waste and that Lane County is authorized to accept it for disposal.

	System			
	<u>Benefit Fee</u>	<u>Disposal Fee</u>	<u>Other Fees</u>	<u>Total Fee</u>
(i) Application review (non-refundable)				\$ 25.00
(ii) Application fee, renewal (non-refundable)				\$ 10.00
(iii) Disposal Fees				
Bulk	\$26.45/ton or \$12.47/cu.yd	\$35.05/ton or \$16.53/cu.yd	\$ 5.50/ton \$ 1.00/cu.yd	\$ 67.00/ton or \$30.00/cu.yd
Drummed	\$ 4.09 drum	\$ 5.41 drum	\$ 1.00 drum	\$ 10.50 drum

Rates for other specific waste not included in the above list shall be temporarily determined by the Manager of the Waste Management Division as the need occurs until a permanent rate can be established in this section. Specific wastes may be limited to designated areas or sites. Specific waste fees shall not be subject to discounts under LM 60.875(7), (8) and (9) below.

(g) White goods. Except as otherwise provided herein, white goods (stoves, refrigerators and other large appliances), water heaters, metal tanks and similar large metal items shall not be accepted for disposal at County solid waste facilities. White goods and similar large metal items may be accepted for recycling at County sites where metals recycling facilities are provided, as follows:

	System		
	<u>Benefit Fee</u>	<u>Disposal Fee</u>	<u>Total Fee</u>
(i) White goods containing refrigerants and/or electric motors (refrigerators, freezers, air conditioners, washers, dryers, dish washers, etc.)	\$ 6.45	\$ 8.55	\$15.00
(ii) Other white goods and large metal items	none	none	none

The Manager of the Waste Management Division may accept white goods or similar large metal items for disposal at County solid waste facilities only when he/she determines that it is unreasonable to require that the item be recycled. In such case, the appropriate fee based on LM 60.875(1), (2) or (3) shall be charged for disposal of the item.

(h) Post-MRF Residues. Material recovery facility (MRF) post MRF residue fees shall be set based on the level of recovery achieved by qualifying MRFs. These fees apply only to the residual waste (waste requiring disposal after reusable and/or recyclable materials have been separated) generated by a MRF permitted by the Oregon Department

of Environmental Quality. In order for a MRF to qualify for the disposal rates set forth, it must be in compliance with all permits, including but not limited to the disposal site permit issued by the Department of Environmental Quality, land use permits, etc. Further, in order to be eligible, MRFs must have satisfied any requirements for the payment of civil penalties by permitting agencies after all available appeals have been exhausted.

The disposal fees apply only to residual wastes delivered directly to the Short Mountain Landfill. The tipping fee per ton for post-MRF waste will be determined by the MRF's level of recovery based on the schedule set forth below.

In order to qualify for the post-MRF rate, permitted MRFs must submit monthly reports to the Lane County Waste Management Division by the 15th day of each month for activity occurring in the previous month. "Monthly" shall be from the 1st day of one month to the end of the month so the recovery rates will match up with billing records. Forms to be provided by the Division will require the following information:

- (i) Tons of mixed waste received at the MRF – monthly total
- (ii) A summary of outgoing tons of residual waste, reusable material, inerts and tons of recovered materials and their destinations – monthly total
- (iii) Tons of source separated material received monthly.

Monthly MRF discounts and tipping fees shall be based on the average recovery rate established during the previous twelve months for MRFs in operation longer than one year – a rolling average calculated each month. MRFs which have been in operation for longer than six months, but less than twelve months, shall receive discounts and tipping fees based on the most recent six months of activity using a six month rolling average calculated each month until they have been in operation for a full twelve months. Once in operation a full twelve months, their discounts and tipping fees will be based on a twelve month rolling average calculated monthly. MRFs which are not in operation on September 26, 2001 will receive a discount equivalent to that provided for a 23% recovery rate until such time as they are eligible for discounts and tipping fees based on a six month rolling average as described above. After review of the monthly report and approval by the Waste Management Division, the appropriate rate/discount will be applied to the current month's billing.

New MRFs must demonstrate to Lane County's satisfaction that they are making a good faith effort to accomplish reasonable recovery for the entire first year of operation. Failure to do so may be cause for Lane County to withhold discounts until such time as the MRF demonstrates an ability to accomplish meaningful recovery.

Authorized representatives of Lane County shall be permitted to inspect information from which all required reports are derived during normal working hours or at other reasonable times with 48 hours notice. Lane County's right to inspect shall include but not be limited to the right to review records, receipts, books, maps, plans and other like materials that are directly related to the facility's recovery rate calculation. Refusal by the MRF operator to allow inspection is grounds for loss of eligibility for the post-MRF disposal credit. Failure of the records to substantially balance, or to verify the level of recovery shown in the monthly report by the end of the month shall be cause for Lane County to assume a recovery rate equal to the minimum recovery rate then in effect on the schedule of rates. That recovery rate would also become part of the rolling average.

The data in the monthly report will be used to calculate the monthly level of recovery as follows:

Tons of Recovered Material

Tons of Material Disposed + Tons of Recovered Material

Where total tons recovered is the amount of materials sent to market for that month.

Depending on the level of recovery, Lane County will discount the base disposal rate of \$132 per ton at the Short Mountain Landfill and charge fees as follows:

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
15% recovery	\$52.89/ton \$16.77/cu.yd	\$70.11/ton \$22.23/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$ 132.00/ton \$ 41.00/cu.yd
16% recovery	\$52.89/ton \$16.77/cu.yd	\$65.11/ton \$20.73/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$ 127.00/ton \$39.50/cu.yd
17% recovery	\$52.89/ton \$16.77/cu.yd	\$60.11/ton \$19.23/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$122.00/ton \$ 38.00/cu.yd
18% recovery	\$52.89/ton \$16.77/cu.yd	\$55.11/ton \$17.73/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$117.00/ton \$36.50/cu.yd
19% recovery	\$52.89/ton \$16.77/cu.yd	\$50.11/ton \$16.23/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$112.00/ton \$35.00/cu.yd
20% recovery	\$52.89/ton \$16.77/cu.yd	\$45.11/ton \$14.73/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$107.00/ton \$33.50/cu.yd
21% recovery	\$52.89/ton \$16.77/cu.yd	\$40.11/ton \$13.23/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$102.00/ton \$32.00/cu.yd
22% recovery	\$52.89/ton \$16.77/cu.yd	\$35.11/ton \$11.73/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$97.00/ton \$30.50/cu.yd
23% recovery	\$52.89/ton \$16.77/cu.yd	\$30.11/ton \$10.23/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$92.00/ton \$29.00/cu.yd
24% recovery	\$52.89/ton \$16.77/cu.yd	\$25.11/ton \$ 8.73/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$87.00/ton \$27.50/cu.yd
25% (or more) recovery	\$52.89/ton \$16.77/cu.yd	\$20.11/ton \$ 7.23/cu.yd	\$ 9.00/ton \$ 2.00/cu.yd	\$82.00/ton \$26.00/cu.yd

In the event of the catastrophic failure of a recycling market, MRF operators may petition the Lane County Waste Management Division for a decrease in the recycling recovery rate percentage necessary to achieve post-MRF discounts. The Manager of the Waste Management Division may decrease the recycling recovery rate percentage necessary for post-MRF discounts in the event MRF operators petition Lane County for a decrease due to catastrophic failure of a recycling market.

If unacceptable waste is found in a post-MRF load (i.e. tires, lead acid batteries, appliances) any per unit fees associated with tires, appliances or other unacceptable waste plus any processing fees shall be charged. If Lane County determines through its load inspections that a post-MRF load contains more than 5% putrescible waste, that load will be charged the standard non-MRF disposal fee.

Lane County reserves the right to visit and inspect MRF facilities during normal operating hours. Refusal of a MRF operator to allow such inspections will result in the loss of post-MRF discounts for the duration of such refusal.

Source separated recyclable material will not count toward the MRF's recovery rate. However, a MRF that accepts source separated recyclable material for processing or sorting may subtract 5% of the total tons of source separated recyclable material from the total tons disposed when calculating the facility's monthly recovery rate. Source separated recyclable material includes but is not limited to curbside residential and commercial recyclables that are collected commingled but separate from waste.

In order for a material to count toward a MRF's recovery rate, it must be used in the manufacture of a new product. However, materials that are diverted for fill, such as shaker fines, brick, concrete, etc., may be counted toward a MRF's recovery rate, but at only half their actual weight.

Because reuse is emphasized above recycling in the State of Oregon, a MRF may double the weight of items recovered for reuse and the doubled weight for reusable items will be applied to the calculation of the MRF's monthly recovery rate.

(i) Cover/Fill Material \$20.00/ton

At the discretion of the Manager, or his or her authorized representative, materials may be accepted for use as cover/fill material at the Short Mountain Landfill depending upon the characteristics of the material and the need at the landfill. The materials may consist of, but are not limited to, soil, dirt, rock, wood wastes, PCS, or other non-putrescibles.

(j) Propane Tanks Up to 10 gallons in capacity \$ 4.00 each
 Over 10 gallons up to 15 gallons..... \$10.00 each
 Over 15 gallons up to 25 gallons..... \$25.00 each

This fee applies only to refillable propane tanks, not over 25 gallons in capacity. Refillable propane tanks shall be separated from other wastes and recyclables and will be accepted for recycling only.

(k) Assistance/Special Handling Fee. At the discretion of the Manager, or his or her authorized representative, fees for county assistance or special handling of waste delivered to Lane County for disposal or recycling may be charged in addition to other fees set forth in LM 60.875. These fees may be assessed when a customer requests assistance or the material, because of a unique nature or circumstance, requires special handling. The fee will be based on the time required for the assistance or special handling and the cost for use of equipment. The fee for labor only is \$25.00/hour per person. The fee for equipment usage will be based on the current Fleet Services hourly rate for the equipment used. When applied, these fees will be determined in quarter hour increments with a ½ hour minimum.

	System	Benefit Fee	Disposal Fee	Other Fees	Total Fee
(l) Mattresses and Box Springs		\$39.35/ton or \$ 3.01/cu.yd	\$52.15/ton or \$ 3.99/cu.yd	\$ 5.50/ton \$ 1.00/cu.yd	\$ 97.00/ton or \$8.00/cu.yd

(m) Electronic Equipment Recycling. Electronic equipment recycling at five Lane County Transfer Stations (Glenwood, Vida, Veneta, Florence and Cottage Grove) is free for individuals, entities with ten (10) or fewer employees, or any entity bringing in seven (7) or fewer of the following units: CPUs, Computer Monitors, Televisions (any size) or Laptop Computers. Any individual or entity with eight (8) or more units must call to make an appointment for delivery only at Glenwood Central Receiving Station.

The following fees will apply to entities with eleven (11) or more employees:

- Television sets
 - Less than 10" screen..... \$ 5 each
 - 10" - 20" screen \$10 each
 - 20" - 30" screen..... \$15 each
- Consoles & TVs greater than 30" \$20 each
- Computers (CPUs) \$ 5 each
- Laptops \$ 5 each
- Computer Monitors..... \$ 8 each
- Copy Machines \$35 each



(3) Other Fees. Unless indicated otherwise, the equivalent of \$3.50/ton or \$0.50/cubic yard through July 31, 2009, and \$5.50/ton or \$1.00/cubic yard thereafter for secured or covered loads as allocated and listed in LM 60.875(1) and (2) shall be collected to be used for the following solid waste regulation and management, code compliance and enforcement, or long-range planning purposes:

(a) **Nuisance site cleanup.** A portion of this fee collected before July 1, 2009, shall be used to fund the clean up of nuisance properties identified by Lane County as directed by the Board. It is expected that the majority of these sites will be identified through the Land Management Division Compliance program. The Board will set criteria and guidelines to determine which sites are eligible for use of the funds. The Board will authorize the use of funds for each specific clean-up project by Board Order.

(b) **Waste diversion opportunities.** A portion of this fee collected before July 1, 2009, will be used for projects approved by the Board that are designed to divert or prevent waste material from entering the landfill, including but not limited to, research and development. For example, funds could be used from this fee to assist a large manufacturer with a new waste diversion project, or assistance with purchase of equipment to make a particular waste recyclable or reusable. The Board will develop criteria for how grants, or public-private partner projects, will be selected for funding.

(c) **Code compliance, enforcement and long-range planning.** All of this fee collected after June 30, 2009, shall be used to fund the code enforcement and compliance, or long-range planning programs in the Lane County Public Works Department, Land Management Division as directed by the Board.

(d) On a monthly basis, sixty percent (60%) of the fees collected before July 1, 2009, will be accumulated and maintained for nuisance site cleanup and forty percent (40%) for waste diversion opportunities. Effective July 1, 2009, and thereafter, the fees collected as authorized by LM 60.875(3) shall be used to fund code enforcement and compliance, or long-range planning programs in Land Management Division as directed by the Board. On or before July 1, 2011, the Board may review utilization of the funds collected under LM 60.875(3)(a) and (b) and may adjust those fees at that time. The Board could transfer all, or any portion of, the remaining funds into the General Solid Waste Fund.

(4) **Out-of-County Wastes.** Wastes generated outside of Lane County are generally not accepted. However, they may be accepted, at the Manager's discretion, dependent upon special circumstances, including but not limited to: the usefulness of the waste at the Lane County disposal site; the difficulty the generator is having in finding a suitable disposal location; or the public's best interests. Additional fees, up to 25% of the Disposal Fee, may be assessed on Out-of-County Wastes, if any special handling is required.

(5) **Waiver of Fees.**

(a) The Manager of the Waste Management Division, or his or her authorized representative, may waive all or part of the appropriate fees from LM 60.875(2) above for loads of dirt, rock, dirty wood waste or other materials when they are received at specific solid waste facilities where they can be beneficially used.

(b) In the event of disaster or emergency conditions the Director of the Department of Public Works, or his or her authorized representative, may waive fees at County solid waste facilities to assist in cleanup of private property that endangers the public safety and health as provided in the Lane County Basic Disaster Operations Plan.

(c) In the event a city government or an officially recognized community organization representing an unincorporated community or an organized service group wishes to sponsor a community or area-wide clean-up program, the Director of the Department of Public Works, or his or her authorized representative, may waive fees for disposal of materials collected during the cleanup and may specify a period during which the fee waiver will apply. Fee waivers are limited to one per year per community or area. A fee waiver may not exceed \$1,500 except for the City of Eugene which shall not exceed \$5,000 and the City of Springfield which shall not exceed \$3,000 and the total yearly aggregate of fee waivers under this section shall not exceed \$17,500.

(d) In the event an individual collects solid waste in the performance of a public service, such as picking up roadside litter or cleanup of a park area, the Director of Public Works, or his or her authorized representative, may waive fees for the disposal of the collected materials. The individual must request the fee waiver in writing and must certify in the request that the wastes result from a cleanup activity for public benefit. Fee waivers are limited to four per year per individual or household. An individual fee waiver shall not exceed \$15 and the total yearly aggregate of fee waivers under this section shall not exceed \$7,500.

(e) In the event that a benevolent/charitable organization develops waste from a specific one-time activity such as construction, repair or remodeling of their facilities, removal of underground storage tanks or other excavation on their property, the County Administrator, or his or her authorized representative, may waive the fees for the specific waste. The organization must request the waiver in writing and describe how the waste is being generated. Fee waivers are limited to one per year per organization. A fee waiver shall not exceed \$2,000 for any single organization request.

(6) Discount for Recycling. This subsection establishes a system for discounting the fees at County solid waste facilities for recyclers by recognizing the benefits associated with the reduction of wastes. Fees for recyclers shall be discounted by the amounts listed as follows:

- (a) Entire load of recyclable items. All Fees
- (b) Partial load of recyclable items..... \$ 1.00 from total fee

In order to qualify for the fee discount for a partial load of recyclable items, the total amount of recyclable material must be significant (10 pounds or more). The fee discount for recycling will only be available at solid waste sites which have recycling capability. Only items for which recycling capability is provided at each solid waste site will be eligible for the discounted fee rates.

(7) Discount for Covering/Securing Loads.⁵¹ This subsection establishes a system for reducing the fees at County solid waste facilities for users who prevent litter by covering or securing their loads. The reduction shall be calculated on the same basis as the original fee. The minimum weight-based fee in any case shall be \$9.00. Fees for users covering or securing their loads shall be discounted by the amounts listed as follows:

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⁵¹ "Covering and Securing Loads" shall include only the following:
 Loads which are totally contained within an enclosed vehicle or container.
 Loads of refuse contained in garbage cans with tightly fitting lids, tied plastic refuse disposal bags or similar totally enclosed individual containers.
 Loads of loose refuse which are covered, as with a cloth or plastic tarp, and tied into the hauling vehicle, such that no refuse can reasonably be expected to escape during hauling.
 Loads of brush, building materials and similar bulky materials which are tied into the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.
 Loads consisting entirely of dirt, rock, concrete, asphalt paving, stumps and similar materials.

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(a) Up to 3 can maximum	\$ 3.87	\$ 5.13	none	\$ 9.00
(b) More than 3 cans to 3 cu. yd. maximum	\$ 6.45	\$ 8.55	\$0.50	\$ 15.50
(c) Loose waste over 3 cu. yd.	\$26.45/ton \$ 3.01/cu.yd	\$35.05/ton \$ 3.99/cu.yd	\$ 5.50/ton \$1.00/cu.yd	\$67.00/ton \$8.00/cu.yd
(d) Compacted waste - volume-based fee	\$ 7.85/cu.yd	\$10.40/cu.yd	\$1.00/cu.yd	\$19.25/cu.yd
(e) Compacted waste - weight-based fee	\$26.88/ton	\$35.62/ton	\$ 5.50/ton	\$68.00/ton
(f) Demolition rubble, construction waste, land clearing debris	\$26.45/ton \$ 3.87/cu.yd	\$35.05/ton \$ 5.13/cu.yd	\$ 5.50/ton \$ 1.00/cu.yd	\$67.00/ton \$10.00/cu.yd
(g) Big concrete chunks, stumps, rock, dirt	\$26.45/ton \$24.08/cu.yd	\$35.05/ton \$31.92/cu.yd	\$ 5.50/ton \$1.00/cu.yd	\$67.00/ton \$57.00/cu.yd
(h) Yard debris and Woodwaste - 50% of current fee (LM 60.875(2)(e))				
(i) Post-MRF residues - 50% of current fee (LM 60.875(2)(h))				

(8) Discount for Seniors. Individuals sixty (60) years of age or older shall receive a \$1.00 per load discount from total fees at County solid waste facilities provided that such discount shall only apply on cash transactions for residential loads only. Will not apply to loads larger than six cubic yards.

(9) Discount for Charitable Recycling Organizations. Organizations that are nonprofit and are engaged as a primary form of business in the processing of abandoned goods for resale or reuse shall receive a 33.3% discount on their fees at County solid waste facilities.

(10) Payments for Residential Recycling Depot Service. Providers of residential recycling drop-off depots may receive a quarterly payment to assist in the cost of providing recycling service. To be eligible for such payments, providers of residential recycling drop-off service must be certified by the Lane County Waste Management Division. The Manager of the Waste Management Division shall determine reasonable written certification requirements which may be revised from time to time to reflect program experience, increase waste reduction effectiveness, reflect market changes or for other appropriate reasons.

Payments shall be based on the amount of residential glass, tin, household aluminum, certain plastics, aseptic packaging and motor oil collected in the previous quarter. Payments shall be based on the ratio of the materials that each individual certified provider collected to the total quantity of materials collected by all certified providers. The total amount of payments for residential recycling depot service shall not exceed \$18,000 per year.

Payments will be contingent upon receipt of quarterly reports substantiated by verifiable weight slips from established materials markets or other acceptable sources. The payment shall only be based upon materials collected through the recycling depot service. Only incidental commercial quantities will be allowed. Mixing commercial materials with residential materials may be cause for rejection of the entire month for which a payment was requested.

(11) Ability to Reject Wastes. Any wastes may be rejected at Lane County solid waste facilities if they are deemed to be hazardous to the operation or environment, if they are prohibited by State or Federal regulations or permits, or if they include large quantities of materials which can be recovered for a beneficial purpose. *(Revised by Order No. 01-10-24-1, Effective 10.24.01; 04-5-19-8, 7.1.04; 07-6-13-6, 9.1.07; 08-12-17-3, 1.1.09; 09-1-28-9, 1.7.09)*

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60.865 Law Library Fees.

(1) Circuit Court Fees Assessed on Behalf of the County Law Library. Under the authority of ORS 21.350, the law library fee in each civil suit, action, or proceeding filed in the Circuit Court of Lane County shall be 28% of the filing fee provided by law rounded to the next full dollar. No such fee shall be charged in accordance with this section that exceeds 28% of the filing fee as provided by law.

(2) For additional services provided in the Law Library, the following fees are established:

- (a) Self-service photocopies (cash) \$.20/page
- (b) Copy cards⁴⁷ \$ 1.00 plus \$.20/page
- (c) Fax service (dependent on number of pages faxed/telephone charges/staff time):
 - Faxes received \$ 1.00 plus .20/page
 - Faxes transmitted (local area)..... \$ 1.50 plus \$.30/page
 - Faxes transmitted (Oregon—503) \$ 1.50 plus \$.35/page
 - Faxes transmitted (U.S./Canada)..... \$ 2.00 plus \$.60/page
 - Faxes transmitted (international) \$ 6.00 plus \$3.00/page
- (d) Computer prints \$.20/page
- (e) Microform copies \$.20/page
- (f) Poster prints \$ 7.50/page printed
- (g) Document delivery \$12.00/citation plus \$.20 for each page over 20 pages
- (h) Video equipment for courtroom use \$ 10.00/day
- (i) Overhead projector for courtroom use..... \$ 10.00/day
- (j) Lost access key card \$ 25.00
- (k) Lost/damaged materials..... replacement cost plus \$40.00 processing fee
- (l) Interest rate on late bills (more than 30 days)..... 9%

(Revised by Order No. 97-10-29-5, Effective 10.29.97; 05-5-11-5, 5.11.05; 07-9-19-1, 9.19.07)

60.870 Records Search Fee.

In accordance with the authority granted by ORS 192.440, a records search and inspection fee is hereby established for the purpose of reimbursing Lane County for its actual cost in making records available under ORS Chapter 192.

Per single request, search or examination,
employee lost time less than one hour.....-None-
Search or examination requiring an hour or more
of employee time.....The hourly wage rate for the
employee involved as
determined by the Department
Head.

(Revised by Order 75-2-19-9, Effective 2.19.75)

⁴⁷Copy cards are sold in pre-valued denominations of \$10.00, \$20.00, \$50.00, and \$100.00, but can be re-valued to any level, at \$.20 per page. Cost of initial copy card is \$1.00.

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60.875 Fees for Lane County Solid Waste Services.

Pursuant to Lane County Charter, Chapter II, Section 5, and LC 9.005 through 9.070, this section establishes a rate schedule for disposal of solid waste at all Lane County solid waste facilities and a Solid Waste System Benefit Fee for countywide solid waste management services, assessed on all municipal solid waste generated inside Lane County. Except where otherwise clearly indicated, all individuals, firms, agencies or corporations whether Public or private, shall pay the total solid waste service fee at any of the County solid waste facilities which includes the listed Disposal Fee, the System Benefit Fee assessed against any municipal solid waste which is generated inside Lane County, and other fees as listed and further described in LM 60.875(3). All individuals, firms, agencies or corporations whether Public or private, using solid waste disposal facilities other than Lane County facilities, shall pay to Lane County the System Benefit Fee assessed against any municipal solid waste which is generated inside Lane County. The solid waste service fees are established, as follows:

(1) User Fees for Residential, Commercial and Industrial Waste, Not Including Specific Wastes Listed in LM 60.875(2). At sites where Lane County provides scales for determining weight-based fees and the scales are functioning, the weight-based fee will be charged for all commercial and industrial wastes. Lane County retains sole authority to charge by weight or volume and to classify loads as commercial or residential at any site.

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(a) Up to 3 can maximum	\$ 7.74	\$10.26	none	\$ 18.00
(b) More than 3 cans to 3 cu. yd. maximum	\$12.90	\$17.10	\$1.00 none	\$31 30.00
(c) Loose waste over 3 cu.yd/	\$52.89/ton \$ 6.02/cu.yd	\$70.11/ton \$ 7.98/cu.yd	\$ 117.00/ton \$ 24.00/cu.yd	\$134130.00/ton \$1615.00/cu.yd
(d) Compacted waste- volume based fee	\$15.69/cu.yd	\$20.81/cu.yd	\$ 24.00/cu.yd	\$3837.50/cu.yd
(e) Compacted waste- weight-based fee ⁴⁸	\$53.75/ton	\$71.25/ton	\$ 117.00/ton	\$136132.00/ton
(f) Demolition rubble, construction waste, land clearing debris	\$52.89/ton or \$ 7.74/cu.yd	\$70.11/ton or \$10.26/cu.yd	\$ 117.00/ton \$ 24.00/cu.yd	\$134130.00/ton or \$2019.00/cu.yd
(g) Big concrete chunks, stumps, rock, dirt	\$52.89/ton or \$48.16/cu.yd	\$70.11/ton or \$63.84/cu.yd	\$ 117.00/ton \$ 24.00/cu.yd	\$134130.00/ton or \$114113.00/cu.yd

The minimum weight-based fee in any case shall be \$18.00. Except where Lane County has provided scales to determine fees based on weight of waste, minimum fees for compacted garbage collection vehicles and other enclosed vehicles shall be based upon rated cubic yard capacity regardless of the actual volume being hauled. Minimum fees for container vehicles of capacity greater than 3 cubic yards shall be based on the volume of the vehicle or container. Loads heaped above an open container will be charged based on the total estimated loose waste volume.

⁴⁸ Volume charge used at sites without scales or when existing scales are not functioning..

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(2) User Fees for Specific Waste. Where Lane County provides scales and they are working, the weight-based fee will be charged. Lane County retains sole authority to charge by weight or volume and to classify loads at any site.

	System Benefit Fee	Disposal Fee	Total Fee
(a) Tires: ⁴⁹			
(i) Smaller than 17 inch rim diameter (tire only)	\$ 0.86 ea.	\$ 1.14 ea.	\$ 2.00 ea.
(ii) Smaller than 17 inch rim diameter (including wheel)	\$ 1.29 ea.	\$ 1.71 ea.	\$ 3.00 ea.
(iii) 17 inch through 24 inch rim diameter (tire only)	\$ 2.58 ea.	\$ 3.42 ea.	\$ 6.00 ea.
(iv) 17 inch through 24 inch rim diameter (including wheel)	\$ 4.30 ea.	\$ 5.70 ea.	\$ 10.00 ea.
(v) 24 inch through 30 inch rim diameter (tire only)	\$ 8.60 ea.	\$ 11.40 ea.	\$ 20.00 ea.

(vi) Fee for Tires Placed in Waste Stream. Double the current tire fee in LM 60.875(2)(c)(i)-(v) based on the size of the tire and whether the wheel is present, per tire, per occurrence. This fee shall be assessed to any customer who places, or causes to be placed, any tire or tires in the disposal area of any Lane County solid waste facility.

(b) Petroleum Contaminated Soil (PCS). Only PCS that meets Lane County standards for disposal will be accepted regardless of the material being treated as waste or used as cover material. A special waste permit is required before any material is delivered to Short Mountain Landfill. PCS will be charged as follows:

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
PCS accepted for disposal	\$ 26.45/ton or \$24.08/cu.yd	\$ 35.05/ton or \$31.92 /cu.yd	\$ 53.50/ton \$ 1.000.50/cu.yd	\$6765.00/ton or \$ 57.0056.50/cu.yd

PCS that is accepted for use as cover material will be charged the current Disposal Fee for loose waste, not including the System Benefit Charge. [See LM 60.875(1)(c).] At the discretion of the Manager, or his or her authorized representative, PCS that is accepted for use as cover/fill material may be charged the current rate for cover/fill material. [See LM 60.875(2)(i).]

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(c) Asbestos				
(i) Bulk	none	\$91.50/ton or \$22.00/cu.yd	\$ 53.50/ton \$ 1.000.50/cu.yd	\$9795.00/ton or \$23.0022.50/cu.yd (minimum charge \$23.0022.50)
(d) Infectious Wastes, as defined in ORS 459.386	none	\$91.50/ton or \$ 14.00/cu.yd	\$ 53.50/ton \$ 1.000.50/cu.yd	\$9795.00/ton or \$ 15.0014.50/cu.yd (minimum charge \$15.0014.50)

⁴⁹ Tires shall not be accepted from commercial sources. Up to ten tires per day may be accepted per individual load. Tires larger than 30 inches will not be accepted.

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	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(e) Yard Debris and Wood Waste ⁵⁰				
(i) Up to 3 cu.yd	\$ 10.75/cu.yd	\$ 14.25/cu.yd	\$ 21.00 /cu.yd	\$ 2726.00 /cu.yd
(ii) Over 3 cu.yd	\$ 48.59/ton or \$ 5.16/cu.yd	\$ 64.41/ton or \$ 6.84/cu.yd	\$ 117.00/ton \$ 21.00 /cu.yd	\$ 124120.00 /ton or \$ 1413.00 /cu.yd

(f) Special wastes. A special waste is any waste material that, because of its origin, physical state or characteristics, would suggest that it may: be a hazardous waste, contain hazardous substances or wastes prohibited in municipal landfills, require additional management such as hazard review or special disposal conditions or precautions, carry potential liability to Lane County disposal sites or create unsafe or unhealthy conditions for Lane County employees or the public.

Examples of special wastes include, but are not limited to, clean-up materials from petroleum or chemical spills and or tank removals, industrial chemicals and by-products, liquids, dusts, sludges (liquid/solid mixtures), wastes in drums, tank trucks or vacuum trucks.

Prior to delivery for disposal a special waste application must be submitted to Lane County for each special waste. The special waste will be thoroughly investigated to determine that it is not considered to be a hazardous waste and that Lane County is authorized to accept it for disposal.

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(i) Application review (non-refundable)				\$ 25.00
(ii) Application fee, renewal (non-refundable)				\$ 10.00
(iii) Disposal Fees				
Bulk	\$ 26.45/ton or \$ 12.47/cu.yd	\$ 35.05/ton or \$ 16.53/cu.yd	\$ 53.50 /ton \$ 1.00-50 /cu.yd	\$ 6765.00/ton or \$ 30.00 —29.50/cu.yd
Drummed	\$ 4.09 drum	\$ 5.41 drum	\$ 1.00-50 drum	\$ 10.50 10.00 drum

Rates for other specific waste not included in the above list shall be temporarily determined by the Manager of the Waste Management Division as the need occurs until a permanent rate can be established in this section. Specific wastes may be limited to designated areas or sites. Specific waste fees shall not be subject to discounts under LM 60.875(7), (8) and (9) below.

(g) White goods. Except as otherwise provided herein, white goods (stoves, refrigerators and other large appliances), water heaters, metal tanks and similar large metal items shall not be accepted for disposal at County solid waste facilities. White goods and similar large metal items may be accepted for recycling at County sites where metals recycling facilities are provided, as follows:

	System Benefit Fee	Disposal Fee	Total Fee
(i) White goods containing	\$ 6.45	\$ 8.55	\$ 15.00

⁵⁰ Only applies at sites where separate yard debris and wood waste collection is conducted.

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	System		
	Benefit Fee	Disposal Fee	Total Fee
refrigerants and/or electric motors (refrigerators, freezers, air conditioners, washers, dryers, dish washers, etc.)			
(ii) Other white goods and large metal items	none	none	none

The Manager of the Waste Management Division may accept white goods or similar large metal items for disposal at County solid waste facilities only when he/she determines that it is unreasonable to require that the item be recycled. In such case, the appropriate fee based on LM 60.875(1), (2) or (3) shall be charged for disposal of the item.

(h) **Post-MRF Residues.** Material recovery facility (MRF) post MRF residue fees shall be set based on the level of recovery achieved by qualifying MRFs. These fees apply only to the residual waste (waste requiring disposal after reusable and/or recyclable materials have been separated) generated by a MRF permitted by the Oregon Department of Environmental Quality. In order for a MRF to qualify for the disposal rates set forth, it must be in compliance with all permits, including but not limited to the disposal site permit issued by the Department of Environmental Quality, land use permits, etc. Further, in order to be eligible, MRFs must have satisfied any requirements for the payment of civil penalties by permitting agencies after all available appeals have been exhausted.

The disposal fees apply only to residual wastes delivered directly to the Short Mountain Landfill. The tipping fee per ton for post-MRF waste will be determined by the MRF's level of recovery based on the schedule set forth below.

In order to qualify for the post-MRF rate, permitted MRFs must submit monthly reports to the Lane County Waste Management Division by the 15th day of each month for activity occurring in the previous month. "Monthly" shall be from the 1st day of one month to the end of the month so the recovery rates will match up with billing records. Forms to be provided by the Division will require the following information:

- (i) Tons of mixed waste received at the MRF – monthly total
- (ii) A summary of outgoing tons of residual waste, reusable material, inerts and tons of recovered materials and their destinations – monthly total
- (iii) Tons of source separated material received monthly.

Monthly MRF discounts and tipping fees shall be based on the average recovery rate established during the previous twelve months for MRFs in operation longer than one year – a rolling average calculated each month. MRFs which have been in operation for longer than six months, but less than twelve months, shall receive discounts and tipping fees based on the most recent six months of activity using a six month rolling average calculated each month until they have been in operation for a full twelve months. Once in operation a full twelve months, their discounts and tipping fees will be based on a twelve month rolling average calculated monthly. MRFs which are not in operation on September 26, 2001 will receive a discount equivalent to that provided for a 23% recovery rate until such time as they are eligible for discounts and tipping fees based on a six month rolling average as described above. After review of the monthly report and approval by the Waste Management Division, the appropriate rate/discount will be applied to the current month's billing.

New MRFs must demonstrate to Lane County's satisfaction that they are making a good faith effort to accomplish reasonable recovery for the entire first year

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of operation. Failure to do so may be cause for Lane County to withhold discounts until such time as the MRF demonstrates an ability to accomplish meaningful recovery.

Authorized representatives of Lane County shall be permitted to inspect information from which all required reports are derived during normal working hours or at other reasonable times with 48 hours notice. Lane County's right to inspect shall include but not be limited to the right to review records, receipts, books, maps, plans and other like materials that are directly related to the facility's recovery rate calculation. Refusal by the MRF operator to allow inspection is grounds for loss of eligibility for the post-MRF disposal credit. Failure of the records to substantially balance, or to verify the level of recovery shown in the monthly report by the end of the month shall be cause for Lane County to assume a recovery rate equal to the minimum recovery rate then in effect on the schedule of rates. That recovery rate would also become part of the rolling average.

The data in the monthly report will be used to calculate the monthly level of recovery as follows:

Tons of Recovered Material

Tons of Material Disposed + Tons of Recovered Material

Where total tons recovered is the amount of materials sent to market for that month.

Depending on the level of recovery, Lane County will discount the base disposal rate of ~~\$132~~ per ton at the Short Mountain Landfill and charge fees as follows:

	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
15% recovery	\$52.89/ton \$16.77/cu.yd	\$70.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$132130.00/ton \$4140.00/cu.yd
16% recovery	\$52.89/ton \$16.77/cu.yd	\$65.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$127125.00/ton \$3938.50/cu.yd
17% recovery	\$52.89/ton \$16.77/cu.yd	\$60.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$122120.00/ton \$3837.00/cu.yd
18% recovery	\$52.89/ton \$16.77/cu.yd	\$55.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$117115.00/ton \$3635.50/cu.yd
19% recovery	\$52.89/ton \$16.77/cu.yd	\$50.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$112110.00/ton \$3534.00/cu.yd
20% recovery	\$52.89/ton \$16.77/cu.yd	\$45.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$107105.00/ton \$3332.50/cu.yd
21% recovery	\$52.89/ton \$16.77/cu.yd	\$40.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$102100.00/ton \$3231.00/cu.yd
22% recovery	\$52.89/ton \$16.77/cu.yd	\$35.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$97095.00/ton \$3029.50/cu.yd
23% recovery	\$52.89/ton \$16.77/cu.yd	\$30.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$92090.00/ton \$2928.00/cu.yd
24% recovery	\$52.89/ton \$16.77/cu.yd	\$25.11/ton	\$ 97.00/ton \$ 21.00/cu.yd	\$87085.00/ton \$2726.50/cu.yd
25% (or more) recovery	\$52.89/ton \$16.77/cu.yd	\$20.11/ton \$ 7.23/cu.yd	\$ 97.00/ton \$ 21.00/cu.yd	\$82080.00/ton \$2625.00/cu.yd

In the event of the catastrophic failure of a recycling market, MRF operators may petition the Lane County Waste Management Division for a decrease in the recycling recovery rate percentage necessary to achieve post-MRF discounts. The Manager of the Waste Management Division may decrease the recycling recovery rate

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	System			
	<u>Benefit Fee</u>	<u>Disposal Fee</u>	<u>Other Fees</u>	<u>Total Fee</u>
(l) Mattresses and Box Springs	\$39.35/ton or \$ 3.01/cu.yd	\$52.15/ton or \$ 3.99/cu.yd	\$ 53.50/ton \$ 1.000.50/cu.yd	\$9795.00/ton or \$8.007.50/cu.yd

(m) **Electronic Equipment Recycling.** Electronic equipment recycling at five Lane County Transfer Stations (Glenwood, Vida, Veneta, Florence and Cottage Grove) is free for individuals, entities with ten (10) or fewer employees, or any entity bringing in seven (7) or fewer of the following units: CPUs, Computer Monitors, Televisions (any size) or Laptop Computers. Any individual or entity with eight (8) or more units must call to make an appointment for delivery only at Glenwood Central Receiving Station.

The following fees will apply to entities with eleven (11) or more employees:

Television sets	
Less than 10" screen.....	\$ 5 each
10" - 20" screen	\$10 each
20" - 30" screen.....	\$15 each
Consoles & TVs greater than 30"	\$20 each
Computers (CPUs)	\$ 5 each
Laptops	\$ 5 each
Computer Monitors.....	\$ 8 each
Copy Machines	\$35 each

(3) **Other Fees.** Unless indicated otherwise, the equivalent of \$3.50/ton or \$0.50/cubic yard through July 31, 2009, and \$5.50/ton or \$1.00/cubic yard thereafter for secured or covered loads as allocated and listed in LM 60.875(1) and (2) shall be collected to be used for the following solid waste regulation and management, code compliance and enforcement, or long-range planning purposes:

(a) **Nuisance site cleanup.** A portion of this fee collected before July 1, 2009, shall be used to fund the clean up of nuisance properties identified by Lane County as directed by the Board. It is expected that the majority of these sites will be identified through the Land Management Division Compliance program. The Board will set criteria and guidelines to determine which sites are eligible for use of the funds. The Board will authorize the use of funds for each specific clean-up project by Board Order.

(b) **Waste diversion opportunities.** A portion of this fee collected before July 1, 2009, will be used for projects approved by the Board that are designed to divert or prevent waste material from entering the landfill, including but not limited to, research and development. For example, funds could be used from this fee to assist a large manufacturer with a new waste diversion project, or assistance with purchase of equipment to make a particular waste recyclable or reusable. The Board will develop criteria for how grants, or public-private partner projects, will be selected for funding.

(c) **Code compliance, enforcement and long-range planning.** All of this fee collected after June 30, 2009, shall be used to fund the code enforcement and compliance, or long-range planning programs in the Lane County Public Works Department, Land Management Division as directed by the Board.

(de) On a monthly basis, sixty percent (60%) of the fees collected before July 1, 2009, will be accumulated and maintained for nuisance site cleanup and forty percent (40%) for waste diversion opportunities. Effective July 1, 2009, and thereafter, the fees collected as authorized by LM 60.875(3) shall be used to fund code enforcement and compliance, or long-range planning programs in Land Management Division as directed by the Board. On or before July 1, 2011, the Board

~~may will-review collection and utilization of the funds collected under authorized by LM 60.875(3)(a) and (b) and may adjust those fees at that time. The Board could reduce or increase the fees and could transfer all, or any portion of, the remaining funds into the General Solid Waste Fund. The Board could also choose to terminate the fees authorized by LM 60.875(3) and incorporate those fees and any future revenue contributions into the System Benefit Fee and Disposal Fee structure.~~

(4) Out-of-County Wastes. Wastes generated outside of Lane County are generally not accepted. However, they may be accepted, at the Manager's discretion, dependent upon special circumstances, including but not limited to: the usefulness of the waste at the Lane County disposal site; the difficulty the generator is having in finding a suitable disposal location; or the public's best interests. Additional fees, up to 25% of the Disposal Fee, may be assessed on Out-of-County Wastes, if any special handling is required.

(5) Waiver of Fees.

(a) The Manager of the Waste Management Division, or his or her authorized representative, may waive all or part of the appropriate fees from LM 60.875(2) above for loads of dirt, rock, dirty wood waste or other materials when they are received at specific solid waste facilities where they can be beneficially used.

(b) In the event of disaster or emergency conditions the Director of the Department of Public Works, or his or her authorized representative, may waive fees at County solid waste facilities to assist in cleanup of private property that endangers the public safety and health as provided in the Lane County Basic Disaster Operations Plan.

(c) In the event a city government or an officially recognized community organization representing an unincorporated community or an organized service group wishes to sponsor a community or area-wide clean-up program, the Director of the Department of Public Works, or his or her authorized representative, may waive fees for disposal of materials collected during the cleanup and may specify a period during which the fee waiver will apply. Fee waivers are limited to one per year per community or area. A fee waiver may not exceed \$1,500 except for the City of Eugene which shall not exceed \$5,000 and the City of Springfield which shall not exceed \$3,000 and the total yearly aggregate of fee waivers under this section shall not exceed \$17,500.

(d) In the event an individual collects solid waste in the performance of a public service, such as picking up roadside litter or cleanup of a park area, the Director of Public Works, or his or her authorized representative, may waive fees for the disposal of the collected materials. The individual must request the fee waiver in writing and must certify in the request that the wastes result from a cleanup activity for public benefit. Fee waivers are limited to four per year per individual or household. An individual fee waiver shall not exceed \$15 and the total yearly aggregate of fee waivers under this section shall not exceed \$7,500.

(e) In the event that a benevolent/charitable organization develops waste from a specific one-time activity such as construction, repair or remodeling of their facilities, removal of underground storage tanks or other excavation on their property, the County Administrator, or his or her authorized representative, may waive the fees for the specific waste. The organization must request the waiver in writing and describe how the waste is being generated. Fee waivers are limited to one per year per organization. A fee waiver shall not exceed \$2,000 for any single organization request.

(6) Discount for Recycling. This subsection establishes a system for discounting the fees at County solid waste facilities for recyclers by recognizing the benefits associated with the reduction of wastes. Fees for recyclers shall be discounted by the amounts listed as follows:

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- (a) Entire load of recyclable items. All Fees
- (b) Partial load of recyclable items..... \$ 1.00 from total fee

In order to qualify for the fee discount for a partial load of recyclable items, the total amount of recyclable material must be significant (10 pounds or more). The fee discount for recycling will only be available at solid waste sites which have recycling capability. Only items for which recycling capability is provided at each solid waste site will be eligible for the discounted fee rates.

(7) Discount for Covering/Securing Loads.⁵¹ This subsection establishes a system for reducing the fees at County solid waste facilities for users who prevent litter by covering or securing their loads. The reduction shall be calculated on the same basis as the original fee. The minimum weight-based fee in any case shall be \$9.00. Fees for users covering or securing their loads shall be discounted by the amounts listed as follows:

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⁵¹ "Covering and Securing Loads" shall include only the following:
Loads which are totally contained within an enclosed vehicle or container.
Loads of refuse contained in garbage cans with tightly fitting lids, tied plastic refuse disposal bags or similar totally enclosed individual containers.
Loads of loose refuse which are covered, as with a cloth or plastic tarp, and tied into the hauling vehicle, such that no refuse can reasonably be expected to escape during hauling.
Loads of brush, building materials and similar bulky materials which are tied into the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.
Loads consisting entirely of dirt, rock, concrete, asphalt paving, stumps and similar materials.

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	System Benefit Fee	Disposal Fee	Other Fees	Total Fee
(a) Up to 3 can maximum	\$ 3.87	\$ 5.13	none	\$ 9.00
(b) More than 3 cans to 3 cu. yd. maximum	\$ 6.45	\$ 8.55	\$0.50 none	\$ 15.50 15.00
(c) Loose waste over 3 cu. yd.	\$26.45/ton \$ 3.01/cu.yd	\$35.05/ton \$ 3.99/cu.yd	\$ 53.50/ton \$1.00 0.50/cu.yd	\$6765.00/ton \$8.007.50/cu.yd
(d) Compacted waste - volume-based fee	\$ 7.85/cu.yd	\$ 10.40/cu.yd	\$1.00 0.50/cu.yd	\$19.25 18.75/cu.yd
(e) Compacted waste - weight-based fee	\$26.88/ton	\$35.62/ton	\$ 53.50/ton	\$68.00 66.00/ton
(f) Demolition rubble, construction waste, land clearing debris	\$26.45/ton \$ 3.87/cu.yd	\$35.05/ton \$ 5.13/cu.yd	\$ 53.50/ton \$ 1.00 0.50/cu.yd	\$67.00 65.00/ton \$10.00 9.50/cu.yd
(g) Big concrete chunks, stumps, rock, dirt	\$26.45/ton \$24.08/cu.yd	\$35.05/ton \$31.92/cu.yd	\$ 53.50/ton \$1.00 0.50/cu.yd	\$6765.00/ton \$57.00 56.50/cu.yd
(h) Yard debris and Woodwaste - 50% of current fee (LM 60.875(2)(e))				
(i) Post-MRF residues - 50% of current fee (LM 60.875(2)(h))				

(8) Discount for Seniors. Individuals sixty (60) years of age or older shall receive a \$1.00 per load discount from total fees at County solid waste facilities provided that such discount shall only apply on cash transactions for residential loads only. Will not apply to loads larger than six cubic yards.

(9) Discount for Charitable Recycling Organizations. Organizations that are nonprofit and are engaged as a primary form of business in the processing of abandoned goods for resale or reuse shall receive a 33.3% discount on their fees at County solid waste facilities.

(10) Payments for Residential Recycling Depot Service. Providers of residential recycling drop-off depots may receive a quarterly payment to assist in the cost of providing recycling service. To be eligible for such payments, providers of residential recycling drop-off service must be certified by the Lane County Waste Management Division. The Manager of the Waste Management Division shall determine reasonable written certification requirements which may be revised from time to time to reflect program experience, increase waste reduction effectiveness, reflect market changes or for other appropriate reasons.

Payments shall be based on the amount of residential glass, tin, household aluminum, certain plastics, aseptic packaging and motor oil collected in the previous quarter. Payments shall be based on the ratio of the materials that each individual certified provider collected to the total quantity of materials collected by all certified providers. The total amount of payments for residential recycling depot service shall not exceed \$18,000 per year.

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Payments will be contingent upon receipt of quarterly reports substantiated by verifiable weight slips from established materials markets or other acceptable sources. The payment shall only be based upon materials collected through the recycling depot service. Only incidental commercial quantities will be allowed. Mixing commercial materials with residential materials may be cause for rejection of the entire month for which a payment was requested.

(11) Ability to Reject Wastes. Any wastes may be rejected at Lane County solid waste facilities if they are deemed to be hazardous to the operation or environment, if they are prohibited by State or Federal regulations or permits, or if they include large quantities of materials which can be recovered for a beneficial purpose. *(Revised by Order No. 01-10-24-1, Effective 10.24.01; 04-5-19-8, 7.1.04; 07-6-13-6, 9.1.07; 08-12-17-3, 1.1.09; 09-1-28-9, 1.7.09)*

Memorandum Date: May 19, 2009
Meeting Date: May 20, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works / Land Management Division
PRESENTED BY: Marsha Miller, Public Works Director
AGENDA ITEM TITLE: **Report Back on Land Management Funding and Waste Management Fees**

I. ISSUE

Finding a sustainable funding source for Land Management Services.

II. AGENDA ITEM SUMMARY

This is a follow up on the Board discussion on May 5, 2009 concerning the FY 09/10 Land Management Division (LMD) budget and the possibility of using other fees identified in the Waste Management Division (WMD) budget.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On March 10, 2009, the Public Works Department met with the County Administrator, Jeff Spartz, regarding the FY 09/10 budget. At this meeting, Mr. Spartz recommended that an oral report be given to the Board outlining the Land Management Division budget. Specifically, he directed that the Board be informed that the proposed budget was being balanced by including \$450,000 of general fund money. On May 5, 2009, Public Works presented three reports to the Board; financial plans for LMD and WMD and a report on the proposed LMD budget.

B. Policy Issues

The Land Management Division (LMD) has been directed to be completely supported by user fees. Completely supporting all services provided by LMD through fees is currently not sustainable. The policy issue is how to sustain funding for the services delivered through the Land Management Division that are not able to be supported through fees. Should Lane County continue to increase permit fees to fully fund the operation of the LMD? Should temporary or

permanent general fund support be provided to the Division to maintain a base level of service along with the existing permit fees? Should Waste Management fees be used to fund some of services delivered through LMD?

C. Board Goals

Lane County Strategic Plan page 13

- *Maintain a healthy environment with regard to air quality, water quality, waste management, land use and parks.*
- *Protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure.*
- *Provide efficient and effective financial and administrative support and systems to direct-service departments.*
- *Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.*

D. Financial and/or Resource Considerations

The Land Management Division cannot maintain its current level of service based on existing revenue. Sustainable funding is necessary to continue operations at their current levels. A significant revenue decrease occurred in FY 07/08 and continues in FY 08-09. Consequently, even with a FY 08/09 fifty percent reduction in force, expenses will exceed revenue and leave the division with a shortfall of \$450,000 in FY 09/10. FY 09/10 is budgeted for flat revenues with the exception of the Title III project. Further reductions of personnel levels will leave the division incapable of providing an acceptable level of service.

The Waste Management Division generates revenue through fees to provide local long-term solid waste disposal capacity and maintain and develop sound funding to respond to regulations and changing waste management technologies. The current fee has three components totaling \$65 per ton – the disposal fee, \$35.05; system benefit fee, \$26.45; and the other fee, \$3.50. The “other” fee was established in September 2007 to provide resources for nuisance site clean up and waste diversion opportunities.

The Public Works Department has been asked if all or part of the other fee can be used to fund activities in the Land Management Division.

E. Analysis

The Land Management Division has seen declining permit revenues since the beginning of FY 07/08. In addition, the division has been faced with increased expenses, primarily County overhead rates because of Measure 37 impacts still being felt by the County and the implementation of Public Works administrative services indirect cost allocation to all PW divisions and funds. To balance the FY 07/08 budget the division drew down the reserves by \$798,000. In June 2008 a fee increase was authorized effective July 2008 for Planning and Building Services. Due to the declining economic conditions, this fee increase is holding revenues flat rather than increasing as planned.

The current fees in LMD are relatively high. Some services such as building permits and sanitation permits can be supported with permit fees. Other services such as customer service, long range planning, public information requests, responding to citizen and Board requests, enforcement, and appeal processing are not feasible services to support with fees. There are currently no land use planning programs that have achieved full cost recovery in the State of Oregon. A review of seven other Counties showed an average of 60 percent general fund support of land use planning programs.

In FY 08-09, LMD reduced its work force by 23 positions, roughly 50 percent of the staff. The personnel reductions alone were not enough, so the division received an interfund loan from the Waste Management Division and the Board of Commissioners used gap funding to cover the remainder of the shortfall.

The Land Management Division is struggling and needs assistance. The land Use Code is out of date and extremely cumbersome. The Code needs to be revised and streamlined however there are no resources to do that work. Land use and permitting processes need to be re-engineered however there are no resources to do that work.

The Land Management Division is currently challenged to maintain customer service levels that are in line with citizen, Board, and Department expectations. Any additional reductions in personnel will result in a drastic reduction in customer service and front counter hours of operation. Having the front counter hours reduced will not be well received by the public as it will be less convenient and will lead to extended waiting periods in the lobby.

In addition to reduced hours of operation, unpaid customer service in the form of general citizen inquiries, in person and by phone, as well as development assistance to the construction, lending, and real estate industries will see significant impacts. As staff are pulled more and more into providing services that can not be recovered with fees, there are service impacts to paying customers in the form of extended time periods, possibly beyond state mandates, for land use, building, and sanitation review as well as delays in receiving inspections in a timely manner.

Without on going financial support for the Land Management Division, there will be disruption to other County departments and public agencies because staffing levels will not leave the Division the capacity to participate or collaborate on any external projects. Internal to Lane County, the division will be unable to respond to Board requests for information in a timely manner. The division will only have the capacity to work on those items mandated by state law and may not even be able to meet timelines expressed by state statute. Long range goals identified by the Board will likely be delayed or not addressed as all resources will be devoted to active current projects.

A proposal considered by the Board on May 5, 2009, was to support long range planning and code enforcement through allocating the other fees in Waste Management. In addition, the Board discussed the possibility of moving Land Management services out to Public Works Administration at Delta and developing a "Customer Service Center" for all Public Works customers. This consolidation would provide better support for Land Management and better efficiency in providing service to the citizens of Lane County.

The Board also asked for information on funding levels of planning services in Marion and Jackson Counties. Attachment A provides a comparison with eight counties in Oregon, including those requested.

F. Alternatives/Options


There are several options for the Board to consider in the upcoming budget process:

Option 1. Allocate the \$3.50/ton other fee to balance the LMD budget effective July 1, 2009.

This option would generate approximately \$650,000 over the next year and could fund 1 FTE in area of long range planning and some technology improvements. The additional services could be covered after addressing the \$450,000 gap. This option would result in no increase in the current \$65.00/ton tipping fee.

Option 2. Raise the other fee to \$5.00/ton effective July 1, 2009 and allocate the revenue to LMD for long range planning, code enforcement and customer services.

This proposal would generate approximately \$950,000 and could fund 3 FTE in long range planning, code enforcement and compliance, customer service, and some improvements in technology. This option would result in a \$66.50/ton tipping fee.

 Option 3. . Raise the other fee to \$5.50/ton effective July 1, 2009 and allocate the

revenue to LMD for long range planning, code enforcement and customer services.

This proposal would generate approximately \$1,050,000 and could fund 4 FTE in long range planning, code enforcement and compliance, customer service, and provide funding for improvements in technology. This option would result in a \$67.00/ton tipping fee

Option 4. Maintain the LMD in a capacity to provide reasonable customer service levels by providing temporary general fund support to cover the projected \$450,000 shortfall in revenue.

Impacts on Customers: Lane County does not regulate or license garbage haulers. In addition, we do not regulate the rates charged to customers for garbage service. The City of Eugene licenses haulers and sets rates using a cost of service methodology. For comparison purposes only, an increase of \$1.50/ton may result in a \$.09 increase per month for a customer with a 32 gallon can picked up weekly. For a customer with a 60 or 90 gallon container picked up weekly, that amount may be \$.15 per month.

V. TIMING / IMPLEMENTATION

If the Board directs staff to move forward with one of the funding proposals, staff will; research any legal restraints of using the other fee, prepare the changes for the Lane Manual, prepare a Board Order, and begin working on the development of the Customer Service Center to be located at the Delta complex. Whatever action the Board ultimately takes in this situation, the Public Works Department is committed to working with Land Management to conduct a thorough analysis of all Land Management costs, fees and services.

VI. RECOMMENDATION

Staff is requesting the Board provide direction on one of the options presented regarding sustainable fund support to the Land Management Division in FY 09/10. If the Board elects to use the other waste fee to support long range planning and compliance, staff would recommend the ending balance in the fund, as of 6/30/09, be left in place to provide funding for the waste diversion and nuisance site clean up work it was originally established for.

VII. FOLLOW-UP

No action is required at this time. The item will be discussed during the county budget review process.

VII. ATTACHMENTS

Attachment A. Survey of County Planning Programs

T. H. A.

Memorandum Date: April 20, 2009
Meeting Date: May 5, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works / Land Management Division
PRESENTED BY: Matt Laird, Division Manager
AGENDA ITEM TITLE: Report Back on LMD Budget

I. **ISSUE**

Land Management Division FY 09/10 budget

II. **AGENDA ITEM SUMMARY**

This is an update on and discussion of the FY 09/10 Land Management Division (LMD) budget.

III. **BACKGROUND/IMPLICATIONS OF ACTION**

A. **Board Action and Other History**

On March 10, 2009, each Division Manager within the Public Works Department met with the County Administrator, Jeff Spartz, regarding the FY 09/10 budget. At this meeting, Mr. Spartz recommended that an oral report be given to the Board outlining the Land Management Division budget. Specifically, he directed that the Board be informed that the proposed budget was being balanced by including \$450,000 of general fund money.

B. **Policy Issues**

The Land Management Division (LMD) budget, Fund 570, is considered an Enterprise fund with the objective to be completely supported by user fees. However, completely supporting all services provided by LMD through fees is currently not sustainable. The policy issue is how to sustain funding for the services delivered through the Land Management Division. Should Lane County continue to increase permit fees to fully fund the operation of the LMD, or should temporary or permanent general fund support be provided to the Division to maintain a base level of service along with the existing permit fees?

C. Board Goals

Lane County Strategic Plan Goal 5

- o Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.
 - o B3: Allocate resources strategically

D. Financial and/or Resource Considerations

The Land Management Division cannot maintain its current level of service based on existing revenue. Long term general fund support will be necessary to continue operations at their current levels. Total resources are projected to decline by \$1.4 million in the next fiscal year. Consequently, even with the reduction in force, expenses will exceed revenue and leave the division with a shortfall of \$450,000. The division has already reduced personnel expenses by 50percent to the minimum level to continue current operations. Further reductions of personnel levels will leave the division incapable of providing even a minimum acceptable level of service.

No action is requested from the Board at this time. This report is an information item only. Future decisions will take place during the budget review process but should consider the following financial and resource considerations.

E. Analysis

The Land Management Division has seen declining permit revenues since the beginning of FY 08/09. In addition, the division has been faced with increased expenses, primarily County overhead rates because of Measure 37 impacts still being felt by the County and the implementation of Public Works administrative services indirect cost allocation to all PW divisions and funds.

Historically, the Board has been clear and consistent in directing the Division to keep its expenditures in line with its revenues and to operate in a more business-like fashion. Operating under these guidelines has proven to be difficult over time as the Division has consumed most of its reserves and significantly reduced its workforce. Recently, due to the loss of federal timber money, the Board requested full cost recovery for all services provided.

Based on a fee study by Maximus Inc., the Board approved fee increases in LMD to try and capture the true cost of providing service. The fee increase became effective in July of 2008. Lane County is now at the upper echelon of land use and

building permit fees, and most seem to agree that further fee increases, at this time, would not be appropriate. The fee increase captures the average cost of processing a permit, but does not capture the cost of non-permit related services and non-typical permit applications such as Delta Sand and Gravel or the Jim Gillette property.

Portions of services provided by LMD can be adequately covered with fees, for example building permit applications and inspections. Other services such as public information requests, BCC requests, development assistance, enforcement, and general land use requests are difficult to fully charge for. In addition, land use planning services and land use planning application processes would require exorbitant fees to fully recover costs. There are currently no land use planning programs that have achieved full cost recovery in the State of Oregon. A review of seven other Counties showed an average of 60 percent general fund support of land use planning programs.

In FY 08-09, LMD reduced its work force by 23 positions, roughly 50 percent of the staff. This reduction in force has left the Division with the bare minimum of staff required to provide service to Lane County residents. The personnel reductions alone were not enough, so the Division received an interfund loan from the Waste Management Division and the Board of Commissioners used gap funding to cover the remainder of the shortfall.

While revenue into the Division is declining, overhead costs and individual employee costs have continued to increase. Those costs make up 88 percent of the Division's total expenditures. Measure 37 was passed in November of 2004. Since that time it has had a significant financial impact on the County resulting in increased overhead rates charged to the Land Management Division. Since County overhead charges are based on audited numbers from 2 years prior, the Land Management Division is still feeling the affects of this costly initiative. LMD first felt the affects of M37 costs in FY 07/08 when the County overhead charge increased dramatically compared to FY 06-07. In order to balance the budget, the division began using the reserves.

In FY 09-10, the County projected overhead rates remain high. The additional charges associated with the M37 process have come during a national recession, a major decline in the construction industry, and at a time when the division can least afford it because of increased costs and drastic reductions in development activity. Simply put, the division does not have the resources to subsidize the cost of the Measure 37 processes that were implemented by Lane County.

Without general fund support, customer service in the Land Management

Division will drop to unacceptable levels. Additional personnel reductions will leave the Division without the ability to respond to the most basic requests for service. Reduced permit revenue due to the nationwide recession and increased expenses are affecting the ability of the Division to reach a balanced budget based on fee revenue alone.

Service Impact: Currently the Land Management Division is struggling to maintain customer service levels that are in line with citizen, Board, and Department expectations. Any additional reductions in personnel will result in a drastic reduction in customer service and front counter hours of operation. Having the front counter hours reduced will not be well received by the public as it will be less convenient and will lead to extended waiting periods in the lobby.

In addition to reduced hours of operation, unpaid customer service in the form of general citizen inquiries, in person and by phone, as well as development assistance to the construction, lending, and real estate industries will see significant impacts. There will likely be service impacts to paying customers in the form of extended time periods, possibly beyond state mandates, for land use, building, and sanitation review as well as delays in receiving inspections in a timely manner. Geographically, Lane County is a large county covering many miles and outlying areas. Delays in inspection services would be most apparent in those outlying areas, such as Florence, Oakridge and the communities along the McKenzie River. It would be likely that in some programs there would be only one employee serving the entire County with a rural population of approximately 100,000 people.

Without general fund support for the Land Management Division, there will be disruption to other County departments and public agencies because staffing levels will not leave the Division the capacity to participate or collaborate on any external projects of any kind. Internal to Lane County, the division will be unable to respond to Board requests for information in a timely manner. The division will only have the capacity to work on those items mandated by state law and may not even be able to meet timelines expressed by state statute. Long range goals identified by the Board will likely be delayed or not addressed as all resources will be devoted to active current projects.

f. Alternatives/Options

Although no action is requested today, there are several options for the Board to consider in the upcoming budget process

Option 1. Maintain the LMD in a capacity to provide reasonable customer service levels by providing temporary general fund support to cover the projected \$450,000 shortfall in revenue.

Option 2. Balance the LMD budget by making further reductions in LMD expenses. This option would require reductions in personnel expenses that would be equivalent to 5 FTE.

Option 3. Consider covering the \$450,000 LMD budget shortfall by a combination of LMD expense reductions and County general fund support.

Option 4. Explore covering the \$450,000 shortfall by restructuring the interfund loan to Waste Management (WM) and taking the remainder of the shortfall out of operational reserves. The WM loan payment is \$283,000 leaving the remainder of \$167,000 to be removed from reserves. NOTE: This option would not be consistent with County policy on maintaining a minimum 10 percent prudent person reserve and would reduce the operational reserve in LMD below 10 percent. In a fund that fluctuates with the economic environment, a more prudent reserve is 6 months of operational expenses.

V. TIMING / IMPLEMENTATION

No action is required at this time. The item will be discussed during the county budget review process. Whatever action the Board ultimately takes in this situation, the Public Works Department is committed to working with Land Management to conduct a thorough analysis of all Land Management costs, fees and services.

VI. RECOMMENDATION

It is recommended the Board provide temporary general fund support to the Land Management Division in FY 09/10.

VII. FOLLOW-UP

No action is required at this time. The item will be discussed during the county budget review process.

VII. ATTACHMENTS

None.

Attachment "D" Scenario 3

Project Name	Required FTE	Staff Priority Ranking	Commissioners' Responses				Sum. Response Results	Mean	Median	Mode	Group-Based Ranking
			Comm. Fleenor	Comm. Green	Comm. Stewart	Comm. [unclear]					
[Redacted]	0.15	High	3	2	4	9	3.00	3	N/A	2	
[Redacted]	0.05	High	4	5	2	11	3.67	4	N/A	3	
[Redacted]	0.15	High	5	3	5	13	4.33	5	5	4	
[Redacted]	0.5-1.0	High	1	14	1	16	5.33	1	1	5	
[Redacted]	0.10	High	7	8	8	19	8.33	8	6	6	
[Redacted]	0.25	High	10	7	7	24	8.00	7	7	7	
[Redacted]	0.20	High	8	8	8	24	8.00	8	8	8	
[Redacted]	0.05	High	6	4	18	28	9.33	6	N/A	9	
[Redacted]	0.10	High	13	12	12	37	12.33	12	12	10	
[Redacted]	0.30	High	11	17	9	37	12.33	11	N/A	11	
[Redacted]	0.10	High	22	8	10	41	13.67	10	N/A	12	
[Redacted]	0.05	Low	14	10	17	41	13.67	14	N/A	13	
[Redacted]	0.25	Medium	15	11	15	41	13.67	15	15	14	
[Redacted]	0.05	High	12	20	11	43	14.33	12	N/A	15	
[Redacted]	0.1	High	13	22	13	44	14.97	13	N/A	16	
[Redacted]	0.15	Low	16	15	14	45	15.00	15	N/A	17	
[Redacted]	0.05	Medium	17	13	18	48	15.33	16	N/A	18	
[Redacted]	0.15	Low	18	18	18	55	18.33	18	18	19	
[Redacted]	0.15	Medium	20	16	22	58	18.93	20	N/A	20	
[Redacted]	0.15	Low	21	19	20	60	20.00	20	N/A	21	
[Redacted]	0.05	Medium	19	21	21	61	20.33	21	21	22	
W. Metro Plan Urban Transition Termination	1.50	Medium	-	-	-	-	-	-	-	-	
X. Metro Plan Fundamental Policy Amendments	1.00	Medium	-	-	-	-	-	-	-	-	
Total FTE Required to undertake Prioritized Projects:			2.50								

Projects prioritized for action in the 2008-2009 FY

Projects not prioritized for action in the 2008-2009 FY

Variable FTE for Population Projection Work

