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AGENDA COVER MEMO

MEMORANDUM DATE: November 30, 2009

AGENDA DATE: December 16, 2009

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TO: Board of County Commissioners

DEPARTMENT: Lane County Sheriff's Office

PRESENTED BY: Sheriff Russel E. Burger

AGENDA TITLE: ORDER _____ / IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO REVISE CERTAIN FEES CHARGED BY THE DEPARTMENT OF PUBLIC SAFETY (LM 60.838, 60.839), EFFECTIVE JANUARY 1, 2010

I. MOTION

Move Approval Of The Order _____ / Amending Chapter 60 Of The Lane Manual To Revise Certain Fees Charged by the Department Of Public Safety (LM 60.838, 60.839), Effective January 1, 2010.

II. AGENDA ITEM SUMMARY

The Board is asked to approve revisions to the Lane Manual related to Department of Public Safety fees. The fees included in this request are set by the Oregon Legislature. In the 2009 legislative session, House Bill 2393 increased service fees listed in ORS 21.410 collectible by Sheriff for serving legal documents and performing other civil duties. The bill was signed by the Governor on July 28, 2009. The new fees take effect January 1, 2010.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Department of Public Safety revised some fees in December 2008 (See Order #08-12-16-4). However, the fees at issue in this Order were not changed at that time. Fees and charges included in this request are established by the legislature, in ORS 21.410. In order for the fee increases to take effect, the Board is being asked to approve changes to the Lane Manual.

B. Policy Issues

In general, fees are collected to help cover the cost of providing services with consideration given to keeping services reasonably priced to the public. In the case of the fees for serving legal documents such as summons, subpoenas or other civil duties, the Lane County Sheriff's Office may only charge fees as established by the Oregon Legislature. The fees for these services have not been adjusted for many years and have not kept pace with the cost of providing the services. This adjustment increases some fees, but does not cover the full cost of providing these services.

C. Board Goals

This request for revisions in fees aligns with the adopted strategic plan of Lane County. Section D2 encourages departments to identify and recover user fees and to establish and collect fair and reasonable fees for our services. In this case, the amounts charged for these services have been increased by the Legislature, not as a result of any review by county staff.

D. Financial and/or Resource Considerations

While the proposed fee increases are unlikely to generate significant amounts of money, these small increases will help reduce the gap between the current cost of providing services and the fees that may be charged for the service.

E. Analysis

The Department of Public Safety collects a variety of fees and charges for different types of services. Some of the fees and charges are set by state statute or administrative rule, such as those for Concealed Handgun Licenses. The only fee increases included in this request are those included in House Bill 2393 related to Civil Process.

IV. Alternatives/Options

1. To approve the proposed fee adjustments and revisions to the Lane Manual.
2. To not approve the proposed adjustment in fees and Lane Manual revisions. To do so will mean that the Department of Public Safety will not be in compliance with the fees established by the Oregon State Legislature.

V. Timing/Implementation

If approved by the Board, proposed fee increases will go into effect on January 1, 2009. Budget adjustments for FY2009-2010 will be processed during the next supplemental process in FY2009-2010.

VI. RECOMMENDATION

The Department of Public Safety recommends that the Board of County Commissioners approve this modification to the Lane Manual.

VII. FOLLOW-UP

Upon action by the Board, Department of Public Safety Staff will work to implement approved fee changes and add the proposed increased revenue to the next supplemental budget process. Existing "Schedule of Fees" have included a notification that certain fees will increase on January 1, 2010.

VIII. ATTACHMENTS

- A) Board Order
- B) Lane Manual Relevant Sections of Chapters 16 & 60, Legislative and Revised Formats.

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**LEGISLATIVE
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~~60.838~~ Lane Manual ~~60.839~~

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Special transcription requests (i.e., tapes):

Original copy \$3.25/hour
Additional copies..... \$.25/page

(Revised by Order No. 83-11-30-24, Effective 11.30.83)

60.838 Requests for Information Fee.

~~A minimum fee, equivalent to a quarter of an hour at the hourly rate of the position A006, Secretary 2, Step 1 to include fringe benefits and the indirect cost rate shall be charged for research and time spent copying and/or collating requested information. When requests for information require, in the judgment of the Department Head, the excising of nonpublic information and for research necessitating the use of staff with specialized or professional expertise, or take longer than a quarter of an hour, then the Department Head and/or Custodian of Records will charge the actual hourly rate, as adjusted to include fringe benefits and indirect costs, of the staff personnel assigned to obtain and furnish the requested information. Charges will be computed on the quarter-hours and the requestor will be provided with the hourly rate to be charged at the initiation of the request if the amount will exceed \$25. (Revised by Order No. 83-11-30-24, Effective 11.30.83)~~

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60.839 Department of Public Safety Fees.

Under the authority of the Lane County Home Rule Charter and consistent with state law, the following fees are established ~~(Note: All fees are nonrefundable)~~

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(1) ~~Audio Recordings, Photographs, Research and Duplication.~~ The

Department of Public Safety when requested and it has been deemed appropriate in accordance with public records policy of this department and State law shall recover administrative costs for research, materials, and labor, as has been predetermined as reasonable administrative costs according to the following schedule:

- (a) Audio Recordings on CD..... \$ 40.00/hour, 1 hour minimum plus postage and padded envelope if requested
- (b) CD of Evidence Photographs..... \$25.00 per CD plus postage and padded envelope if requested
- (c) CD of In-Car Video \$ 35.00/hour, 1 hour minimum
- (d) Certifying a Copy..... \$ 3.00 plus photocopying charges
- (e) Copy of archived report stored off site
 - Duplicated from paper file..... \$ 20.00 plus photocopying charges after the first 4 pages
 - Duplicated from microfiche/film original..... \$ 30.00 plus photocopying charges after the first 4 pages
- (f) Copy of Police Incident/Accident/CAD Reports \$ 10.00 minimum
- (g) Customized Computer Reports for a report that has not been produced previously \$ 35.00/hour, 1 hour minimum
- (h) Inspection of Police Incident/Accident Report \$ 35.00/hour, 1 hour minimum (Requires staff to be present)
- (i) Photocopying Charges \$ 0.25/page after the first 4 pages

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(j) Police Incident/Accident Report that requires research or redaction
..... \$ 35.00/hour, 1
hour minimum plus photocopying charges after the first 4 pages

(k) Public Records Requests Research involving policies, procedures
and/or general orders \$ 35.00/hour, 1
hour minimum

(l) Special Research Requests..... Records supervisor
will coordinate and prepare estimate

(m) Taser Activation Video on CD \$ 35.00/hour, 1
hour minimum

**(2) Community Corrections Center (Center) and Electronic Supervision
Program (ESP):**

(a) The Sheriff is authorized to collect the following offender fees:

	<u>Hourly Wage</u>	<u>Center Fee/Day</u>	<u>ESP Fee/Day</u>
1.	7.05 - 8.50	14.50	13.00
2.	8.51 - 10.00	17.50	16.00
3.	10.01 - 11.50	20.50	19.00
4.	11.51 - 13.00	23.50	22.00
5.	13.01 - 14.50	25.50	24.00
6.	14.51 - 16.00	27.50	26.00
7.	16.01 - 17.50	30.50	29.00
8.	17.51 - 19.00	33.50	32.00
9.	19.01 - 20.50	36.50	35.00
10.	20.51 - 22.00	38.50	37.00
11.	22.01 - 23.50	41.50	40.00
12.	23.51 - 25.00	43.50	42.00
13.	25.01 +	46.50	45.00

(b) The Sheriff is authorized to collect the following set up fee
from those persons eligible and accepted for the Electronic Surveillance Program (ESP)
pretrial house arrest \$ 35.00

(c) The Sheriff may approve fee reductions based upon verified financial
hardship \$ 15.50

(3) Community Service Fees.

(a) The Sheriff is authorized to collect the following offender fees plus a
monthly service fee:

Referral Fee	\$ 40.00
Re-Referral Fee.....	\$ 15.00
Monthly Service Fee.....	\$ 5.00

(b) The Sheriff may approve reduction of the referral fee to \$15.00 when
an offender presents an Oregon Trail Card.

(4) Service Fees. The Sheriff shall collect the following fees per ORS 21.410
~~in civil actions, suits and proceedings for each case delivered to the office of the Sheriff:~~

(a) ~~Service of a summons, citation, civil subpoena, notice, order, small
claims, writ of execution, writ of garnishment, or similar judicial documents:~~

1-2 People, same address	\$ 36.00
3 People, same address	\$ 60.00

~~(\$20/person)~~

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2 People, 2 addresses \$ 72.00
 1 Person, 2 addresses \$ 72.00
 (\$36/address attempt)

(b) Fee for Service of Enforcement of F.E.D. Writ of Execution of Judgment of Restitution (Eviction Enforcement) (Note: "Et al" or "All other" occupants is considered an additional tenant):

1-2 Tenants (\$36 service + \$70 enforcement) \$ 106.00
 3 Tenants (\$20/tenant = \$60 + \$70)..... \$ 130.00
 4 Tenants (\$20/tenant = \$80 + \$70)..... \$ 150.00

Additional fees:

Standby Fee which will be charged according to the current contract rate schedule (including regular and overtime hours) in 15 minute increments.

(c) For seizure and sale of personal or real property, enforcement of writ of execution of judgment of restitution, or other enforcement or seizure under writ of attachment or execution, or other proceeding; enforcement of FED (Forcible Entry and Detainer); and/or basic enforcement (Court Ordered)..... \$ 70.00

(d) Delivery of Writ of Garnishment \$ 25.00

(e) Conveyance of Real Property Sold \$ 30.00

(f) Making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof..... \$ 3.00

(g) For entering and processing distraint warrants for state agencies \$ 6.25

(h) For services involving travel in excess of 75 miles round trip, an additional fee of \$ 40.00

(i) Returned Check Fee \$ 25.00

(5) Fingerprinting Service Fee. Subject to the availability of personnel, the Department of Public Safety is authorized to offer fingerprinting to the public with the following fees:

Initial Fingerprint Card..... \$ 12.00

Each additional \$ 10.00

Legal Sized Envelope \$.25/each

(6) Lane County Adult Correction.

(a) Comprehensive Inmate File Request based upon per inmate per lodging..... \$ 10.00 plus photocopying charges after first 4 pages

(b) Mug shot profile..... \$ 7.00/each

(c) Inmate history/dates of incarceration..... \$ 5.00 plus photocopying charges after first 4 pages

(d) Inmate arrest report..... \$ 5.00 plus photocopying charges after first 4 pages

(e) Photographs \$ 7.00 per photograph

(f) Inmate trust account deposit processing fee \$ 3.00

(7) Parole and Probation Fees.

(a) DNA Sample Fee \$ 10.00

(b) Electronic Supervision..... \$ 38.00/day

(Fee subject to reduction based on fee schedule in LM 60.839(5).

Electronic Supervision Program)

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- (iv) 3 People, 2 addresses . \$ 90.00
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- 2 Tenants . \$ 28.00
- 3 Tenants . \$ 45.00 (\$15/person)
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- 1-2 Tenants . \$ 75.00
- 3 Tenants . \$ 92.00
- 4 Tenants . \$ 107.00
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- (c) Electronic Supervision Set-up Fee..... \$ 35.00
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- (8) Other Fees.
 - (a) Criminal History check on requestor..... \$ 15.00
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 - (c) Federal Firearms Transfer Fee..... \$ 50.00
 - (d) Vehicle Impoundment administrative fee..... \$ 110.00

(9) Personal Property Seizures and Sale. The Sheriff shall collect the following fees per ORS 21.410:

- (a) Levy upon and inventory of seized property
(1 hour minimum)..... \$ 34.00/hr.
- (b) Prepare and mail notices of sale and exemption.. \$ 15.50
- (c) Post notices of sale in three public places..... \$ 34.00
- (d) Conduct sale, collect monies, prepare certificates and return
(1 hour minimum)..... \$ 31.00/hr.

(10) Real Property Seizures and Sale. The Sheriff shall collect the following fees per ORS 21.410:

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- (b) Prepare, mail and publish notices of sale..... \$ 15.50
- (c) Conduct sale (including postponements), prepare return (1 hour
minimum)..... \$ 31.00/hr.
- (d) Prepare and post after-sale notice..... \$ 32.50

(11) Used Merchandise Reporting Fees (LC 3.615) – Annual Fee.

- | Number of annual transactions | Fee |
|-------------------------------|-----------|
| (a) 1-199 | \$ 200.00 |
| (b) 200-999 | \$ 400.00 |
| (c) 1,000-2,999 | \$ 550.00 |
| (d) 3,000 up | \$ 700.00 |

(e) The Sheriff shall pay the annual fee for used merchandise dealers in unincorporated Lane County out of duly appropriated funds within the budget for the Department of Public Safety. *(Revised by Order No. 01-10-17-9, Effective 1.1.02; 06-8-2-6, 8.2.06; 08-11-12-4, 12.1.08; 08-12-16-4, 12.22.08)*

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