

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** Feb. 26, 2013 **Approx Start Time:** 1:30 PM **Approx Length:** 1 hour

**Presentation Title:** Comprehensive Fee Schedule

**Department:** County Administration, Transportation & Development, Sheriff's Office, Technology Services, Business and Community Services.

**Presenters:** Steve Wheeler, County Administrator - Cam Gilmour, DTD - David Cummings, TS – Under Sheriff Dave Kirby and Lieutenant Brandenburg, CCSO – Gary Barth, BCS.

**Other Invitees:**

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Approval of comprehensive fee schedule for inclusion in FY 2013-2014 budget.

### **EXECUTIVE SUMMARY:**

This is the annual review of proposed fees and fines for the coming fiscal year. Each year, the Board of County Commissioners sets fees and fines along with adoption of the budgets for the coming fiscal year. Early review of proposed fees and fines allows County departments to integrate those proposals into the requested budgets they submit to the County Administrator. We try to do this comprehensively at one time to help our overall focus. We have anticipated requests before you this year, except on the pending request from Resolution Services which will come before you in March.

### **FINANCIAL IMPLICATIONS (current year and ongoing):**

Fee and fine changes are meant to respond to constituent and market forces and demands. For departments dependent on full cost recovery to be able to provide required levels of service, annual adjustments allow them to keep pace with economic changes.

### **LEGAL/POLICY REQUIREMENTS:**

Unless otherwise delegated, the Board of County Commissioners establishes fees and fines as part of the annual budget process.

### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

The Budget Committee meets for several days of review and hearings in the Spring. Fees and fines are at that point integrated into the Administrator's proposed budget and subject to review at that time. The fees and fines are formally adopted by the Board of County Commissioners at a public hearing in June at which they also formally adopt the budget.

### **OPTIONS:**

1. Approve the proposed fees and fines for integration into departmental budgets.
2. Provide further direction to departments regarding proposed fees and fines.

**RECOMMENDATION:**

Staff respectfully recommends approval of proposed departmental fees and fines for integration in the departmental budgets for fiscal year 2013-2014.

**ATTACHMENTS:**

Proposed Fees for the following Departments:

1. Department of Transportation & Development
2. Sheriff's Office
3. Technology Services
4. Business & Community Services

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval SW \_\_\_\_\_

For information on this issue or copies of attachments, please contact Steve Wheeler @ 503-655-8581

# INTERNAL MEMORANDUM

TO: Steve Wheeler, County Administrator  
FROM: Barb Cartmill, DTD Deputy Director  
Date: February 19, 2013  
RE: **DTD 13/14 Fee & Fine Modifications**

Steve,

Attached are the proposed fee and fine changes for DTD FY 13/14, including a brief summary of each request. We presented the proposal to the Development Liaison Committee (DLC) earlier today and they unanimously supported the proposals.

We expect to have representation at the study session but we understand that your office will be making the presentation. Please let me know if you need any additional information.

## **FEES:**

### **DTD Planning**

#### Hearings Officer Review:

Modify the language to charge a flat rate for a Hearings Officer review, rather than a deposit. Currently when the cost of a hearings officer decision exceeds the deposit, we do not capture the additional cost to the applicant because when an application is complete, there is no incentive for the applicant to pay any remaining balance.

#### Temporary Permit for Care – Renewal:

Eliminate the reduced rate for a Temporary Permit for Care renewal because the renewals cost more than, or equal to, the original application. Many of these renewals are code violations and require additional staff work before processing the application.

#### Variance:

The current fee is \$545. It costs \$1,807, on average, to process a Variance application. We would recommend raising the price of a variance to \$900, which is almost 50% cost recovery, to help recover the cost of processing these applications. In comparison to other agencies, this is still low, with the average Variance costing between \$2,458 – 2,731 (see the last page of the packet for comparisons with other counties).

### **DTD Building Codes Division | DTD Engineering**

#### Research Fee:

The original county code included a flat \$25/hour fee that was applied across the board to all divisions; this research fee has not been updated for Building Codes and Engineering when other divisions changed the rate over the years to cover actual costs. Adoption of this rate will make DTD research fees consistent between divisions.

### **DTD Engineering**

#### **Development Permit:**

These three fees – to calculate the cost of a permit for work within an existing road right of way that are not associated with a residential or commercial development permit -- were originally in the fee structure; however, during previous modifications to the table these three lines were inadvertently dropped. This fee would apply when off-site improvements are being made without onsite structures or amenities (e.g., transit station, park). We are not proposing any changes to these fees, which mirror the existing rates, but we need to add these lines back into the fee table.

### **DTD Surveyor**

#### **Condominium Plats:**

Collection of the proposed fees was authorized by Oregon Revised Statute (ORS) last year and the Surveyor is adopting fees consistent with the state law to help capture actual costs of processing revisions to condominium plats.

### **DTD Transportation System Development Charges (TSDC)**

Clackamas County staff has been tracking employee time associated with the Transportation System Development Charge (TSDC) program administration. The ordinance amendments, effective January 1, 2013, included references to allow the County to adopt fees to cover typical costs associated with program administration.

#### **Refund:**

We average a minimum of four (4) refunds per year; up to 8 in a fiscal year when a developer chooses not to move forward on a project, after paying the applicable TSDC assessments. When no development has occurred on the parcel, we have made it a policy to provide a refund within six months of payment. This requires significant staff time to research, document and process the refund so that the assessment is captured in the future. The applicant can pay the fee or the cost can be deducted from the refund.

#### **Private Party Voucher Transfer:**

Last fiscal year (11/12) staff processed 135 private party credit voucher transfers. It takes an average of one hour per transfer to research the request, prepare the legal documentation, and modify the permit assessments. The first six transfers by a developer each fiscal year will be free of charge, after which the developer can choose pay the fee or deduct the cost from voucher balance.

#### **Alternate Trip – Data Review:**

At least five permits each year result in the applicant providing alternate data to demonstrate the number of vehicles that will come to the site as a result of the business. This will only apply when the applicant submits a formal traffic study for review, not for the discussions during the permitting process. Upon submittal of a traffic study for review, the applicant can choose to pay or have the cost added to the total permit assessment.

#### **Development Agreement:**

When a developer wants to take advantage of the new Station Area or Mixed Use reductions, the expectations for the final development that qualify the developer for the reduction will be formalized in a development agreement. Applicant shall provide a deposit for the legal review and redlines of the agreement, but the County will only capture actual costs.

#### **Formal Appeal – Hearings Officer:**

No formal appeals have been received since prior to March 2008; however, the current rate of \$500 would not cover staff and legal expenses of a formal appeal before a hearings officer. Prior to an appeal, staff works with the applicant to determine the appropriate fee to avoid additional expense of an appeal. We recommend collection of a \$1,090 up-front deposit, which is consistent with all other Hearings Officer deposits, with the applicant paying actual costs.

### **DTD Dog Services**

#### Licensing Fees:

We are recommending an increase of licensing fees by \$1 annually and dedicate that funding to supporting the low cost spay or neuter program. The spay/neuter program has been running for just over one year and we are able to sterilize approximately six to seven dogs each month. The cost for the clinic is approximately \$1,000 and the participants pay a co-payment of \$10-15 for a neuter or spay, which is a hardship for some citizens. A \$1 increase of each license per year will completely fund the sterilization program.

### **DTD Transportation Maintenance**

The Ferry Ridership Fees were reviewed and approved during a study session prior to 7/1/2012. Transportation Maintenance is requesting that the Board formalize the adoption of these fees.

### **FINES:**

#### **DTD Dog Services**

##### Base Fines:

We would like to recommend that all base fines be brought to \$100. While most are currently a flat \$100, there are a few that currently provide a range of \$50 - \$100. \$100 is charged, so we are proposing eliminating the range.

| Department/Division -- FEES   | Authorizing Legislation               | Fee set by ORS | ORS auth. Fee | Code auth. Fee | Fee Amount                       |                                  |
|---|---------------------------------------|----------------|---------------|----------------|----------------------------------|----------------------------------|
|   |                                       |                |               |                | 2011/2012 Adopted                | 2012/2013 Proposed               |
| <b>DTD - PLANNING – Land Use Applications</b>   |                                       |                |               |                |                                  |                                  |
| Hearings Officer Review   | Code §1.01.090                        |                |               | x              | \$1,050 Deposit; \$6,300 Max fee | \$1,050 Deposit; \$6,300 Max fee |
| Temporary Permit for Care – New & Renewal   | ZDO §1502                             |                |               | x              | \$504                            | \$504                            |
| Temporary Permit for Care – Renewal   | ZDO §1502                             |                |               | *              | \$236                            | N/A                              |
| Variance Permit   | ZDO §1502                             |                |               | x              | \$545                            | \$900                            |
| <b>DTD - BUILDING CODES DIVISION</b>  |                                       |                |               |                |                                  |                                  |
| Research Fee  | Code §1.01.090                        |                |               | x              | \$25/hour                        | \$70/hour - 1 hour minimum       |
| <b>DTD - ENGINEERING</b>  |                                       |                |               |                |                                  |                                  |
| Research Fee  | Code §1.01.090                        |                |               | x              | \$25/hour                        | \$70/hour - 1 hour minimum       |
| <b>Existing Road right-of-way improvements (Not requiring a development permit.)</b>  |                                       |                |               |                |                                  |                                  |
| Ditches, culverts, drainage   | Code §1.01.090                        |                |               | x              | \$95                             | \$95                             |
| Sidewalk installation/repair  | Code §1.01.090                        |                |               | x              | \$95                             | \$95                             |
| Minor paving  | Code §1.01.090                        |                |               | x              | \$95                             | \$95                             |
| <b>Development Permit – Work in existing road right-of-way (For work not associated with residential or commercial development project.)</b>  |                                       |                |               |                |                                  |                                  |
| Up to \$10,000 in improvement costs   | Code §1.01.090                        |                |               | x              | \$974                            | \$974                            |
| For \$10,000 or more in improvement costs   | Code §1.01.090                        |                |               | x              | 8.83%                            | 8.83%                            |
| Corrections – Development Permit fee structure for right-of-way improvements was dropped from fee schedule in FY 11/12; rename the Road right-of-way improvement fee to reflect work covered. |                                       |                |               |                |                                  |                                  |
| <b>DTD - SURVEYOR</b>   |                                       |                |               |                |                                  |                                  |
| <b>Condominium Plats</b>  |                                       |                |               |                |                                  |                                  |
| Termination of Condominium Plat   | ORS 100.105 (2)(b) or (7)(d), 100.600 |                | x             |                | N/A                              | \$125 plus recording fee         |
| Condominium Plat Amendment  | ORS 100.116                           |                | x             |                | N/A                              | Actual Cost plus recording fee   |
| Correction Amendment to Condominium Plat  | ORS 100.118                           |                | x             |                | N/A                              | Actual Cost plus recording fee   |
| Supplemental Condominium Plat Review & Approval   | ORS 100.120                           |                | x             |                | N/A                              | Actual Cost plus recording fee   |

| Department/Division -- FEES                | Authorizing Legislation | Fee set by ORS | ORS auth. Fee | Code auth. Fee | Fee Amount        |   |
|--|-------------------------|----------------|---------------|----------------|-------------------|---|
|  |                         |                |               |                | 2011/2012 Adopted | 2012/2013 Proposed  |
| <b>DTD - SDC</b>                           |                         |                |               |                |                   |   |
| Refund                                     | Code §11.03.060.B       |                |               | x              | N/A               | \$150 *Approved through Ordinance revision 10/2012.                         |
| Credit Voucher / Private Party Transfer(s) | Code §11.03.080.B       |                |               | x              | N/A               | \$70 *Approved through Ordinance revision 10/2012.                          |
| Alternate Trip Generation / Staff Review   | Code §11.03.050.F.2     |                |               | x              | N/A               | \$100 *Approved through Ordinance revision 10/2012.                         |
| Development Agreement                      | Code §11.03.030.E       |                |               | x              | N/A               | \$250 Deposit, Actual Costs *Approved through Ordinance revision 10/2012.   |
| Transportation SDC - appeal fee            | Code §11.03.030.D.3.e.i |                |               | x              | \$500             | \$1,050 Deposit, Actual Costs *Approved through Ordinance revision 10/2012. |

| Department/Division – FEES  | Authorizing Legislation | Fee set by ORS | ORS auth. Fee | Code auth. Fee | Fee Amount        |                    |
|---|-------------------------|----------------|---------------|----------------|-------------------|--------------------|
|   |                         |                |               |                | 2011/2012 Adopted | 2012/2013 Proposed |
| <b>DTD - Dog Services</b>   |                         |                |               |                |                   |                    |
| Licensing   |                         |                |               |                |                   |                    |
| Fertile 1 year  |                         |                |               |                | \$35              | \$36               |
| 2 year  |                         |                |               |                | \$60              | \$62               |
| 3 year  |                         |                |               |                | \$90              | \$93               |
| Altered 1 year  |                         |                |               |                | \$18              | \$19               |
| 2 year  |                         |                |               |                | \$34              | \$36               |
| 3 year  |                         |                |               |                | \$48              | \$51               |
| Code §5.01.030  |                         |                |               |                |                   |                    |
| <p>Note: Code §5.01.090(B) authorizes the Dog Services Manager to reduce license fees up to 50% for up to two dogs per household for persons 65 or older and persons deemed to be under financial hardship.</p> <p>Note: 25% discount for dogs with Canine Good Citizen Certification.</p> <p>Note: \$5 discount for microchipped dogs.</p> |                         |                |               |                |                   |                    |
| Multiple Dog License/ Non-Commercial  |                         |                |               |                |                   |                    |
| ¼ or more altered   |                         |                |               |                |                   |                    |
| 1 year  |                         |                |               |                |                   |                    |
| 2 year  |                         |                |               |                |                   |                    |
| 3 year  |                         |                |               |                |                   |                    |
|   | Code §5.01.030.A.2      |                |               | x              | \$100             | \$101              |
|   |                         |                |               |                | \$200             | \$202              |
|   |                         |                |               |                | \$300             | \$303              |
| Multiple Dog License/Non-Commercial   |                         |                |               |                |                   |                    |
| Less than ¼ are altered   |                         |                |               |                |                   |                    |
| 1 year  |                         |                |               |                |                   |                    |
| 2 year  |                         |                |               |                |                   |                    |
| 3 year  |                         |                |               |                |                   |                    |
|   | Code §5.01.030.A.2      |                |               | x              | \$150             | \$151              |
|   |                         |                |               |                | \$300             | \$302              |
|   |                         |                |               |                | \$450             | \$453              |
| Multiple Dog License/Commercial   |                         |                |               |                |                   |                    |
| ¼ or more altered   |                         |                |               |                |                   |                    |
| 1 year  |                         |                |               |                |                   |                    |
| 2 year  |                         |                |               |                |                   |                    |
| 3 year  |                         |                |               |                |                   |                    |
|   | Code §5.01.030.A.2      |                |               | x              | \$200             | \$201              |
|   |                         |                |               |                | \$400             | \$402              |
|   |                         |                |               |                | \$600             | \$603              |
| Multiple Dog license/Commercial   |                         |                |               |                |                   |                    |
| Less than ¼ altered   |                         |                |               |                |                   |                    |
| 1 year  |                         |                |               |                |                   |                    |
| 2 year  |                         |                |               |                |                   |                    |
| 3 year  |                         |                |               |                |                   |                    |
|   | Code §5.01.030.A.2      |                |               | x              | \$300             | \$301              |
|   |                         |                |               |                | \$600             | \$602              |
|   |                         |                |               |                | \$900             | \$903              |

| Department/Division -- FEES                                | Authorizing Legislation | Fee set by ORS | ORS auth. Fee | Code auth. Fee | Fee Amount                |  |
|--|-------------------------|----------------|---------------|----------------|---------------------------|--|
|  |                         |                |               |                | 2011/2012 Adopted         | 2012/2013 Proposed   |
| <b>DTD - TRANSPORTATION MAINTENANCE</b>                    |                         |                |               |                |                           |  |
| <b>Canby Ferry Ridership Fees</b>                          |                         |                |               |                |                           | *Ferry Ridership Fees were reviewed and approved during study session prior to 7/1/2012. |
| Motorcycles, Bicycles, Pedestrians                         |                         |                |               | x              | \$1                       | \$2  |
| Car or Pickup < 22 feet in length                          |                         |                |               | x              | \$2                       | \$4  |
| Car or Pickup > 22 feet in length                          |                         |                |               | x              | \$4                       | \$8  |
| Car or Pickup with trailer < 22 feet in length             |                         |                |               | x              | \$2                       | \$4  |
| Car or Pickup with trailer > 22 feet in length             |                         |                |               | x              | \$4                       | \$8  |
| Large oversize vehicle (3 spaces) – Vehicle using one lane |                         |                |               | x              | \$6                       | \$12   |
| Large oversize vehicle using whole ferry                   |                         |                |               | x              | \$12                      | \$24   |
| Punch Card Pass System for (boardings 20 crossings)        |                         |                |               | x              | \$35.00 (\$1.75 per ride) | \$50.00 (Save \$1.50 per crossing)   |

| Department/Division – FINES  | Authorizing Legislation | Fine set by ORS | ORS auth. Fine | Code auth. Fine | Fine Amount       |                    |
|--|-------------------------|-----------------|----------------|-----------------|-------------------|--------------------|
|  |                         |                 |                |                 | 2011/2012 Adopted | 2012/2013 Proposed |
| <b>DOG CONTROL</b>   |                         |                 |                |                 |                   |                    |
| Dog as Public Nuisance<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to comply with minimum care standards<br>1st offense   | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Interfering with County employee or peace officer<br>1st offense   | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Providing false information to County employee or peace officer<br>1st offense   | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure of a person bitten by a dog or parent/guardian of a bitten minor to immediately notify Dog Services<br>1st offense               | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to follow any condition of release pending final disposition<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Confining dog inside motor vehicle under conditions which may endanger the dog<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to restrain dog in open portion of vehicle<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to comply with any fine, fee, cost, expense, condition or restriction or other order imposed by a Hearing Officer<br>1st offense | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to surrender dog<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |

| Department/Division -- FINES   | Authorizing Legislation | Fine set by ORS | ORS auth. Fine | Code auth. Fine | Fine Amount       |                    |
|--|-------------------------|-----------------|----------------|-----------------|-------------------|--------------------|
|  |                         |                 |                |                 | 2011/2012 Adopted | 2012/2013 Proposed |
| Failure of owner to notify Dog Services when dog has bitten person or domestic animal<br>1st offense                       | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Exceeding dogs permitted on premises<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to comply with minimum care standards<br>1st offense   | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure of a person bitten by a dog or parent/guardian of a bitten minor to immediately notify Dog Services<br>1st offense | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |
| Failure to follow any condition of release pending final disposition<br>1st offense  | Code §5.01.040.C        |                 |                | x               | \$50-\$100        | \$50-\$100         |

**DTD Planning -- Land Use Fee Comparison with Other Jurisdictions**

| <b>Jurisdiction</b>                              | <b>Variance - Rural</b> | <b>Variance - Urban</b> | <b>Temporary Permit for Care -<br/>Renewal</b>               |
|--|-------------------------|-------------------------|--|
| <b>Washington County</b>                         | \$4,440                 | \$4,288                 | \$418 Rural<br>\$418 Urban                                   |
| <b>Deschutes County</b>                          | \$2,260                 | \$1,320                 | \$460<br>\$805 EFU or Forest                                 |
| <b>Lane County</b>                               | \$2,660                 | \$2,660                 | \$69 w/o Sanitary Inspection<br>\$276 w/ Sanitary Inspection |
| <b>Marion County</b>                             | \$1,565                 | \$1,565                 | \$25   |
| <b>Average fee amount</b>                        | <b>\$2,731</b>          | <b>\$2,458</b>          | <b>\$353</b>   |
| <b>Clackamas County<br/>(Current / Proposed)</b> | <b>\$545 / \$900</b>    | <b>\$545 / \$900</b>    | <b>\$245 / \$545</b>   |



# Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

Date: February 22, 2013  
To: Steve Wheeler, County Administrator  
From: Dave Kirby, Undersheriff  
Re: Civil Section Fee Modification

Mr. Wheeler:

Attached please find the proposed fee schedule for the Sheriff's Office Civil Section for FY 13-14. This fee schedule is in response to an unprecedented increase in judicial foreclosure sales that fiscally affects the Sheriff's Office. Oregon law (ORS 18.930(5)) allows for the establishment of fees to reimburse the County for expenses incurred for giving notice of the sale, conducting the sale and other post-sale administration. We respectfully request the County to adopt the attached proposed fees pursuant to ORS 18.930(5).

The increase in judicial foreclosure real property sales has been dramatic. In 2010 the Sheriff's Office processed 27, in 2011 there were 23 and in 2012 there were 133. Of the sales in 2012, 102 were received after a Court of Appeals decision (the Niday decision) on July 18, 2012, that dramatically changed the landscape of the foreclosure process in Oregon. Prior to this decision the courts, and therefore the Sheriff, were rarely involved in foreclosure actions. Foreclosures were typically handled by trustees (any party appointed by the mortgagors; i.e. bank employee, attorney, etc.) as non-judicial trustee sales. The Niday decision determined that the Mortgage Electronic Recording Systems (MERS) does not meet the statutory requirements as set forth in the Oregon Trust Deed Act, thus voiding the 'trustee sale process' any time MERS is a party. Any time MERS is a party, *judicial* process is required, which statute mandates the Sheriff to conduct the judicial foreclosure real property sale. MERS was a widely accepted practice with over 3,000 bank institutions as MERS members which accounts for roughly 60% of all mortgages nationwide.

Every Sheriff's Office in the State of Oregon is bracing for the fiscal impact of the Niday decision. This has already placed a considerable burden on the Sheriff's Office with the respect to staff time and resources. We are projecting a steady increase in judicial foreclosure real property sales with a conservative estimate of 400 sales for 2013.

After extensive research we have prepared a fee proposal that is consistent with other counties throughout our state. In the attachments you will see a breakdown of the staff time spent preparing, conducting and finalizing judicial foreclosure real property sales. Statute allows each county to recover the expenses incurred by this process and we respectfully request that the Board of County Commissioners approve the proposed fee schedule.

*"Working Together to Make a Difference"*

2223 Kaen Road, Oregon City, OR 97045 • Tel 503-655-8218 • Fax 503-655-8549 • [www.clackamas.us/sheriff](http://www.clackamas.us/sheriff)

| DEPARTMENT/DIVISION   | AUTHORIZING LEGISLATION           | Fee set by ORS | ORS auth. fee | Code auth. fee | FEE AMOUNT FY12-13 | PROPOSED FEE AMOUNT FY13-14                        |
|---|-----------------------------------|----------------|---------------|----------------|--------------------|--|
| <b>SHERIFF/CIVIL</b>  |                                   |                |               |                |                    |  |
| Writ of Garnishment   | ORS 18.652(5)                     | X              |               |                | 25.00              | 25.00  |
| Summons, Petition   | ORS 21.300(1)(a)                  | X              |               |                | 36.00              | 36.00  |
| <ul style="list-style-type: none"> <li>Up to two persons at same address</li> <li>Three or more at same address, per person</li> </ul>                        |                                   | X              |               |                | 20.00              | 20.00  |
| Notice with Enforcement Process (Plus enforcement fee)  | ORS 21.300(1)(a)                  | X              |               |                | 36.00              | 36.00  |
| Enforcement Process   | ORS 21.300(1)(b)                  | X              |               |                | 70.00              | 70.00  |
| <ul style="list-style-type: none"> <li>Plus security and inventory services after first hour</li> <li>Plus reasonable amount for Keeper's fee</li> </ul>      |                                   |                | X             |                | Actual cost        | Actual cost  |
|   |                                   |                | X             |                | Variable           | Variable   |
| Sale of property  | ORS 18.930(5)<br>ORS 21.300(1)(a) |                | X             |                |                    | *Actual Cost<br>new proposed fee; see attachment A |
| <ul style="list-style-type: none"> <li>Advertising, posting, sale preparation, conducting the sale, and mailings</li> <li>Post-sale Administration</li> </ul> |                                   |                | X             |                |                    | *Actual Cost<br>new proposed fee; see attachment A |
| Posting of sale notices   | ORS 21.300(1)(a)                  | X              |               |                | 36.00              | 36.00  |
| Folio fee for documents created by the sheriff  | ORS 21.300(1)(d)                  | X              |               |                | 3.00/per 100 words | 3.00/per 100 words                                 |
| Copying of Processes, Orders and Notices, Per File  | 18.930(5)                         |                | X             |                | 0.25/per page      | 0.25/per page                                      |
| Creation of Conveyance  | ORS 21.300(1)(c)                  | X              |               |                | 30.00              | 30.00  |

\*See attached Attachment A, Fee Estimation Sheet

# Clackamas County Sheriff's Real Property Sale 2013/2014

## Sale Preparation (18.930(5) & Fee Schedule) *new proposed fees for FY 13-14*

|   |          |
|---|----------|
| Document review: .5 hr  |          |
| Create Notice of Levy: .5 hr  |          |
| Set up sale date/time: .25 hr   |          |
| Create Notice of Sale: .5 hr  |          |
| Prepare & distribute for publication: .25 hr  |          |
| Prepare notices for mailing, stuffing envelopes, mailing labels, certified and first class mailings: 1 hr |          |
| Sub-Total Staff Time: 3 hours x **\$45.54/hr =  | \$136.62 |

## Conduct public auction (18.930(5) & Fee Schedule) *new proposed fees for FY 13-14*

|                                       |         |
|---------------------------------------|---------|
| Conduct public oral auction: .25 hr   |         |
| Sale Postponements: .25 hr each       |         |
| Sub-Total: .25 hours x **\$45.54/hr = | \$11.39 |

## Post Sale Administration (18.930(5) & Fee Schedule) *new proposed fees for FY 13-14*

|  |          |
|--|----------|
| Create Certificate of Sale: .5 hr  |          |
| Create Notice of Completed Sale: .25 hr  |          |
| Create Sheriff's Return on Execution: .75 hr   |          |
| File Sheriff's Return with court, copy & mail Sheriff's Return to<br>Creditor & Debtor & other parties as instructed: 1 hr |          |
| Sub-Total Staff Time: 2.5 hours x **\$45.54/hr =   | \$113.85 |
| Total for Post Sale Administration varies based on total number of folios  | \$113.85 |

**Sub-Total Fees to Sheriff:** \$261.86

\*\*Based on hourly Administrative Analyst 1 hourly rate \$45.54 (subject to increase each year due to merit & COLA)  
Proposed fees and above format are similar to Washinton County's fee schedule.  
Multnomah County is currently under a fee review to adopt a similar fee schedule.

## 21.300

### **Sheriff and process server fees**

(1) The sheriff of a county shall collect the following fees in civil actions, suits and proceedings for each case delivered to the office of the sheriff:

**(a) \$36 for serving a summons, a subpoena, a citation, an order, a notice, including notice of seizure and sale of personal or real property, a notice of restitution and notice of seizure under writ of attachment or execution or a similar document, including small claims or writ of execution, directed to not more than two parties at the same address. If service is requested for more than two parties at the same address, the fee is \$20 for each party at the same address. The fee authorized by this paragraph shall not be charged to the state in civil actions, suits and proceedings where one party is a person who has been appointed counsel at state expense.**

**(b) 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 process or proceeding, \$70, and, in addition, such sums as may be reasonable and necessary for the costs of standing by in anticipation of securing custody of the property, the expense of securing each keeper or custodian of property, the expense of inventory of property and the expense incurred in advertising required by law in the sale of the property.**

**(c) For making a conveyance of real property sold on any process, \$30, to be paid by, or for, the grantee.**

**(d) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of complaint or other document not actually made by the sheriff.**

**(e) For entering and processing distraint warrants for state agencies, \$6.25 each.**

(2) Persons other than a sheriff serving process and other documents may charge any fee agreed to between the server and the person requesting service.

(3) Fees collected for service by the sheriff shall be retained for the benefit of the county where the party to be served cannot be found.

(4) No mileage or commission shall be collected by a sheriff for service of any document or process but in any service involving travel in excess of 75 miles round trip an additional fee not to exceed \$40 may be billed and collected by a sheriff. Mileage shall be measured from the location at which the service is made to the circuit court in that county.

(5) Amounts paid for service of process and other documents may be recovered as costs and disbursements to the extent provided by ORS [20.115 \(Service expenses recoverable as costs and disbursements\)](#).

(6) A sheriff may not collect a fee under this section for serving a foreign restraining order or an order that only grants relief under ORS [107.095 \(Provisions court may make after commencement of suit and before judgment\)](#) (1)(c).

(7) As used in this section:

**(a) Folio means 100 words, counting two figures as one word. Any portion of a folio, when the whole paper contains less than a folio, or when such portion is an excess over the last folio, shall be deemed a folio.**

(b) Foreign restraining order means a restraining order that is a foreign judgment as defined by ORS [24.105 \(Definitions for ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175\)](#). [Formerly [21.410](#)]

## 18.652

### Manner of delivery

(1) A writ of garnishment may be delivered to the garnishee personally or by certified mail, return receipt requested. Delivery is effective upon receipt of the writ by the garnishee. If the garnishee refuses to accept delivery by certified mail, the garnishor may attempt personal delivery, but the garnishor must have a new writ issued in order to claim additional delivery fees.

(2) Personal delivery of a writ of garnishment may be made only by:

(a) The sheriff of the county where the writ is to be delivered; or

(b) A competent person 18 years of age or older who is a resident of the State of Oregon and who is not a party or attorney in the action.

(3) If personal delivery is made under this section, the person serving the writ must note the date of delivery upon the original writ delivered to the garnishee or upon the copy of the writ delivered to the garnishee.

(4) Notwithstanding subsection (2) of this section, a person other than a sheriff may not deliver a writ of garnishment unless the person has errors and omissions insurance with limits of not less than \$100,000 per occurrence from a company authorized to do business in this state.

**(5) The delivery fee for a writ of garnishment by a person other than a sheriff shall be in an amount agreed to between the person making the delivery and the garnishor. The delivery fee for a writ by a sheriff under this section is \$25. [2001 c.249 §17; 2003 c.85 §6; 2003 c.304 §5; 2009 c.835 §3]**

## 18.930

### Conduct of sale generally

#### • county fee

(1) The sheriff shall conduct an execution sale by public oral auction. The sale must be conducted between 9 a.m. and 4 p.m. All property shall be sold by the sheriff in such parcels as are likely to bring the highest price. Any portion of real property belonging to a person other than the judgment debtor must be sold separately if the person requests a separate sale.

(2) At least 10 days before the date first set for an execution sale, a judgment creditor must provide the sheriff with any report for real property to be sold at the execution sale that is in the possession of the judgment creditor and that shows interests of record in the property. The sheriff shall make the report available to bidders who appear at the sale. No civil action may be brought against a title company, the judgment creditor, the sheriff or any other person by reason of omissions or errors in the report, and the validity of the sale is not affected by reason of any omissions or errors in the report.

(3) A judgment creditor that is a public body, as defined in ORS [174.109](#) (Public body defined), may set a minimum bid amount for property to be sold at an execution sale.

(4) Tangible personal property to be sold at an execution sale must be present at the place where the sale is conducted unless the property is not in the possession of the sheriff.

**(5) The county may establish a fee to be collected by the sheriff at the time of sale. The amount of the fee shall be established by the governing body of the county and may not be greater than the amount necessary to pay the county for the expenses incurred by the county for giving notice of the sale and conducting the sale and for the anticipated expenses for any notices required to be given after the sale and other post-sale administration of the sale.**

(6) A person who purchases real property that is subject to redemption at an execution sale must provide the sheriff with an address to which a redemption notice may be sent and must notify the sheriff of any change in address until the purchaser transfers the purchaser's interest in the property, the property is redeemed or the time allowed for redemption expires, whichever occurs first. Any person who thereafter acquires the purchaser's interest in the property must notify the sheriff of the transfer, provide the sheriff with an address to which a redemption notice may be sent and notify the sheriff of any change in address until there is another transfer, the property is redeemed or the time allowed for redemption expires, whichever occurs first.

(7) At any time before the sheriff conducts an execution sale for personal property, the judgment debtor may pay to the sheriff the full amount owing on the judgment as of the date the payment is made along with the costs of sale as described in ORS [18.950](#) (Delivery and distribution of

proceeds) (2). The payment must be made in United States currency. If payment is made under this subsection, the sheriff may not sell the property, and shall deliver the property to the debtor. The sheriff shall deliver the amount paid by the judgment debtor to the court administrator with the sheriffs return on the writ. The sheriff is not liable to any person by reason of accepting payment under the provisions of this subsection. [2005 c.542 §25; 2007 c.580 §2; 2011 c.195 §14]



Dave Cummings  
Chief Information Officer

## Technology Services

121 Library Court Oregon City, OR 97045

### MEMORANDUM

Date: February 19, 2013

To: Steve Wheeler, County Administrator

From: Dave Cummings, Chief Information Officer

Subject: Proposed changes to TS fee schedule

Steve:

After surveying the immediate market, TS has discovered the hourly rate for custom GIS services has risen to a point where we feel an adjustment needs to be made.

Comparing our current rate of \$55.00 an hour to Metro (\$70.00/hour) and Clark County, Washington (\$65/hour) an adjustment to Clackamas County's rate of \$65.00/hour is warranted. Other Counties within our market area don't appear to have formal fee schedules for custom GIS services. This increase also reflects higher staff costs due to maturing staff salaries. In addition, raising our rate will keep us in line with the private industry as to not undercut their rates.

TS staff is available to assist with your presentation if needed.

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** February 26, 2013      **Approximate Start Time:** 1:30 p.m.

**Approximate Length:** 60 minutes

**Presentation Title:** Comprehensive Fee Review - County Park Fees

**Department:** Clackamas County Parks/BCS

**Presenters:** Gary Barth and Chris VanDuzer, BCS

**Other Invitees:** Laura Zentner, BCS

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

The purpose of this study session is to discuss potential fee increases at County Parks. No action is requested at this time.

### **EXECUTIVE SUMMARY:**

Clackamas County Parks has been facing significant financial challenges for the past several years. As with most local, state and federal park providers, Clackamas County has made significant cuts to staff and budgets in an effort to better balance revenues and expenditures, while minimizing the impact on service provision. Despite these significant efforts, costs to operate and maintain county park facilities continue to increase.

County Parks had limited sources of revenue available to operate and maintain parks. General fund support for county parks has been declining. User fees have the potential to generate additional revenue to help offset some of the increasing costs and declining financial support. In considering proposed changes, staff did perform a fee survey to assess the "market rate" being charged by other park providers in the area, as well as statewide.

Proposed changes are as follows:

Day Use Fee – Extend collection period to year-round, currently only May 1- September 30.

Include Boone's Ferry Marina (currently no charge)

Camping Fee – Increase fee from \$21 to \$26 for RV camping, keep tent camping fee at \$21.

RV Dump Station Fee – Increase fee for non park users from \$5 to \$15.

Non-Camper Shower Fee – Increase from \$3 to \$5.

Off-Season Picnic Shelter Fee – Charge a discounted rate between Oct 1 – April 30 (One shelter available per park).

Drop-in Picnic Shelter Fee – Charge a discounted rate for use of non-reserved shelters.

Boater Parking Fee – Charge \$2 year-round for vehicles towing a registered/licensed boat. Offer a \$20 annual pass (\$35 two year pass) for frequent users.

### **FINANCIAL IMPLICATIONS (current year and ongoing):**

The proposed fee changes, once implemented, have the potential, based on initial estimates, of generating \$60,000-80,000 annually. New or changed fees will go into effect on July 1, 2013. Some of the new and changed fees only impact "off-season" (October 1 – April 30) users.

### **LEGAL/POLICY REQUIREMENTS:**

It is the County's policy to review potential fee changes and new fees once annually. Clackamas County Parks is requesting that the proposed fee changes be considered in this annual review.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

Potential changes to County Park fees are regularly considered as part of normal business practice. The Park Advisory Board is regularly updated regarding department budget and financial matters, and is supportive of ongoing efforts to generate revenue, while making sure that any changes do not pose an undue burden to the public or significantly impact park use. The subject changes, including a discussion regarding fee options were discussed at advertised PAB public meetings in January and February 2013. The proposed fee changes have been endorsed by the PAB.

**RECOMMENDATION:**

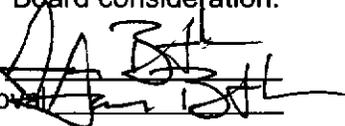
The Clackamas County Park Advisory Board has reviewed and commented on the proposed fee changes and has voted to recommend the changes to the Board of County Commissioners. Staff respectfully requests BCC approval of the changes so that staff can initiate work to prepare to implement the changes. This will require some updating to our website, on-line reservation system, signage in the parks and installation of a few fee collection stations.

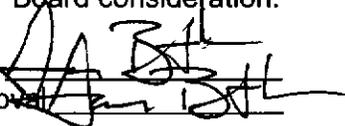
**ATTACHMENTS:**

1. Proposed fee changes

**SUBMITTED BY:**

Please sign or initial per instructions below to indicate this worksheet and any attachments have been reviewed and are ready for Board consideration.

Division Director/Head Approval 

Department Director/Head Approval 

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Jeroen Kok @ 503-742-4421

## Fiscal Impact Form

### **RESOURCES:**

Is this item in your current work plan and budget?

YES

NO

### **START-UP EXPENSES AND STAFFING (if applicable):**

County Park staff, both full-time park ranger and administrative, seasonal rangers and camp hosts are currently employed to assist with fee collections. Costs to implement the additional fee collections include the installation of three "iron ranger" fee collection boxes (\$800 each) and a supply of fee collection envelopes \$1,100, for a total of \$3,500.

### **ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):**

Year-to-year costs for the additional collections will be limited to keeping pay envelopes stocked at each of the collection sites. Initial estimate is \$1,100.

### **ANTICIPATED RESULTS:**

Initial compliance is estimated to be relatively low at park sites which are not staffed. However, more and more park provider have instituted these types of fees and fee collection methods, so compliance is expected to increase over time, which should result in slightly higher annual revenues.

### **COSTS & BENEFITS:**

Increased revenue as a result of these proposed fees will help to pay for the increasing costs to operate and maintain these much used park sites throughout the county. Increased revenue can also be set aside to pay for a large backlog of capital repair work that is needed to keep the various park sites open and safe to use.

**County Park Fee Increase Proposal for 2013**

| <b>Fee Type</b>         | <b>Current Fee</b> | <b>Current Collection Period</b> | <b>Proposed Fee</b> | <b>Proposed Collection Period</b> | <b>Additional Revenue</b> | <b>Notes</b>   |
|-------------------------|--------------------|----------------------------------|---------------------|-----------------------------------|---------------------------|--|
| Day Use                 | \$ 5.00            | May 1 - Sept. 30                 | \$ 5.00             | Jan 1 - Dec. 31                   | \$ 12,500.00              | 5,000 off-season users, 50% compliance                 |
| RV Camping              | \$ 21.00           | May 1 - Sept. 30                 | \$ 26.00            | May 1 - Sept. 30                  | \$ 17,540.00              | 3508 RV users, \$5 rate increase                       |
| Non-camper Shower       | \$ 3.00            | May 1 - Sept. 30                 | \$ 5.00             | May 1 - Sept. 30                  | \$ 200.00                 | 100 users, pay an additional \$2/shower                |
| Non-camper Dump Station | \$ 5.00            | May 1 - Sept. 30                 | \$ 15.00            | May 1 - Sept. 30                  | \$ 6,000.00               | 600 non-camper dumpers, pay additional \$10            |
| Off-Season Shelter      | \$ -               | Not Available                    | 25% disc.           | Oct 1 - April 30                  | \$ 4,500.00               | 10 rentals at each of 4 park sites, 25% discount rate  |
| Drop-In Shelter         | \$ -               | May 1- Sept. 30                  | 25% disc.           | Jan 1 - Dec. 31                   | \$ 6,000.00               | 120 rentals at \$50 average discounted rate            |
| Boater Parking          | \$ -               | None                             | \$ 2.00             | Jan. 1 - Dec. 31                  | \$ 34,000.00              | 8,000 boats, \$2 fee/\$20 1 year pass/\$35 2 year pass |