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## **Chapter 60 – PUBLIC USE OF COUNTY FACILITIES AND SERVICES**

### **60.100 – USE OF FACILITIES**

#### **60.100.005 - Policies for County Facilities**

- A. Naming. County facility naming will be in accordance with LM 2.090.830 through LM2.090.834.
- B. Permitting. Certain facilities may have a high demand for public use. In these instances a permitting process is appropriate and the Board of Commissioners may delegate that authority to the County Administrator. Any process created by the Administrator must include provisions to provide approval criteria, as well as a process for appeal.
- C. Hours. Generally, county owned facilities are open during regular business hours. Certain facilities operate on a twenty-four (24) hour basis. Business hours for each facility will be posted. The Board at its discretion may limit the use of any County facility to specific hours.
- D. Open to the Public. County policy is that county owned facilities are open to the public during hours consistent with the public services provided within the specific facility. The Board of Commissioners recognizes that security issues and regulations are continually evolving and delegates to the County Administrator the authority to provide security procedures as necessary to ensure the safety of employees and other users of county facilities, including temporary closure or limiting the hours of access to county-owned property and facilities.

(Order 13-09-07-07, 9.17.13; Order 21-05-11-03, 7.1.21)

#### **60.100.010 - Law Library.**

The Lane County Law Library located in the Lane County Courthouse:

- A. Is open to all persons desiring to use the facility during the hours of 8:00 a.m. to 5:00 p.m. on all days when the Courthouse is open for public business.
- B. Is closed to the general public at all other hours unless special after-hours access privileges have been granted by the law librarian.
- C. Is open at all times to Circuit and District Court Judges, their staff members, Officers of the Court, litigants, law clerks and certified law students. The procedure by which after-hours access is provided will be determined by the Law Librarian.

(Order 96-7-2-3, 7.2.96)

#### **60.100.050 - Designated Free Speech Area**

The designated free speech area is available for use by the public regardless of the content of the speech. However, the county retains the right to impose reasonable time, place and manner restrictions to ensure health, safety and welfare; to protect the rights of the general public; and to ensure equal access to all citizens to the designated free speech area. The provisions of this section of the Lane Manual are intended to accomplish these goals. Lane County is committed to ensuring that no member of the public is discriminated against because of race, creed, religion, age, sex, color, disability, or national origin in the use of any public county facility.

The designated free speech area is located within the Wayne Morse Terrace in an area from the podium area west of Harris Hall, and comprises an oval area contained by the Wayne Morse statute on the south and the planter areas to the west and north, and measures seventy-one feet by seventy-three feet (71' x 73'). In order to ensure health, safety and uninterrupted access to the courthouse, use of this designated area is allowed only between 6:00 a.m. and 11:00 p.m., unless otherwise authorized by the County Administrator. Use of the designated free speech area is subject to all rules and regulations governing conduct on City and County property.

- A. Purpose. The Board of County Commissioners finds that overnight use of the designated free speech area inevitably leads camping or a continuous use of the area to the exclusion of others. In addition, overnight camping creates safety, health and crime problems that are difficult to monitor. As the Public Health Authority for Lane County, the health, safety and well-being of Lane County citizens is of foremost concern for the Board of County Commissioners. A report from the County's public health officer after visiting an overnight camp located in the designated free speech area revealed approximately thirty (30) campers sharing kitchen facilities and a gas cooking stove, numerous dogs, partially consumed foods on the sidewalks and around tents, a strong and persistent smell of urine and an occasional smell of feces. The public health officer's recommendation was to thoroughly clean the area in order to best protect the current occupants as well as other citizens. It was also recommended that implementing a rotating schedule to clean the grounds would be in the best interest of the public's health. A significant strain is also placed on public services due to issues such as cooking with an open flame, a lack of proper sanitation, and an increased need for public safety presence due to disputes and illegal activity such as drug use that have occurred in overnight camps. The Board finds that reasonable restrictions on the time, place and manner of expression within the designated free speech area of the county-owned Public Service Building are necessary to protect public interests related to equal access, safety and sanitation. The Board finds it necessary to close the designated free speech area from 11 p.m. until 6 a.m. in order to ensure a clean, safe, publicly accessible space for all who wish to utilize the area.
- B. Public Use of Actual Free Speech Area.
  1. In order to protect property, ensure free and orderly flow of pedestrian traffic, as well as uninterrupted building operations during normal business hours, the following conduct is prohibited in and around the designated free speech area:
    - a. Any use that unreasonably interferes with the normal ingress and egress into or from the building, or that otherwise prevents the general public from obtaining county, city and state services provided in a timely manner;
    - b. The affixing of any signs to the building or walls adjacent to the actual free speech area; and
    - c. Any use that violates any county or city ordinances governing excessive noise; and
    - d. Camping, sleeping, making preparations to sleep, maintaining a sleeping bag, bedroll, tent or other structure for sleeping, storing personal belongings, bathing, doing laundry, and preparing meals.
  2. In order to protect the building and its occupants in case of an emergency, any item used to assist in communicating a message must be able to be moved quickly and easily. Generally, this means that a speaker may set up a literature/document distribution table, a chair, signs, written materials, and other items reasonably necessary to protect speech activity from inclement weather. The county reserves the right to remove unattended items. All items must be removed by 11:00 p.m., but may be replaced again at 6:00 a.m. Non-governmental vehicles and open flames are prohibited at all times.

3. Use of the free speech area must at all times comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of public safety or law enforcement and other authorized individuals.
  4. Persons using the designated free speech area must remove all litter associated with their use of the area, and failure to do so may be punishable as unlawful littering under LC 6.250.200. In addition, all property, signs and material to be distributed must be removed upon departure.
- C. Permits. The County Administrator or designee is delegated the authority to process and make decisions approving or denying applications for permits and will provide criteria for approval, requests for reconsideration and appeals for those permits denied.
1. Electrical Permit.
    - a. An applicant desiring access to electricity for the purpose of communicating a message must submit documentation with the application for permit describing the intended use of electricity and requesting electricity access. Approval of electricity access is subject to the reasonable discretion of the County Administrator. If the request is granted, access is limited to each individual speaker, or sponsoring group with more than one (1) speaker, to three (3) hours per day, up to six (6) hours per week, and up to two (2) permits per month. Permits are on a first (1<sup>st</sup>) come, first (1<sup>st</sup>) served basis and may be obtained no more than one (1) month in advance. The county reserves the right to charge a reasonable fee for such utility use.
    - b. Electrical permits will require a fee of eighty-two dollars (\$82) and a refundable deposit of two hundred dollars (\$200).
    - c. Users must comply with the City of Eugene Noise Ordinance.
- D. Disapproval of Applications or Cancellation of Permits. Upon denying an application or canceling a permit, County Administration will promptly:
1. Notify the applicant or permittee of the reasons for the action; and
  2. Inform the applicant or permittee of his/her appeal rights.
- E. Appeals.
1. An applicant may request reconsideration in writing to the County Administrator within five (5) days of a permit being denied. The request for reconsideration must contain the alleged grounds for reconsideration.
  2. If an applicant's reconsideration of a permit is denied, the applicant may appeal the denial by filing an appeal with has the opportunity to request reconsideration in writing to the Board of County Commissioners within five (5) days of the County Administrator's decision on reconsideration. The appeal must be in writing and state the alleged grounds for reversal of the County Administrator's decision.

(Order 13-09-07-07, 9.17.13)

**60.100.400 - Disposal of Unclaimed Personal Property and County-Owned Surplus Property.**

- A. Policy.
1. Personal property in the County's possession, whether unowned or unneeded by the County, must be disposed of under the supervision of the County financial officer. Disposal may be made

by sale, transfer to other governmental bodies or public benefit non-profit organizations, or discarding.

2. The policy in this section does not apply to unclaimed, lost or abandoned property coming into the possession of the County, where disposition is specifically subject to Oregon Statutes, such as: vehicles, bicycles, intangible personal property, stolen property where the owner is known, seized concealed weapons, and property of a deceased person taken into possession by the County.
- B. Certification of Unclaimed and Surplus Personal Property.
1. Unclaimed Personal Property. Before disposition of any unclaimed personal property in the County's possession, the Director of the Department in custody of the property must certify to the County financial officer that a reasonable effort to identify and locate the owner of the property has been unsuccessful. Upon such certification, and with the approval of the County financial officer, the certifying Department may retain any certified property for County use.
  2. Surplus Property. Before County-owned personal property may be disposed of as surplus, the Director of the Department in custody of the property must certify to the County financial officer that such property is surplus as to that Department.
- C. Disposal of Certified Unclaimed and Surplus Personal Property. The County financial officer, or the officer's designee, must establish procedures for storage and disposal of certified unclaimed and surplus property. Such procedures may include:
1. Circulating lists of selected items to other County Departments, other governmental organizations, and non-profit groups.
  2. Preferential consideration for local agencies and public benefit nonprofit organizations within Lane County for disposal of certified surplus vehicles and motor-driven equipment, by circulating a list of surplus vehicles and equipment, the established fair market value for each, the date by which an offer to purchase must be received.
    - a. In the event that more than one offer is received for a vehicle or unit of equipment, consideration should be given to the need of the agency or organization for the equipment.
    - b. After offers from cities, school districts, and other local agencies have accepted or rejected, a final list of any remaining surplus vehicles and equipment must be prepared for public sale.
  3. Public sale, by public auction or sealed bid, after advertising pursuant to LM 20.100.055 not less than two (2) weeks prior to the time for receipt of bids. For sales estimated at one hundred thousand dollars (\$100,000) or less in total value of property sold, a public opening of bids is not required, provided that the Department notifies bidders of the results of the auction or sale, which notice may be given by a posting on the County's internet site. Auctions or sales may be conducted through publicly-available third (3<sup>rd</sup>) party electronic bidding services.
  4. Sale of individual items with an estimated fair market value of less than \$10,000, items remaining unsold after a public auction, or damaged unrepaired or "totaled" equipment may be conducted by posting the items for sale on one or more publicly-available electronic marketplaces. At the discretion of the County financial officer or designee, resulting sales may be made for nominal sums if, in the officer's or designee's judgment, the offer received is reasonable given the nature of the property and current market conditions.
  5. Discarding when, in the judgment of the County financial officer or the officer's designee, the property is of such low value that it should be discarded.

- D. Limitation on Sales to County Employees. Surplus County property may not be sold or transferred to any County employee, except through public auction or sealed bid in accordance with this section.
- E. No Warranty. No warranty or guarantee may be made as to the condition of any item offered for sale. All surplus property is offered for sale "as is and where is," without recourse against the County.
- F. Terms of Purchase. All property must be paid for in full during the sale, and purchaser must accept legal title to the property prior to removal from the sale site.
- G. Disposition of Firearms. Notwithstanding the provisions of LM 60.100.400B through LM 60.100.400F, the Sheriff will return all stolen firearms in the Sheriff's possession to the rightful owner if the owner can be identified and located through reasonable effort. All seized concealed weapons must be disposed of in accordance with Oregon law. The Sheriff may dispose of all other firearms by any reasonable means, which may include sale at auction, destruction, or donation to other agencies for such purposes as training in hunter safety.
- H. Disposition of Police Dogs. Notwithstanding the provisions of LM 60.100.400B through LM 60.100.400G, the Sheriff is granted authority to certify police dogs as no longer serviceable or of no further value to the County, and to dispose of certified dogs in accordance with this subsection.
  - 1. Unless the dog is disqualified from service by illness, temperament, or a related condition, the Sheriff may offer a certified dog to the dog's last assigned handler for sale, at the nominal price of one dollar (\$1). If a certified dog is sold to its handler, the purchaser must, as a condition precedent to the sale, enter into a sale agreement that contains all the following conditions:
    - a. The purchaser releases Lane County, the Lane County Sheriff's Office, and their respective divisions, commissioners, officers, agents, employees and assigns from all liability or responsibility for any action or circumstance which concerns the dog after the time of sale;
    - b. The purchaser agrees to immediately license the dog in the purchaser's name and at the purchaser's expense;
    - c. The purchaser assumes all future costs associated with the dog, including but not limited to food, shelter, and medical care; and
    - d. The purchaser takes possession of all pedigree papers and related documentation for the dog.
  - 2. Each sale must be authorized by the Sheriff and a copy of the agreement filed with the Office of Legal Counsel.
  - 3. Police dogs certified to be no longer serviceable and not sold to a former handler must be disposed of in a manner deemed advisable by the Sheriff, taking into consideration the physical condition, temperament, and other conditions relating to the dog; the safety of the community at large; and the reputation of the County and Sheriff's Office.

(Order 93-1-19-14, 1.19.9; Order 04-6-30-12, 6.30.04; Order 05-2-16-8, 2.28.05; Order 17-07-18-07, 7.18.17; Order 21-05-11-03, 7.1.21)

#### **60.100.405 - Disposal of Museum Deaccessioned Property.**

The Lane County Historical Museum, on occasion, will find it necessary to permanently remove artifacts or museum library materials from its collections.

- A. Rationale for Deaccession. Before an object can be considered for deaccession, one (1) or more of the following reasons must apply:
1. The object is duplicated by others in the collection.
  2. The object is beyond the museum's financial resources to properly care for or store.
  3. The object is broken, deteriorated or otherwise in poor condition and is considered by the Museum Manager to be cost prohibitive to restore, repair, or preserve.
  4. The object has been altered to such a degree that its interpretive value has been compromised.
  5. The object has become dangerous because of damage, deterioration, or has always been hazardous.
  6. The object has no significance to Lane County, or it is not possible to ascertain the object's significance to Lane County.
  7. The object was not solicited and is of no redeeming quality for either exhibit or research. This includes abandoned property left at the museum or otherwise given to the museum without proper documentation or legal transfer of ownership.
- B. Procedure for Disposal. The decision to deaccession must be made by the Museum Manager. Disposal of deaccessioned museum objects shall be in accordance with the following methods.
1. A list of deaccessioned objects will be produced and circulated to other appropriate museums in Oregon (government-operated or non-government-operated museums.)
  2. Objects not disposed of through other museums shall be offered to other Lane County Departments for departmental use, again by means of a circulated list.
  3. Remaining deaccessioned objects shall then be offered to the public for sale. The Museum Manager is authorized to determine the type of public sale deemed appropriate. (Ex: oral auction, silent auction, sealed bids.) The sale requirement may be waived if in the judgment of the County Administrator, or his or her designee, the deaccessioned objects are of such little value that a public sale is not warranted.
  4. Deaccessioned objects remaining after none of the above methods resulted in disposal shall be transferred to another nonprofit organization for use, or to an individual intent on restoring the object, or discarded by the museum.
- C. Identifying Marks and Documentation. Regardless of the method, before final disposal all museum-identifying marks, tags, numbers, etc., will be removed if possible. A written record of the reason(s) for deaccession (using above-listed criteria) and ultimate disposition will be retained in the appropriate museum records.
- D. Warranties. No warranty or guarantee shall be made as to the condition of any deaccessioned object. All property is transferred "as is," without recourse against the Lane County Historical Museum or Lane County.
- E. Terms of Transfer. All property transferred by sale shall be paid for in full at the time of the sale. Whether transfer is by sale or otherwise, title of ownership shall pass from the museum to receiving party prior to removal of object(s) from the site. The receiving party is responsible for all costs of removal from the site. The Museum Manager is authorized to sign documents transferring legal title of deaccessioned objects.

(Order 90-10-30-6, 10.30.90; Order 98-4-1-11, 4.1.98)

## **60.200 - USE OF SERVICES**

### **60.200.010 - Public Safety Department Community Service Officers.**

In the interest of the public health and welfare and on a volunteer overtime basis, if possible, Sheriff's Deputies, or other sworn personnel, may be available as Community Service Officers for such duties as security, crowd and traffic control. The rate for such Sheriff's personnel is set annually for each fiscal year and includes salary, benefits and overhead. A two-hour minimum charge is required.

If volunteer Deputies are not available and it is necessary to assign Deputies in specific instances where it is deemed necessary to have Deputies in attendance, the rate of pay will be in accordance to the current labor contract plus the current fringe benefit cost and the current County indirect and department overhead cost as well as minimum call time as provided in the current labor contract. Supervisory personnel assigned will be paid at their current salary rate, plus time and a half, and the current fringe benefit cost and the current County indirect and department overhead cost, with the same minimum call time as the contract group.

Arrangements for such services shall be made by negotiation with Lane County through the Sheriff's Office (Department of Public Safety), and shall be within the limits and guidelines defined by the Sheriff's Office. Arrangements will not be made where a conflict of interest or jurisdiction exists, or when the Sheriff decides it is not in the public interest to provide the officers.

(Order 82-7-14-26, 7.14.82; Order 15-09-15-06, 9.15.15)

### **60.200.020 - Consideration of State Economic Development Requests.**

Consistent with ORS 285.310-397, Lane County will consider requests for Industrial Revenue Bond financing, an economic development incentive provided by the Economic Development Commission on behalf of the State of Oregon.

(Order 94-6-15-4, 6.15.94)

### **60.200.030 - Role of County.**

- A. Request of State. The County in which a project is to be located must, by a formal vote of the Board of Commissioners taken at an open, publicly announced meeting, request the Commission to issue the bond.
- B. Land Use/Economic Development Plan Certification. The city, (if in an incorporated area) or the County, as appropriate, must certify that the project is in compliance with the local government's acknowledged comprehensive plan. If the plan is not acknowledged, the local government must certify that the project is in compliance with standard land use goals and guidelines as set forth by the Lane Conservation and Development Commission. The local government must also certify that the project conforms to the overall economic development plan for the area.
- C. Final Approval. Eligibility of certain projects is NOT determined by local governments; the Economic Development Commission makes this determination, although final approval must come directly from the Governor. Approval by the Commission does not guarantee that the applicant will obtain bond financing; the applicant must still secure the financing on the company's own financial merits.

(Order 94-6-15-4, 6.15.94)



**60.200.040 - Process for Application Request for County Approval.**

A. Within Incorporated City.

1. The applicant must provide Lane County's Office of County Administration with:
  - a. A copy of the completed state application.
  - b. A copy of certification from city that the project is in compliance with city's acknowledged comprehensive plan and conforms to the overall economic development plan for the area.
2. The applicant or applicant's designated representative must appear before the Board to present the project, focusing on community benefit as it relates to:
  - a. Job creation, including job retention AND new job development, as well as how this business expansion increases the market share of the local related industries.
  - b. Environmental impact, including what impact, if any, this expansion has on infrastructure and service requirements.
3. No fee will be charged. The applicant must meet regular agenda deadlines.

B. Unincorporated Lane County.

1. The applicant must provide Lane County's Office of County Administration with:
  - a. A copy of the completed state application.
  - b. Certification from Lane County Land Management Division that the project complies with the applicable land use plan, or goals and guidelines. A one hundred dollar (\$100) nonrefundable fee is required to determine land use compliance.
2. The applicant or applicant's designated representative must appear before the Board to present the project, focusing on community benefit as it relates to:
  - a. Job creation (State Part III) including job retention AND new job development, as well as how this business expansion increases the market share of the local related industries.
  - b. Environmental impact (State Part IV) including what impact, if any, this expansion has on infrastructure and service requirements.
3. The application will not be scheduled for Board consideration until after land use findings are complete. The applicant is advised to apply through Lane County at least forty-five (45) days prior to the State EDC consideration date.

C. Notification of Approval. The Office of County Administration will directly notify the Economic Development Commission of the Board's action and provide all necessary documentation.

(Order 94-6-15-4, 6.15.94)

**60.800 - FEES**

**60.800.005 - County Fee Policies.**

- A. In order to recover costs associated with providing specific services to the public, County departments are authorized to establish fees for services or transactions. Except for those fee

amounts based on amounts set in State or Federal law or rule, or by contract, such fees will be established based upon the department's reasonable estimate of the cost of providing the service or transaction, including staff time, administration, and other associated costs.

- B. In order to provide the public with quick and accurate access to all fee amounts charged by County departments, it is the policy of Lane County to post all such fees on the Lane County public internet site at [www.lanecounty.org](http://www.lanecounty.org).
- C. Each department director is granted authority to waive any fee in part or in whole for good cause, when such waiver may be granted without prejudice or unfairness to other persons paying a full fee.

(Order 21-05-11-03, 7.1.21)

**60.800.010 - Posting of County Fees.**

- A. Each County department and division must post a schedule of the fees charged by that department or division accessible from the department's or division's public internet homepage.
- B. The County's Finance officer must maintain a page on the County's public internet site for internet links to fee charts or tables established by County departments and divisions.
- C. Each County department or division maintaining a schedule of fees must maintain the internet link to the schedule of fees on the public internet page maintained by the Finance officer.

(Order 21-05-11-03, Effective 7.1.21)

**60.800.020 - New Fees and Changes in Fees.**

- A. If a department proposes new fees or increases to existing fees, the department must:
  - 1. Post a schedule of the proposed new or increased fees on the department's public internet page maintained for such fees not less than ten (10) days prior to the Finance & Audit Committee meeting to which the proposed fees will be submitted for review. The posting must include an email address to which interested parties may address comments on the fees, and a deadline for comments that is not less than seven (7) days after posting.
  - 2. Send a copy of the proposed new or increased fees to the chair of the Finance & Audit Committee for review, along with any comments received from the public regarding the proposed fee changes.
- B. The department must present the proposed changes to the Finance & Audit Committee, and the Committee may either accept the new or increased fees, or direct that the proposed fees be presented to the Board for consideration and approval.
- C. If the new or increased fees are accepted by the Finance & Audit Committee, or approved by the Board, the department may implement the fee changes.
- D. Notwithstanding the provisions of LM 60.800.020A through LM 60.800.020C, a department may implement fee changes where such fees are based on amounts set in State or Federal law or rule, or established by contract.
- E. Notwithstanding the provision of LM 60.800.020C, any fee adopted by Board action pursuant to statute may not be changed within six months of the Board's adoption of the fee, as provided in ORS 203.115.

(Order 21-05-11-03, 7.1.21)

**60.900 - FOREIGN CITIZENSHIP**

**60.900.005 - Foreign Citizenship**

- A. County departments will not use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- B. Notwithstanding LM 60.900.005A, a law enforcement agency may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
  - 1. Verify the immigration status of a person if the person is arrested for any criminal offense; or
  - 2. Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- C. Notwithstanding LM 60.900.005A, a law enforcement agency may arrest any person who:
  - 1. Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
  - 2. Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- D. As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
- E. All non-law enforcement personnel working for the County also shall not use County moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- F. This section does not create a private right of action.

(Order 17-07-11-01, 7.11.17)