

FILED

JAN 17 1995

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

COUNTY CLERK
BY Pam O'Wille

ORDER NO. 96-1-10-2

) IN THE MATTER OF AN ELECTION
) AUTHORIZING A THREE-YEAR SPLIT
) RATE SERIAL LEVY FOR LANE
) COUNTY SHERIFF'S OPERATIONS

WHEREAS, Lane County is responsible for providing adequate criminal law enforcement and corrections services in Lane County through the office of the Lane County Sheriff, and

WHEREAS, in March, 1986, the United States District Court for the District of Oregon issued a court order placing limits on the number of inmates in the Lane County Adult Corrections Facility during a given time period, forcing Lane County to release a significant number of inmates early, and

WHEREAS, in 1987 and 1990, the voters approved three year county-wide serial levies for law enforcement and corrections programs to provide some enhancement to those services over what could be available from the County general fund, and

WHEREAS, during the past five years the Board has made major reductions in the level of services paid for with County general funds due to reduced revenues, including reducing the amount of County general funds that are used to pay for Sheriff's services, and

WHEREAS, the Board believes that those reductions are far beyond what is an appropriate or adequate level of service that the citizens of Lane County desire, and

WHEREAS, the Sheriff has proposed a split rate tax levy as a means of having the taxpayers pay for the particular services from which they receive benefit, and

WHEREAS, the Board believes that taxpayers inside cities are already paying for a certain level of police services through their city taxes, and they do not receive that type of service from the Lane County Sheriff, and

WHEREAS, the Board believes that the level of Sheriff's services provided to all areas of Lane County is inadequate in that the Lane County jail is releasing a high number of inmates due to overcrowding which presents a danger to community safety, law enforcement agencies are losing efficiency because their highly trained officers wait long periods of time to lodge prisoners, the forest work camp is closed in order to re-deploy those deputies to higher priority law enforcement needs that would have otherwise been abandoned due to County budget shortfalls, and

WHEREAS, the Board believes that the level of law enforcement services in areas outside those cities with their own police force or which contract for an increased level of Sheriff's services is inadequate in that law enforcement services are not always available, response times are extremely high, staff shortages increase danger to employees, routine police patrol is nonexistent, and the availability of deputies for investigative follow-up of crimes is extremely limited; and

WHEREAS, the Board believes that continuation of the County's law enforcement programs is essential to prevent further degradation of the local criminal justice system at a time when additional pressure will occur due to shrinking state resources, and

WHEREAS, the Board has determined that it is in the public interest and benefit to offer the voters a three-year split rate serial levy which will provide an increased level of funding for the Lane County Sheriff's service, which will replace the law enforcement levy that expires in June, 1996, and which will replace the Sheriff's use of County general funds, thereby providing a stable source of funds for this component of law enforcement that will no longer be subject to the vagaries of or competition for the County general funds, and

WHEREAS, the Board has determined that the general funds no longer used by the Sheriff should be used for those programs such as the psychiatric hospital and aftercare, the adult offender and youth alcohol and drug treatment programs which are presently funded by the law enforcement levy; for mitigating the impacts that will be felt in the District Attorney's office, the Health and Human Services Department and the Youth Services Department as a result of the increased staffing in the Sheriff's Office; for deficit reductions for up to eight years in the future, and for other critical needs of the County as determined by the Budget Committee and Board, and

WHEREAS, the Board, in accordance with Lane Code 4.510, makes the findings set forth in Exhibit B, in support of a split rate levy as described in the ballot title set forth in Exhibit A, and,

WHEREAS, the Board has fulfilled all applicable requirements of ORS 310.180-310.188, now, therefore it is hereby

ORDERED that a proposal be submitted to the voters at the election to be held on March 12, 1996, to levy an amount outside the tax base limitation of Article XI, Section 11 of the Oregon Constitution, in the form of a serial levy at a rate of \$1.21 per \$1000 assessed value within incorporated cities of Coburg, Cottage Grove, Creswell, Eugene, Florence, Junction City, Oakridge, Springfield, Veneta and Westfir, all cities with their own police or which contract for Sheriff's services, and a rate of \$2.62 per \$1000 assessed value in all unincorporated areas of Lane County and in the cities of Dunes City and Lowell, for three years starting in fiscal year 1996-97, and it is further

ORDERED that the proposal be stated on the ballot as shown in Exhibit A attached hereto and incorporated by this reference, and it is further

ORDERED that the purpose for which the funds provided by the tax levy are to be expended, and the total estimated amount to be raised each year are as described in the attached Exhibit A, and it is further

ORDERED that the Board hereby adopts the Findings of Fact set forth in Exhibit B, attached hereto and by this reference incorporated herein, and it is further

ORDERED that a copy of this order shall be presented to the Director of Human Resources and Management Services, as the County Clerk of Lane County (hereinafter "County Clerk"), and shall constitute our certification that the above increase is in our judgment necessary for the purpose of providing operational funds as described in Exhibit A, and it is further

ORDERED that a copy of this order shall constitute our certification that the applicable requirements of ORS 310.180-310.188 have been met, and it is further

ORDERED that the Director of Human Resources and Management Services provide notice for and conduct the election in the manner provided by the applicable provisions of ORS ch. 280 and 310.

DATED this 10th day of January, 1996.



Chair Lane County Board of
Commissioners

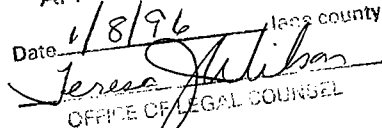
APPROVED AS TO FORM
Date 1/8/96 lane county

OFFICE OF LEGAL COUNSEL

EXHIBIT A

Caption: Lane County Sheriff's Operations Three Year Split Rate Serial Levy

Question: Shall County levy \$1.21/\$1000 in cities with police, \$2.62/\$1000 elsewhere, outside tax base for Sheriff's operations for three fiscal years?

Summary: This measure authorizes a tax rate of \$1.21 per \$1000 assessed value on all property within Lane County (Tier 1). Taxpayers in cities with their own police or which contract for Sheriff's services would pay only this rate. Tier 1 adds 48 beds to the jail, reopens the forest work camp, and speeds up the jail admissions process.

This measure authorizes an additional rate of \$1.41 per \$1000 assessed value on properties outside cities and in Lowell and Dunes City (Tier 2). These taxpayers would pay a total of \$2.62 per \$1000. Tier 2 improves Sheriff's patrols with 40 new deputies over three years. Tier 2 provides 24 hour patrol, reduces current response times, restores resident deputies and adds detectives.

The funds could be used only for Sheriff's operations, related administrative expense and election costs. The levy replaces the law enforcement levy which ends June 30, 1996 and County general fund support for the Sheriff.

The County estimates that this property tax levy will raise \$27,410,000 in 1996-97, \$28,140,000 in 1997-98 and \$28,845,000 in 1998-99. This levy is subject to the other governmental purposes limits of Article XI, Section 11b of the Oregon Constitution. It would reduce property tax collections for some units of local government.

EXHIBIT B

FINDINGS OF FACT

Lane Code 4.500-4.510 provides the Board of County Commissioners may determine to provide or refer a measure to the voters which will provide a different tax burden on one class of taxpayers than is imposed on another class. Any class so determined must be identified by geographic basis, and findings are required per Lane Code 4.510. On that basis, the Board finds as follows:

1. Sheriff's patrol and investigative services are not provided uniformly within Lane County, Oregon. The Lane County Sheriff provides little, if any, patrol or investigative services in incorporated cities within the County which have their own police force or which contract for a different level of such services than the sheriff provides in the unincorporated areas of the County, i.e., the cities of Coburg, Cottage Grove, Creswell, Eugene, Florence, Junction City, Oakridge, Springfield, Veneta, and Westfir. These areas are patrolled and crime is investigated at the desired urban level of service set by the incorporated city council, either through their own sworn officers or through contract, and are paid for through taxes raised in the city limits for these purposes. The level and types of services provided outside these areas is significantly different because the remainder of Lane County is served with patrol and investigative services provided by the County Sheriff. The overall cost of providing Sheriff's services in these incorporated areas is thus substantially less than the cost of providing such services in the remainder of Lane County.
2. The areas where there is a difference are easily identified because the areas receiving patrol and investigative services from funds raised within their jurisdiction are the cities of Coburg, Cottage Grove, Creswell, Eugene, Florence, Junction City, Oakridge, Springfield, Veneta, and Westfir. Only in the remainder of the County is the County Sheriff responsible for providing patrol and investigative services. If the Sheriff does respond within the identified incorporated cities, the response is in accordance to a request for contracted service, in the role of back-up, as mutual aid, or when specialized expertise is required.
3. All areas within the County receive the benefit of the Sheriff's services related to corrections and civil processing, and all areas within the County contribute at the same rate for these services.
4. The proposed levy would maintain and provide moderate increases in Sheriff's services related to corrections and civil processing for all areas of the County, at a rate of \$1.21 per \$1000 of assessed value on all property within Lane County. These are identified as Tier 1 services in the ballot measure, and on the attached two budget pages. The estimated costs of providing these services plus a proportionate share of related administrative expense and election cost is \$17,960,519 for FY 96-97, \$20,008,316 for FY 97-98 and \$21,237,546 for FY 98-99. The identified rate is estimated to provide \$19,360,000 for FY 96-97, \$19,865,000 for FY 97-98 and \$20,370,000 for FY 98-99. By carrying over funds in the year in which more is received than actually needed, less can be collected in the other two years, and still provide for the cost of these services.

5. The proposed levy would provide an increase in Sheriff's services related to patrol and investigation for only those areas outside the incorporated cities identified in paragraph 2 above and in Lowell and Dunes City, at a rate of an additional \$1.41 per \$1000 of assessed value on all property in the unincorporated areas of Lane County, Lowell and Dunes City. These are identified as Tier 2 services in the ballot measure, and on the attached budget pages. The estimated costs of providing these services, plus a proportionate share of related administrative expense and election cost is \$6,341,089 for FY 96-97, \$8,541,722 for FY 97-98 and \$9,907,614 for FY 98-99. The identified rate is estimated to provide \$8,050,000 for FY 96-97, \$8,275,000 for FY 97-98 and \$8,475,000 for FY 98-99. By carrying over funds in the one year in which more is received than actually needed, less can be collected in the other two years, and still provide for the cost of these services.
6. The services proposed to be provided by the Tier 1 and Tier 2 expenditures are as was identified in the 16 page document entitled "Proposed Levy: Sheriff's Office Operations Fiscal Years 96-97 Through 98-99" as of November 14, 1995, and as further explained in the document entitled "Lane County Sheriff's Office, Two Tier, Three Year Operating Levy: Policy Development" dated August 7, 1995.
7. On the basis of the facts identified in the paragraphs above, the Board finds that the differences in Sheriff's services proposed to be provided in the cities listed in paragraph 1 above compared to the services in the remainder of the County, i.e., the Tier 2 services, are real and substantial.
8. The geographic boundaries of the areas designated to receive Tier 2 services are easily identified and distinct which will help ensure that the services provided there are qualitatively different from the Sheriff's services provided generally throughout the County.
9. The Sheriff's Tier 2 services proposed to be provided to the unincorporated areas of the County, Lowell and Dunes City are not provided by any other provider, and are not the same services provided by the Sheriff anywhere else; they are unique.
10. As identified in paragraphs 4 and 5 and the supporting documents, the differences in the tax burden between the areas receiving Tier 1 services and the areas receiving Tier 2 services are based upon the actual costs of providing those services and their administration.

SHERIFF'S OFFICE
3 YEAR OPERATING LEVY
FLAT RATE CALCULATION FOR
TIER 1

	FY 96/97	FY 97/98	FY 98/99
AMOUNT NEEDED	\$17,960,519	\$20,008,316	\$21,237,546
Beginning Cash Balance	\$0	\$1,399,481	\$1,256,165
Rate Base Driven Amount Raised	19,360,000	19,865,000	20,370,000
Amount Needed (from above)	(17,960,519)	(20,008,316)	(21,237,546)
Ending Cash Balance	<u>\$1,399,481</u>	<u>\$1,256,165</u>	<u>\$388,619</u>
THREE YEAR RATE	\$1.21	\$1.21	\$1.21

SHERIFF'S OFFICE
3 YEAR OPERATING LEVY
FLAT RATE CALCULATION FOR
TIER 2

	FY 96/97	FY 97/98	FY 98/99
AMOUNT NEEDED	\$6,341,089	\$8,541,722	\$9,907,614
Beginning Cash Balance	\$0	\$1,708,911	\$1,442,189
Rate Base Driven Amount Raised	8,050,000	8,275,000	8,475,000
Amount Needed (from above)	<u>(6,341,089)</u>	<u>(8,541,722)</u>	<u>(9,907,614)</u>
Ending Cash Balance	<u>\$1,708,911</u>	<u>\$1,442,189</u>	<u>\$9,575</u>
THREE YEAR RATE	\$1.41	\$1.41	\$1.41