

AGENDA COVER MEMO

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04-8-25-8

DATE: August 25, 2004
TO: Lane County Board of Commissioners
DEPT.: Lane County Sheriff's Office
Lane County Administration
PRESENTED BY: Jan Clements, Russ Burger – Sheriff's Office
Bill VanVactor - County Administrator

**AGENDA ITEM TITLE: ORDER ___ /IN THE MATTER OF CONSIDERING
CONCEPTS OF A PUBLIC SAFETY SPECIAL DISTRICT
AND INITIATION OF METRO PLAN AMENDMENTS TO
CLARIFY AND PROVIDE GREATER FLEXIBILITY IN
SERVICE DELIVERY IN THE EUGENE-SPRINGFIELD
METROPOLITAN AREA**

I. MOTION

MOVE TO APPROVE ORDER NO. ___ DIRECTING FURTHER STAFF WORK NECESSARY TO INITIATE FORMATION OF A PUBLIC SAFETY SPECIAL DISTRICT AND INITIATING METRO PLAN AMENDMENTS TO CLARIFY AND PROVIDE GREATER FLEXIBILITY FOR SERVICE DELIVERY IN THE EUGENE-SPRINGFIELD METROPOLITAN AREA

II. ISSUE OR PROBLEM

There are two related issues for the Board to consider. The first issue is the concept of a countywide public safety special district. The second issue is to consider initiating non-site specific text amendments to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) in order to provide greater clarity in the formation of a public safety special district while retaining consistency with the fundamental growth management principles of the Metro Plan.

III. DISCUSSION

A. Background

Many county public safety services are funded primarily with property tax revenue, which flows to the county's general fund. Local property taxes are subject to constitutional, statutory, and political and practical constraints. These revenue constraints are increasingly pressuring local governments to make difficult choices of either thinning

service capacity or foregoing some services in order to maintain others. County residents and visitors continue to expect at least adequate and in many cases improved services from county government.

Lane County is faced with the challenge of struggling to keep rapidly escalating costs balanced within modest revenue growth. In the discretionary general fund this meant cutting \$2.7 million from county services for FY 04/05, primarily because the cost of contributing to PERS and medical coverage for employees and retirees has increased by six per cent per year, while voter-approved property tax limitation measures cap property tax increases to three per cent annually.

With expenses outstripping revenues, public safety activities are impacted more so than other services, because those services use approximately 70 percent of the county's discretionary general fund.

The five-year general fund forecast predicts the revenue/expenditure gap to grow each year. Additional reductions leave Lane County's law enforcement, corrections programs (including the jail), juvenile justice programs, the District Attorney's prosecution services, and parole and probation services with very little capacity to meet the criminal justice system demands in this region. Continued reductions in the law enforcement arena create a substantial public safety risk for the community.

To address the chronic financial problems and to focus on the "First Priority" of the County's Strategic Plan, which calls for allocating resources to services addressing critical life & health safety needs, a countywide public safety district has been suggested. This proposal is a strategy that would provide stable, dedicated funding for necessary public safety services that have historically been provided by the county. Because a special district typically has its own permanent property tax rate, it may provide sustainable funding of its particular services. Each proposal for use of a special district requires careful fiscal and legal analysis, and extensive intergovernmental and community input. This agenda item does not provide this level of analysis, but presents a launching point for the Board of County Commissioners to discuss a draft outline of public safety special district components and direct further staff development of necessary information to formally initiate formation of such a district. It also provides an opportunity for the Board to consider initiating Metro Plan amendments to clarify and provide for greater flexibility in the provision of services in the Eugene-Springfield metropolitan area to facilitate the formation of a public safety special district consistent with the fundamental principles of the Metro Plan.

B. Analysis

Special Districts

Revenue

Cities and counties are unable to maintain the services they provided in the past, much less meet increased demands. Special districts can be used as a strategy to provide revenue for

necessary countywide or specific services. Each type of special district is authorized by State statutes to provide particular services funded by its own independent revenue sources. A special district may provide more stable and adequate funding for the district's particular services than can be provided within the county's permanent property tax rate limit because a special district typically has a voter-approved permanent property tax rate limit dedicated for its purposes and not shared with other programs and services or with other time-limited local option levies.

Formation

Each plan for use of a special district requires fiscal and legal analysis and extensive intergovernmental and community involvement. Since the concept of a proposed countywide public safety special district would include both unincorporated areas as well as incorporated cities, the formation documents must include approval by resolution from the governing body of each city within the district.

County service districts are established under Oregon Revised Statutes Chapter 451 and formation of a countywide public safety district is governed by ORS 198.705 to 198.955, as well as the provisions of ORS chapter 199 governing the Local Government Boundary Commission. There are two options for formation of a county service district. One is by petition, the other by resolution or order of the Board of County Commissioners. The Board may initiate formation of a district, to be located entirely within the county, by an order setting forth:

- The intention of the Board of County Commissioners to initiate the formation of a district and citing the principal Act;
- The name and boundaries of the proposed district;
- If any part of the territory of the proposed district falls within a city, the order shall be accompanied by a certified copy of the city approval; and
- The county shall bear the cost of formation of a district, except costs for preliminary engineering studies and surveys in connection with the district shall be reimbursed by the new district if formation is ultimately successful.

A county service district is allowed by its principal Act to provide law enforcement among other services.

Local Government Boundary Commission

The State Legislature first required comprehensive local land use plans in 1963. In 1973, the Legislature adopted Senate Bill 100, adjusting planning requirements and providing for detailed statewide land use planning goals. Boundary Commissions were intended by the Legislative Assembly to establish policies and exercise powers in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

Boundary Commissions were formed to guide the creation and growth of special service districts and were intended to reduce fragmented approaches to service delivery by

encouraging single agency service delivery over service delivery by several agencies.

The Lane County Local Government Boundary Commission was created under ORS Chapter 199, and has jurisdiction over local government boundary changes for many special districts. Today, the Lane County Boundary Commission is the only local government boundary commission still existing in the state.

The Boundary Commission policies regarding efficient delivery of services do not prohibit the use of special districts. The local comprehensive plan is the primary tool employed to express legislative policy about local service delivery needs. Part of the requirement for Boundary Commission action is a determination that the proposal is consistent with the comprehensive plans of the involved area. In this case, only the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) was adopted with specific expressions of what entity should provide services under these policies.

However, the Metro Plan was developed and acknowledged before voter-approved property tax limitations, Measures 5 and 50, restricted local government's ability to finance services via property tax increases.

Metro Plan

The Metro Plan is the official long-range general plan of metropolitan Lane County and the cities of Eugene and Springfield. Its policies and land use designations apply only within the area under the jurisdiction of the Plan. The Metro Plan sets forth general planning policies and land use allocations and serves as the basis for the coordinated development of programs concerning the use and conservation of physical resources, furtherance of assets, and development or redevelopment of the metro area.

Any proposed new special district within the area of the Metro Plan must be consistent with the Plan. Depending on the content of a public safety service district, the Metro Plan does appear to contain policies and perhaps definitions that might act as obstacles to formation of a new district. All other adopted and acknowledged comprehensive plans within Lane County do not seem to preclude formation of a public safety service district but will need to be carefully reviewed and analyzed to ensure consistency if the proposed public safety special district concept proceeds.

The Metro Plan, Growth Management, Policy #15 addresses creation of new service districts and states that service districts are considered "interim" service delivery methods. The Metro Plan calls for annexations to occur over time and existing service districts within the urban growth boundary to be dissolved. The Metro Plan does recognize that Lane County provides a variety of public services to unincorporated portions of the Eugene-Springfield metropolitan area. Currently, Lane County provides countywide public safety services such as corrections, juvenile justice, prosecution, and parole and probation, in incorporated as well as unincorporated areas of the county.

The Metro Plan, Growth Management, Policy # 8 states "land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city

when it is found that:

- a. A minimum level of ‘key urban facilities’ and services can be provided to the area in an orderly and efficient manner.”

The Metro Plan Glossary defines minimum level of “key urban facilities and services” to include “police protection” as well as other services including but not limited to stormwater service, solid waste management, water service, fire and emergency medical services and public schools. “Police protection” is not further defined and may present an interpretation issue when trying to form a public safety special district.

Lane County was and is the logical provider of many of the countywide public safety services for urban, suburban, and rural Lane County. It was not anticipated that cities would provide these services once any region or area reached an urban density level and these services do not encourage or promote growth or development. In addition, historically, there have been other mutijurisdictional law enforcement services such as drug interdiction, SWAT, and domestic violence investigation services provided by Lane County, within and outside of Eugene/Springfield’s urban growth boundary. The emphasis of the Metro Plan and the land use planning goals it supports reduce the fragmented approach to service delivery by encouraging single agency service delivery over service delivery by several agencies. None of the public safety services currently or historically provided by Lane County outside the urban growth boundary have discouraged compact growth or augmented sprawl.

Public Safety Special District

There are several public safety services traditionally provided by, or statutorily mandated for, Lane County. These include, but are not limited to corrections (both youth and adult), parole and probation, prosecution, and unincorporated patrol. The decline in the county’s financial resources has led to system degradation as indicated by:

- A reduction in jail beds
- A ‘matrix’ system at the jail that releases inmates into the community on a daily basis
- More than 100 parolees per parole officer to manage
- Fewer and fewer crimes prosecuted by the District Attorney’s Office
- A youth detention facility operating at minimal capacity
- Rural and suburban police patrol minimized to unacceptable levels
- The elimination of interagency drug team participation
- The elimination of interagency special tactics teams to deal with critical incidents

The goal of creating a countywide service district is to provide a separate funding source for public safety services. The goal of the district would be to make available the kinds of public safety services the county currently is under authority or mandated to provide, not to displace any other jurisdiction or create a duplication of services.

The timeline goal is to put the proposal on the November 2006 general election ballot. The exact description of a Lane County public safety district is in the preliminary stages. A district of this type will need input from a variety of sources and comprehensive analysis before decision makers can finalize the details and outline the specifics of the district’s components.

Creation of some form of a public safety district in 2006 will help close the expense/revenue gap of the county general fund and at the same time help sustain a rapidly deteriorating public safety system. This is a strategy that allows the organization to move forward in a time of fiscal stress.

C. Alternatives/Options

1. Move approval of the Board Order to direct more staff work on forming a public safety special district and initiating Metro Plan amendments in order to provide greater clarity in the formation of a public safety special district consistent with the Metro Plan.
2. Do not approve the Board Order at this time. If the Board decides to pursue special district formation at later date, the timeline for putting the issue on a November 2006 ballot is shortened and compromises the timeframe for getting the necessary work completed.

D. Recommendations

Staff recommends Alternative 1, above, to move approval of the Board Order.

E. Timing

In order for a special district proposal to be placed on a November 2006 ballot, work needs to begin promptly following Board Order approval.

IV. IMPLEMENTATION/FOLLOW-UP

Staff will begin work immediately to put together a work plan for formation of a special district to be voted on in the November 2006 general election. Staff will also complete work on analyzing the Metro Plan in order to process specific amendment recommendations consistent with the Board Order.

V. ATTACHMENTS

1. Board Order

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER 04-)	IN THE MATTER OF CONSIDERING CONCEPTS OF A
)	PUBLIC SAFETY SPECIAL DISTRICT AND INITIATION OF
)	METRO PLAN AMENDMENTS TO CLARIFY AND PROVIDE
)	GREATER FLEXIBILITY IN SERVICE DELIVERY IN THE
)	EUGENE-SPRINGFIELD METROPOLITAN AREA

WHEREAS, revenue constraints are increasingly pressuring local governments to make difficult choices; and

WHEREAS, Lane County is faced with the challenge of struggling to keep escalating costs balanced with modest revenue growth; and

WHEREAS, the Lane County Strategic Plan calls for allocating resources to those services that are effective in addressing immediate and critical life and health safety needs as a first priority; and

WHEREAS, special districts can be used as a strategy to provide revenue for certain necessary countywide services; and

WHEREAS, any proposed special district within the area of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) must be consistent with the Plan; and

WHEREAS, the Metro Plan appears to contain policies and definitions that make it unclear whether formation of a new public safety special district would be consistent with the Metro Plan; and

WHEREAS, Lane County is the logical provider of many countywide public safety services for urban, suburban and rural Lane County; and

WHEREAS, these public safety services do not encourage or promote growth or development.

NOW THEREFORE IT IS HEREBY ORDERED, that the Board of County Commissioners directs further staff work necessary to allow the Board to formally initiate formation of a public safety special district.

IT IS HEREBY FURTHER ORDERED, that the Board of County Commissioners initiates Metro Plan amendments to clarify and provide greater flexibility in service delivery in the Eugene-Springfield metropolitan area.

Dated this _____ day of August 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-17-2004 Lane County


OFFICE OF LEGAL COUNSEL