

W.S.A.

## AGENDA COVER MEMO

**Date:** December 14, 2005

**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works, Parks Division

**PRESENTED BY:** Todd Winter, Parks Division Manager

**AGENDA ITEM TITLE:** Report back on Parks fee collection and enforcement overview.  
2002- Present

### I. MOTION

Staff was directed to report back.

### II. ISSUE OR PROBLEM

In the spring of 2005 the Lane County Parks Division automated the self-pay parking fee collection systems at five Class A parks. Parking fees are required daily from 9am to 7pm from May 1<sup>st</sup> to September 30<sup>th</sup> of each year. The conversion from a manual collection system to a fully automated collection system left park visitors with a compliance decision. Despite signage, past practice and public outreach efforts, approximately ten percent of park visitors entering the parks during collection periods failed to pay the parking fee. As a result of the automated system and to protect critical Division revenues, compliance patrols were routinely conducted for an hour each day at each of the five locations.

Failure to pay the parking fee during collection times pursuant to Chapter 18 of the Lane Manual is a violation of Lane Code 6.580 Non-Payment of Fees, a violation of this section is a Class C violation with a minimum fine of \$141.00. The Oregon Legislature sets the minimum fine amounts.

Citizens have begun communicating to the Board of County Commissioners their displeasure with both receiving a citation and the amount of the fine. The Board instructed staff to report back with an overview of fee collection methods and associated enforcement activity.

### III. DISCUSSION

#### A. Background

The Parks Division has collected parking fees at six locations (Orchard Point, Richardson, Baker Bay, Hendricks Bridge, Perkins Peninsula and Armitage) for over a

decade. Beginning in 2002, by order of the Board, parking fees are also required at the Howard Buford Recreation Area (Mt. Pisgah). Fee collection methods were typically performed manually with an employee located inside a 'fee booth' located at the entrance of four of these parks. Hendricks Bridge, Mt. Pisgah and Baker Bay were self-pay envelope collection systems.

Prior to 2002, parking fees were required during peak times at these locations from Memorial Day weekend through Labor Day weekend. In 2003, Lane Manual was amended to require the collection of parking fees at these locations from May 1<sup>st</sup> to September 30<sup>th</sup>. Essentially this opened the collection window from three months to five months.

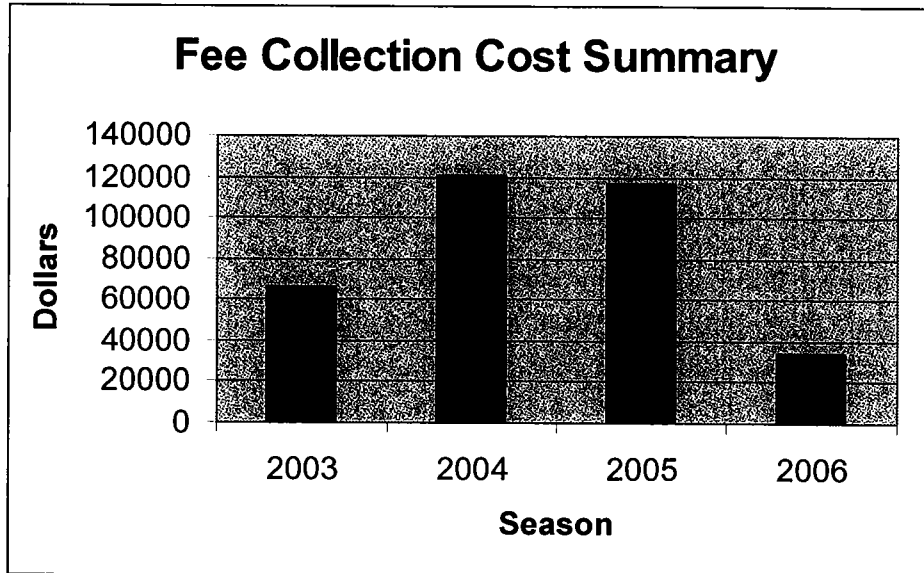
It was determined that the manual and self-pay envelope collection methods were problematic and not cost effective. The decision was made to convert to an automated system for the following reasons:

- After extending the collection period from three months to five months, labor costs compared with revenues lowered net revenue to unacceptable levels. For example, during fiscal year 03/04, \$120,143 was spent collecting \$162,281 of revenue. That represented a net of \$42,137 for fee collection.
- Daily staffing of fee booths was inconsistent.
- Safety concerns (large amounts of cash in remote areas – Fee Collector personal safety)
- Self-pay envelope collection method was easily manipulated and compliance checks were virtually impossible.
- Cash handling process was of concern.
- Automated machines reduced collection labor from 5,425 hours to 283 annually.

In an effort to first eliminate the self-pay envelope collection method, during the 2004 summer season, all seven parks where a parking fee was required were staffed with a fee collector at the entrance in a fee booth. Although this increased payment compliance and increased admissions revenues, the labor costs involved with a totally manual fee collection method decreased the net revenue and benefit to Parks.

To recap, in 2003 there was either a fee collector at the entrance of the park most of the time or the self-pay envelope system. In 2004, all parks had a fee collector in a booth at the entrance to all seven locations. In 2005, five locations (two closed due to dam repair) had self-pay machines. With the new system, visitors can no longer manipulate the self-pay system but do have the opportunity to enter the park without a valid parking pass.

With the new system providing an accurate record of individual compliance that is enforceable and the important goal of maintaining critical Parks revenue, regular compliance patrols were necessary to insure compliance.



#### **B. Analysis**

From 2000 to 2001, visitors who failed to pay the parking fee were issued a citation using *Lane Code 6.530 (2) – Vehicle Operation and Parking – Park or leave unattended any vehicle or trailer within a County Park in other than those areas designated for such parking*. Violations of this subsection constitute a Class D violation, which at the time had a minimum fine amount of \$74.00. The citation rational was such that the parking spot was a ‘pay spot’ and because the vehicle did not pay the parking fee it was in a parking spot not designated for such parking.

At the same time we had begun experiencing visitors to our campgrounds that were failing to pay the camping fee and leaving the campground. With necessary signage, past practice and pay procedures clearly defined at all pay locations, it was determined that the real violation was non-payment of fees as opposed to parking in a spot not designated for such use. Lane Code was amended on 10/11/01, which added LC 6.580 – Non-Payment of Fees that constitutes a Class C violation.

At the time the LC 6.580 was added to Lane Code the minimum fine amount set by the legislature was \$109, which could be lowered by the courts to \$35 (court costs).

In 2003 legislation passed that raised the minimum amounts of all four classes of violations (A-D) and added regulations to the amount that the courts could lower the fine.

Class C violations had the minimum fine amount raised to \$141 and subsequently the minimum fine amount for a Class D violation was set at \$94.

**Compliance Activity  
May 1 – Sept. 30, 2005**

- Number of paid vehicles during collection season - **43,170**
- Citations issued for non-payment of fees- **823**

**Court statistics as of 10/26/05**

- Number of citations dismissed - **120**
- Number of violators who plead guilty **467**
- Number of violators who failed to appear **182**
- Number of violators who have plead not guilty **28**

**C. Alternatives/Options**

On November 8<sup>th</sup>, staff discussed this report with the Finance and Audit Committee and were directed to bring the following options forward:

1. Maintain the current fine schedule for Non-Payment of fees – a Class C violation with a minimum fine amount of \$141.
2. Amend Chapter 6 of Lane Code to add *Illegal Parking* – a Class D violation with a minimum fine amount of \$94 currently consistent with Chapter 6 of Lane Code and Oregon State Parks.

**D. Recommendations**

Staff recommends option 2. Parks Advisory Committee concurs.

**E. Timing**

Parks staff will implement change in the 2006 Parks' season.

**IV. IMPLEMENTATION**

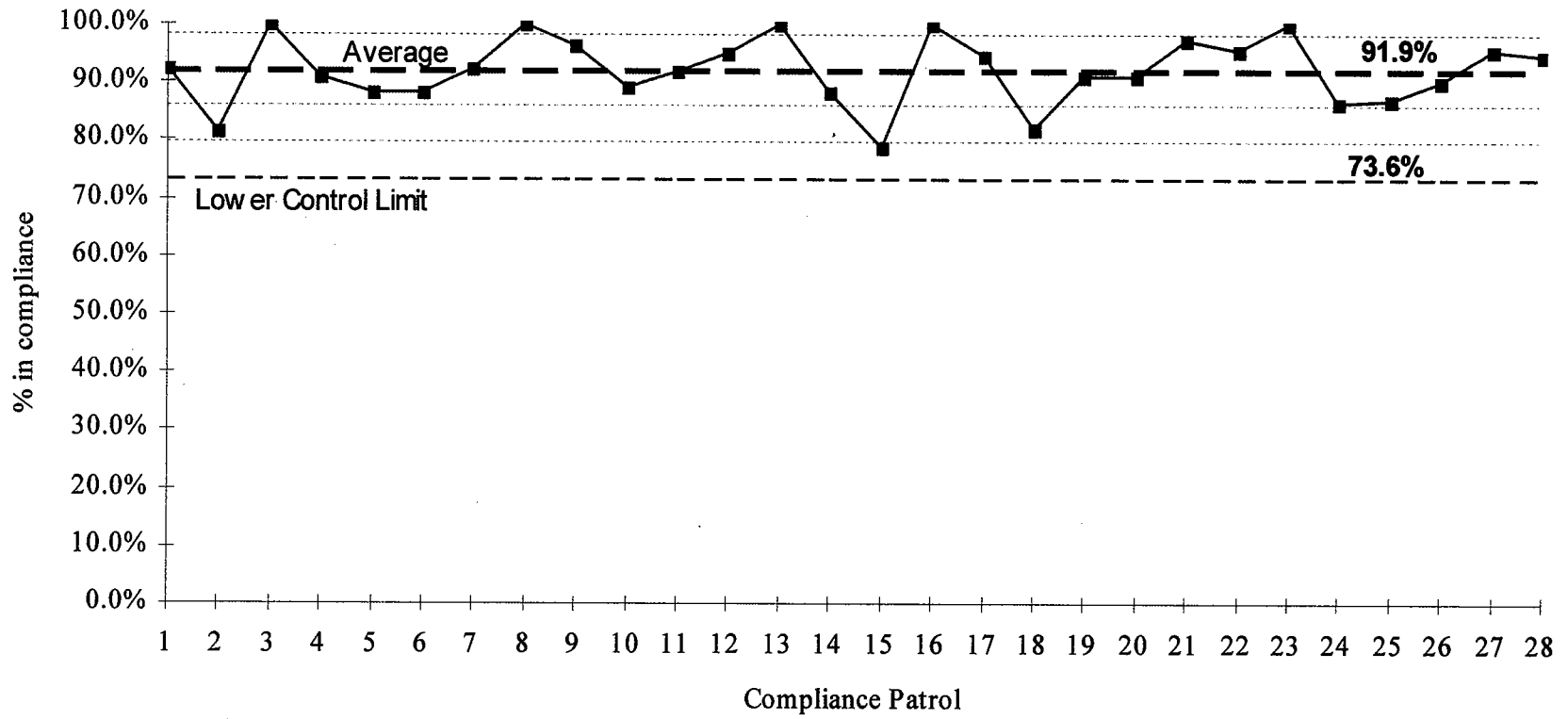
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**V. ATTACHMENTS**

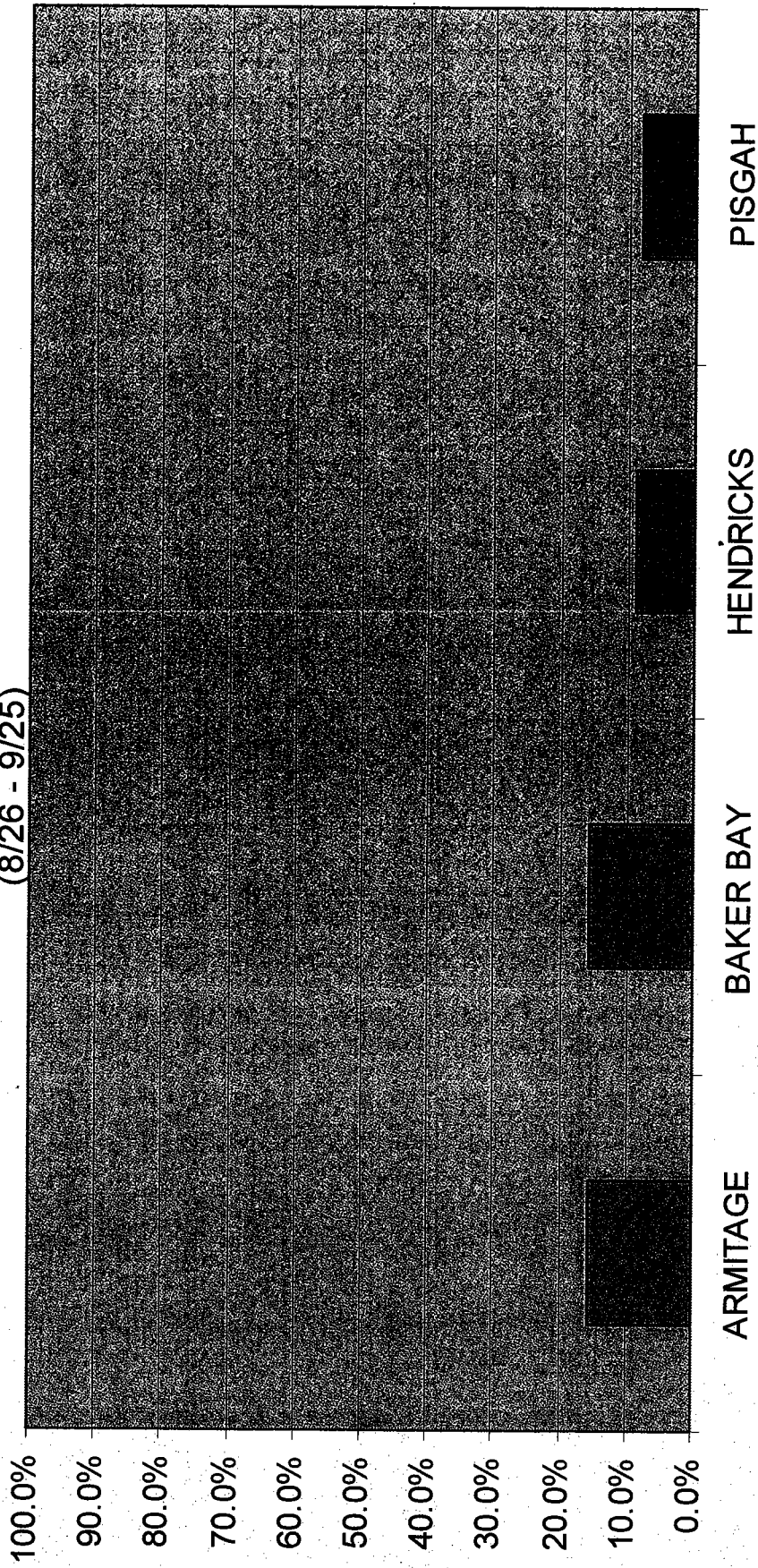
Average Non-Compliance by Park  
XMR Chart Mt. Pisgah Fee Compliance

Lane Code Chapter 6 – Current Parks Use

### XmR Chart Mt Pisgah Fee Compliance



Average Non-compliance by park  
(8/26 - 9/25)



**Lane Code Chapter 6 violations currently enforced by the Parks Division:**

**6.530 Vehicle Operation and Parking.**

No person shall:

(1) Operate any vehicle, including, but not limited to, automobiles, trucks, motorcycles, motorbikes, trail bikes, mountain bikes and off-road vehicles within a County Park on other than established vehicular roads, parking areas or boat ramps or in areas specifically designated and posted for such use. Violation of this subsection constitutes a Class C violation.

(2) Park or leave unattended any vehicle or trailer within a County Park in other than those areas designated for such parking. Violation of this subsection constitutes a Class D violation.

(3) Operate a vehicle at a speed greater than 15 miles per hour unless designated and posted otherwise. Violation of this subsection constitutes a Class B violation.

(4) Activities otherwise prohibited by LC 6.530(1) and (2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

*(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00)*

**6.580 Non-Payment of Fees.**

(1) No person shall knowingly fail to pay an authorized park entrance fee.

(2) A violation of this section is a Class C violation. *(Revised by Ordinance No. 3-01, Effective*