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AGENDA COVER MEMO

AGENDA DATE: April 18, 2005
TO: Board of County Commissioners
DEPT.: County Counsel/Law Library
PRESENTED BY: Linda Falken, Law Librarian 

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO REVISE LAW LIBRARY FEES (LM 60.865)

MOTION

TO AMEND CHAPTER 60 OF LANE MANUAL TO REVISE LAW LIBRARY FEES (LM 60.865)

I. ISSUE OR PROBLEM

The Law Library provides a variety of extra services for which it assesses patrons a direct fee to cover the costs incurred in making these services available. The current fees charged have not been revised or amended for at least 5 years, and in the case of printing or photocopy fees, at least 11 years. We are in the process of purchasing updated equipment for self-service photocopies. In reviewing the updated costs for equipment maintenance agreements and paper/toner expenses, we determined that the existing rates need to be adjusted, so that the fees being charged still cover the expenses of providing these services. It was also noted that, for whatever reason, the existing fee schedule for these services had never been included in the Lane Manual. On April 12, 2005, the Finance Committee met and recommended approval of the attached fee schedule, now being presented to the Board.

II. DISCUSSION

Background/Analysis

The Lane County Law Library was established by the Lane County Board of Commissioners on April 24, 1948, per ORS 9.840, and after a resolution to the local bar requesting this service. Per ORS 21.350, the Library is supported by fees collected in civil cases in the Lane County courts, and serves the local bar, judiciary and public by providing access to a collection of legal research materials and on-line resources. The Law Library is primarily a reference collection, meaning that much of its collection does not circulate, but instead needs to be used within the facility.

The Law Library also provides additional services to patrons, including photocopy and fax equipment, for which we charge a reasonable fee. Primarily, we provide self-service photocopying, a fee-based fax service, and certain limited types of equipment for use in local courtrooms. All of these services have been offered for the benefit of attorneys and litigants who need these resources in the PSB or Courthouse facility.

Photocopier Service

The Law Library has two public photocopy machines which are used extensively, and which remain the only self-operated copiers in our section of the PSB building. Each machine has a card reading/vending device attached, allowing users to make copies with or without staff assistance. Frequent users can purchase pre-valued copy cards which enable them to make multiple copies over a period of time. We sell new cards, as well as "re-values" older cards, which can be reused to purchase additional copies. In addition, one machine has an additional coin vending unit attached, for the benefit of patrons who do not want to purchase pre-valued copy cards.

Since both photocopiers are long past their recommended lifespan, they are becoming more expensive and less efficient to maintain. This year, we are replacing one copier and vending unit with a more sophisticated machine and vending unit that will accept newer types of currency. Additional software will also allow the copier to function as a network printer (thereby reducing the number of separate printers maintained by the Library).

The cost per copy charged by the Library has long been (since 1994) at \$.10 each, with a copy card (cost of pre-valued card was initially \$1.00, a one time charge) and \$.15 each if less than 100 copies were required. Despite the efficiencies of the newer equipment, I recommend a per page increase from \$.10 to \$.20 to recapture the current cost of paper, staff time and maintenance agreements for the new equipment.

Microform Reader/Printers and Computer Printouts

There are a number of resources in the Law Library which are maintained on microforms, including Oregon Legislative History materials and Oregon appellate court briefs. The Library provides two reader/printers for patrons using these materials, which do not have vending units attached. We collect for these copies on an honor system, which allows the patron to bring the copies to the main desk to pay for them. The costs for these copies have always been the same as for photocopies, or \$.10 per page, presumably since 1994. Both pieces of equipment are too old to be covered by any maintenance agreement. Service calls are paid for on an "as needed" basis, and they occur with increasing frequency and cost. Costs for toner and other supplies for this equipment increased by more than 40% in the past three years. Thus, I am proposing an increase to \$.20 per copy for this service as well.

Computer Printing

The Law Library also provides copies of computer printouts from patrons' use of WESTLAW or Internet databases. These public access terminals were set up in 2001-02, with each having an attached printer. Historically, the cost for these has also been the same as the copy card costs, \$.10 per page. The cost of these printed pages was also based on an honor system, i.e., patrons using the computers to print out information were asked to bring them to the main desk in the Library to pay for them.

With the addition of the newer photocopier equipment as a networked printer, and the sharing of a centralized vending unit to collect for copies printed, I am proposing to bring this fee up to the level of other printed copies made in the library, which is \$.20 each.

Fax Service

The Law Library is the only location within the PSB/Courthouse facility that offers the public this service. This service originated because attorneys (and others) who are in court proceedings in Eugene often needed to send or receive documents between this location and their offices. Fees were set by the previous Law Librarian to cover both an administrative fee and a per page cost. The current fees, in effect for at least four years, were intended to capture the costs of the phone line used for fax equipment, long distance telephone charges, and staff time in processing requests. After reviewing current costs, I am recommending the fees be streamlined and be more consistent with expenses. Categories for types of outgoing calls remain the same, but I recommend setting a higher minimum charge for processing a request to capture increased costs for staff time (\$1.00 to \$1.50). I recommend other per page costs be lowered to account for the discounted long distance rates currently received.

Other Equipment/Services

The Law Library maintains various equipment for use in courtrooms in the Lane County Circuit Court, which is available for loan on a daily basis for a fee. A VCR and television set were purchased in 1989 by the Lane County Bar Association and donated to the Law Library for this purpose. The fee charged is \$10.00 per day. In addition, the Library purchased an overhead projector in 1992, and has made this available to library patrons for courtroom use, at the same daily rental fee of \$10.00. Upon review, I believe that this fee is adequate to cover the costs staff time in managing the rental and storage of this equipment, and am recommending no change, but inclusion in the Lane Manual.

The Law Library has also offered since 1992 a poster printer for enlarging normal letter sized signs to a poster-sized exhibit. The fee charged to all users for this service should cover the cost of the rolls of paper that are required for the posters. The cost of the paper is the one expense related to this. I propose a slight increase in the fee, from \$6.50 to \$7.50 per print, to cover the 15% increase in paper costs that has occurred since 2001.

New Fees Proposed:

For Lost/Damaged Materials. This is a fee that is charged when a patron destroys or loses an item checked out from the Law Library's collection. It is an administrative fee to cover staff time processing orders for replacement copies or repairs. I propose a fee of \$40.00 to cover processing and administrative costs, in addition to charging the patron for the full replacement cost, including shipping or sales taxes assessed by the vendor, if a replacement can be located and obtained.

Replacements for Lost Access Key Card. For over a decade, the Law Library has offered after hours access privileges to attorneys and litigants, by providing key cards on a subscription basis. The after-hours program has changed somewhat due to recent modifications in security requirements for the PSB and County Courthouse. We now have a limited number of temporary visitor cards, available and loaned out on a temporary, as-needed basis. The Law Library, as are all County departments, is responsible for the costs of replacing these if lost or damaged. I propose a replacement fee of \$25.00 to cover the cost of obtaining replacement key. The Law Library Advisory Committee will be reviewing the after-hours program after a year's operation, to determine if any additional changes are needed.

Interest Rate on Unpaid Service Charges (more than 30 days). While it has been rare in the past to have patrons not pay for services rendered, the Law Library Advisory Committee recently considered whether to assess interest on unpaid charges, as part of an overall collection policy. Historically, we have not charged any interest. We have collected revenues on an "honor" system with no compensation for staff time involved in collecting any past due amounts owed. However, we have noted a trend of slower payment times in the past year or so, and have also had at least one incident where a former patron refused to pay replacement costs for the loss of library materials for more than 15 months. Assessing an interest charge on unpaid balances due (9% per year) is an attempt to encourage prompt payment of charges payable to the Law Library, and to collect some type of fee for the use of staff time involved in re-billing, or other efforts to collect. Thus I propose charging interest on past due accounts at a rate of 9% per year, which is the maximum allowable under current Oregon statutes for these types of accounts.

III. ALTERNATIVES/OPTIONS

1. To approve the motion on proposed fee schedules and adjustments, and include these in the Lane Manual (amended LM 60.865 section attached).
2. Do not approve the motion.
3. Modify the motion.

IV. RECOMMENDATION

It is recommended that the Board amend the Lane Manual to include the revised fee schedule for the Lane County Law Library.

V. ATTACHMENTS

Board Order
Lane Manual

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF
THE LANE MANUAL TO REVISE LAW LIBRARY
FEES (LM 60.865)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 60 is hereby amended by removing, substituting, and adding the following section:

REMOVE THIS SECTION

60.865
as located on page 60-50
(a total of 1 page)

INSERT THIS SECTION

60.865
as located on pages 60-50 through 60-51
(a total of 2 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise Law Library Fees (LM 60.865).

Adopted this _____ day of _____ 2005.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 4/7/05 Lane County


OFFICE OF LEGAL COUNSEL

	Type III-N	\$ 26.46
25.	<u>Equipment:</u>	
	Air Conditioning:	
	Commercial	\$ 3.53
	Residential	\$ 2.90
	Sprinkler Systems	\$ 1.66
26.	<u>Miscellaneous Structures:</u>	
	Decks/Porches:	
	Uncovered.....	\$ 5.63
	Covered.....	\$ 8.75
	Foundation Only.....	\$ 6.25
	Structural Roof Only	\$ 6.00
	Commercial Re-roof	
	Additional roofing layer.....	\$.94
	Remove existing and re-roof.....	\$ 1.25

If the above determination of construction costs does not agree with the actual cost of construction, the permit holder may submit a detailed certified cost record after completion of construction. Any overpayment of permit fees will be refunded based on the actual cost as approved by the Building Official.

27. Additional Fees.

Plan Checking Fee.

In addition to the building permit fee, a plan check fee will be charged based on building permit fee. Plan Check fees shall be 65% of the building permit fee.

28. Alteration and Remodel. (Residential and Commercial)

Alterations and remodel other than additions use contract price or 50% current per square foot value for new construction. Square foot area computation to be the remodeled portion of the structure.

Minimum building fee does not include surcharge (State) or plan check fee.. \$ 50.00

29. Additions. (Residential and Commercial)

Use current per square foot value of new construction for type of occupancy

EXHIBIT "A" TO CHAPTER 60
OF LANE MANUAL (60.855)

(Revised by Order No. 94-6-1-4; 6.1.94; 01-4-4-6; 4.4.01; 03-4-16-3, 7.1.03; 04-2-18-1, 7.1.04; 04-5-19-15, 7.1.04; 05-2-2-7, 7.1.05)

60.865 Law Library Fees.

(1) Circuit Court Fees Assessed on Behalf of the County Law Library. Under the authority of ORS 21.350, the law library fee in each civil suit, action, or proceeding filed in the Circuit Court of Lane County shall be 33% of the filing fee provided by law rounded to the next full dollar. No such fee shall be charged in accordance with this section that exceeds 33% of the filing fee as provided by law.

(2) For additional services provided in the Law Library, the following fees are established:

- (a) Self-service photocopies (cash) \$.20/page

(b)	Copy cards ¹	\$ 1.00 plus \$.20/page
(c)	Fax service (dependent on number of pages faxed/telephone charges/staff time):	
	Faxes received.....	\$ 1.00 plus \$.20/page
	Faxes transmitted (local area).....	\$ 1.50 plus \$.30/page
	Faxes transmitted (Oregon—503)	\$ 1.50 plus \$.35/page
	Faxes transmitted (U.S./Canada)	\$ 2.00 plus \$.60/page
	Faxes transmitted (international)	\$ 6.00 plus \$3.00/page
(d)	Computer prints	\$.20/page
(e)	Microform copies.....	\$.20/page
(f)	Poster prints	\$ 7.50/page printed
(g)	Document delivery.....	\$12.00/citation plus \$.20 for each page over 20 pages
(h)	Video equipment for courtroom use	\$10.00/day
(i)	Overhead projector for courtroom use.....	\$10.00/day
(j)	Lost access key card	\$25.00
(k)	Lost/damaged materials	replacement cost plus \$40.00 processing fee
(l)	Interest rate on late bills (more than 30 days).....	9%

(Revised by Order No. 97-10-29-5, Effective 10.29.97)

¹ Copy cards are sold in pre-valued denominations of \$10.00, \$20.00, \$50.00, and \$100.00, but can be re-valued to any level, at \$.20 per page. Cost of initial copy card is \$1.00.

| At right margin indicates changes

Bold indicates material being added

~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

60.855

Lane Manual

60.865

	Type III-N	\$	26.46
25.	<u>Equipment:</u>		
	Air Conditioning:		
	Commercial	\$	3.53
	Residential	\$	2.90
	Sprinkler Systems.....	\$	1.66
26.	<u>Miscellaneous Structures:</u>		
	Decks/Porches:		
	Uncovered.....	\$	5.63
	Covered.....	\$	8.75
	Foundation Only.....	\$	6.25
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