

## Exhibit – PUBLIC SAFETY FEE

Sections:

- 1.0 Purpose and Intent.**
- 2.0 General Fund Fee Amount.**
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### **1.0 Purpose and Intent.**

A. This chapter establishes a Public Safety Fee surcharge. The revenues generated by this fee are intended to allow the City of Oakridge to continue to offer public safety government services, functions and materials including law enforcement, fire protection and advanced life support ambulance transportation. The purpose of this ordinance is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens, owners of developed property, and businesses of the City by:

- (1) Reduction in the incidence of crime;
- (2) Effective response to police calls and other public safety situations;
- (3) Enhanced protection of persons and property;
- (4) Prompt emergency medical services.

B. This Public Safety Fee is not intended to replace or reduce existing ad valorem property tax revenues nor is the Public Safety Fee revenue intended to be the sole revenue used to provide these public safety government services.

### **2.0 Imposition of the Public Safety Fee surcharge.**

A. To accomplish the above stated purpose and intent, there is hereby established the Public Safety Fee surcharge, at the amount set by the City of Oakridge Schedule of Fees for City Services, Permits, or Applications resolution which is updated each fiscal year. This surcharge will be charged monthly, per developed residential unit and per developed commercial site or developed industrial site.

B. The Public Safety Fee surcharge shall be assessed to each residential utility account and to each non-residential (commercial or industrial) utility account.

C. Except as the fees may be reduced or eliminated under section 3.0, the obligation to pay a Public Safety Fee surcharge arises when a responsible party uses or otherwise benefits from Public Safety Government services. It is presumed that Public Safety services are used and that a benefit arises for all persons within the City and owners of developed property.

D. All developed properties within the City limits shall be charged the Public Safety Fee surcharge.

E. The Council shall review the fee amount annually when adopting the Schedule of Fees and decide as to whether a change in the Public Safety Fee surcharge would be appropriate.

F. The Public Safety Fee shall automatically be terminated, and Sections 1.0 through Section 7.0 shall have no future effect, and shall not be enforced, after July 1, 2024.

### **3.0 Collection.**

A. Public Safety Fee surcharges shall be collected monthly.

B. Unless another person or entity has agreed in writing to pay and a copy of that writing is filed with the City, the person or entity responsible for paying the City water and sewer utility charges is also responsible for paying the Public Safety Fee surcharge, if the property is located within the City limits.

C. In the event a developed property is not served by a domestic water meter or sewer hook-up, or if water and sewer service is discontinued, the Public Safety Fee surcharge shall be billed to the persons having the right to occupy the property. If unpaid by the occupants of the property, the bill will be the responsibility of the property owner.

D. A request for water or sewer service, a building permit, or the occupancy of an unserviced building will automatically initiate appropriate billing for Public Safety Fee services.

E. The imposition of surcharges shall be calculated as follows:

1. For residential dwellings it shall be calculated on the basis of the number of water meters serving the property.
2. For business properties, including hotel/motel lodging, it shall be calculated on the basis of the number of water meters serving that property.
3. For business properties that rent space to single family residential trailer/or modular units intended for long-term use (defined as 30 days or more), the charge is per long-term trailer/unit space.
4. Developed properties, regardless of occupancy will be assessed a surcharge.

F. A late charge shall be attached to any Public Safety Fee surcharges not received by the 20th of the month. The charge will be established as an administrative fee by resolution.

G. Notwithstanding the above, if the Public Safety Fee surcharge is not paid for a period of two months, the City may enforce collection of surcharge, with any attendant late fees, on the responsible party as required by this chapter.

### **4.0 Means-based Fee Reduction.**

A. Single-family residential unit occupants who are responsible for paying the Public Safety Fee surcharge and qualify as having "very low income" based on the definition from the U.S. Department of Housing and Urban Development as at or below 50% of the Area Median Income (AMI) for Lane County Oregon (as in effect July 1, 2021 and updated July 1 of each subsequent year), are entitled to a 100% reduction in the Public Safety Fee surcharge.

B. The City Administrator shall create forms and a procedure for persons to apply for and receive the means-based fee reduction.

### **5.0 Program administration.**

A. Fees under this chapter will be collected by the appropriate staff at the City Offices.

B. The City Administrator is authorized and directed to review the operation of this ordinance and, where appropriate, recommend changes in the form of administrative procedures for adoption by the City Council by resolution. Such procedures, if adopted by the Council, shall be given full force and effect, and unless clearly inconsistent with this ordinance shall apply uniformly throughout the City.

## **6.0 Appeal process.**

A. The Public Safety Fee surcharge or determination of means-based fee reduction may be appealed for change or relief in accordance with the following criteria: City of Oakridge

(1) Any responsible party who disputes any interpretation given by the City as to property classification or means eligibility may appeal such interpretation. If the appeal is successful, relief will be granted by reassignment to a more appropriate billing category. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to, availability of more accurate information; equity relative to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

(2) The City's Finance Director shall be responsible for evaluating and administering the appeal process. If the Finance Director decides information provided through the appeal process justifies a change, the Finance Director may authorize this change retroactive to the date the appeal was filed.

(3) The Finance Director shall make all reasonable attempts to resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within 30 days of the date the appeal was filed. If, however, more detailed site specific information is necessary, the Director may request the applicant provide additional information.

(4) The Finance Director shall provide a report to the appellant within 90 days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.

(5) Decisions of the Finance Director may be further appealed to the City Council, and shall be heard at a public meeting. Upon such further Council appeal, the City Council shall at its first regular meeting thereafter set a hearing date. In no event shall a final decision be made later than 90 days after the matter was formally appealed to the City Council.

(6) Except for appeals of the means-based fee reduction, there will be an initial filing fee for an appeal to the Finance Director. An additional fee will be required for further appeal to the City Council. A schedule of fees, fines and penalties is kept on file in the offices of the City. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief based on financial necessity.

## **7.0 Enforcement.**

A. Where water and/or sewer charges are unpaid for at least 60 days and where the unpaid bill has arisen from a service contract made directly with the owner of the property served by the connection, as described herein, the City may file a lien against the property by certifying the unpaid amount, plus any associated penalties, to the Lane County Clerk. The Utilities Billing Office will send the property owner written notice of the impending certification at least 30 days prior to the certification in accordance with the Oregon Revised Statute (ORS).

If, however, the City determines that a transfer of the property is about to occur, it may file the lien without having to meet the requirements that the rents or charges be unpaid for 60 days and the property owner receive 30 days advance notice of the impending certification.

Any lien for unpaid public safety fees will be immediately released upon payment in full of the amount certified as unpaid rents, charges and penalties.

B. As an alternative to the above procedure, delinquent water bills may be turned over to the City Attorney for collection.

C. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.