



Eugene City Council
500 E 4th Ave., Suite 302
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

June 17, 2024

5:30 p.m. CITY COUNCIL PUBLIC HEARING

This meeting will be held using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of June 17, 2024; Her Honor Mayor Lucy Vinis Presiding

Councilors

Matt Keating, President
Jennifer Yeh
Mike Clark
Lyndsie Leech

Randy Groves, Vice President
Alan Zelenka
Greg Evans
Emily Semple

5:30 p.m. CITY COUNCIL PUBLIC HEARING

- 1. PUBLIC HEARING: An Ordinance Adopting Hazardous Substance User Fees.**
- 2. PUBLIC HEARING: An Ordinance Concerning Charges for Stormwater And Parks Service And Amending Section 6.406 Of The Eugene Code, 1971.**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Adopting Hazardous Substance User Fees.

Meeting Date: June 17, 2024
Department: Fire
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Travis Worthington
Contact Telephone Number: 541-682-8428

ISSUE STATEMENT

In accordance with provisions of Section 54, Article VII of the Eugene City Charter and Section 3.694 of the City Code, the cost of running the Eugene Toxics Right-to-Know Program must be fully funded by fees assessed to local manufacturing businesses that are hazardous substance users. The proposed ordinance that is the subject of this public hearing would adopt a rate of \$62.28 per full-time-equivalent employee (FTE), up to the maximum of \$2,000.00 per entity as provided by State law.

BACKGROUND

Each year, beginning in 1998, Council has approved fees to support the Eugene Toxics Right-to-Know Program, first by resolution, and later by ordinance due to changes in state law. Throughout the life of this program, the City has always assessed fees based on the number of persons employed by businesses required to be in the program. This is because the City is prohibited by State law from charging fees based on the quantity of chemicals used.

Until 2004, the methodology was to poll businesses at the beginning of each calendar year and ask them to calculate and report their FTE for the preceding calendar year, then divide the program's revenue requirement for the upcoming fiscal year by the total number of FTE reported, and bill accordingly.

In 2004, a state-imposed fee cap of \$2,000 per entity took effect (in accordance with Oregon Revised Statutes (ORS) 453.370(2)(b)). Since that time, businesses are still polled for their FTE figures, the program's revenue requirement is still divided by the total number of FTE reported, and businesses are billed accordingly.

To balance the financial impact on businesses that have not yet reached the \$2,000.00 state-imposed fee cap while maintaining reasonable staffing levels in the Fire Marshal's Office, in 2023 the Toxics Board voted to recommend a fee of \$62.28 per FTE. This fee supported a budget of \$118,126.00 for the program in Fiscal Year 2024 (FY24). Although program fees have fluctuated over the years, peaking at \$82.69 per FTE in 2013, the average per FTE rate since 2010 has been approximately \$59.00. In 2024, 36 of 74 regulated businesses met the \$2,000.00 cap.

RELATED CITY POLICIES

In alignment with the five focus areas of the City's strategic plan, the Eugene Toxics Right-to-Know Program and Toxics Board support all people and aid in responsibly managing our physical assets and natural resources. They address urgent community needs by providing timely information on environmental hazards, enhance public awareness through communication and outreach, promote inclusivity in decision-making, and ensure efficient and effective operations. Through prudent management of people, time, and money, the Toxics Board fosters sustainable stewardship of Eugene's natural resources.

Section 54, Article I of the City Charter reads as follows:

The people of Eugene do hereby find that:

- A. Exposure to toxic chemicals can damage human health and the environment; and*
- B. Citizens have a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community.*

The Eugene Toxics Right-to-Know Program requires businesses who meet certain criteria to provide information to the public concerning the use and disposition of federally listed hazardous substances. The program is overseen by the Toxics Board, which makes policy recommendations governing the program and is authorized to enforce the reporting requirements and impose penalties. In 2023, the Toxics Board recommended a fee of \$62.28 per FTE, not to exceed \$2,000.00 for any single facility for the 2023 calendar year. The Toxics Board has not recommended a different fee amount in 2024, so the fee most recently recommended by the Toxics Board continues to be \$62.28 per FTE not to exceed \$2,000.00 for any single facility for the 2024 calendar year.

PREVIOUS COUNCIL DIRECTION

[June 26, 2023 Meeting](#)

Councilor Groves, seconded by Councilor Keating, moved to adopt An Ordinance Adopting Hazardous Substance User Fees as provided in Attachment A to this AIS.

Passed 8:0

COUNCIL OPTIONS

This is a public hearing only and no action is required at this time. Deliberation and action will be scheduled at a later date.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Proposed Ordinance: An Ordinance Adopting Hazardous Substance User Fees.
- B. Toxics Right-to-Know Program Workplan for the fiscal year commencing July 1, 2024
- C. Toxics Right-to-Know Program User Fee History

FOR MORE INFORMATION

Staff Contact: Travis Worthington, Deputy Chief Fire Marshal
Telephone: 541-682-8428
Email: wworthington@eugene-or.gov

ORDINANCE NO. _____**AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES.****The City Council of the City of Eugene finds that:**

A. Pursuant to Article VII of Amendment IV to the Eugene Charter of 2002 (the “Amendment”), the City Council has previously adopted a series of Resolutions and Ordinances establishing fees to be paid by hazardous substance users within the City with the most recent being Ordinance No. 20691.

B. In accordance with other requirements of the Amendment, the City Council, by ordinance, has adopted the City’s Hazardous Substance Tracking Instructions, which provide guidance to hazardous substance users in completing and submitting the reports required by the Amendment.

C. Pursuant to ORS 453.370(2)(a), the City must adopt the hazardous substance user fee schedule via ordinance after notice and public hearing. The City published and posted notice of the public hearing to be held on April 15, 2024, concerning the proposed ordinance adopting hazardous substance user fees, and such hearing was held before the Eugene City Council on that date.

D. Pursuant to ORS 453.370(2)(b), the City cannot adopt a fee schedule that imposes a fee of more than \$2,000 for any single facility in any calendar year.

E. The Toxics Board has recommended a fee of \$62.28 per FTE, not to exceed \$2,000 for any single facility for the 2024 calendar year, in order to cover the expenses of the program for the fiscal year commencing July 1, 2024.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A fee of \$62.28 per FTE, not to exceed \$2,000 for any single facility for the 2024 calendar year, is hereby imposed as the fee to be paid by hazardous substance users within the City of Eugene.

Section 2. No enforcement action shall be taken against any reporting company for failure to pay until after September 1, 2024.

Section 3. As used in this Ordinance, the terms “FTE” and “hazardous substance users” have the meanings ascribed to them in Section 3.692 of the Eugene Code, 1971.

Section 4. The fees collected pursuant to this Ordinance shall be used for the purpose of operating the Toxics Right-to-Know Program created by Amendment IV to the Eugene Charter of 2002 and implemented by subsequent ordinances of the City.

Passed by the City Council this

_____ day of _____, 2024

City Recorder

Approved by the Mayor this

_____ day of _____ 2024

Mayor



TOXICS RIGHT-TO-KNOW WORKPLAN

Fiscal Year '24

Travis Worthington - Deputy Chief Fire Marshal
Program Manager, City of Eugene
1320 Willamette St., Eugene, OR 97401

Introduction

The Toxics Right-to-Know Program started in 1996 by amendment to the Eugene City Charter. The Program was created to facilitate the collection and distribution of information related to the use and disposition of federally listed hazardous substances, by qualifying businesses. Since 1998 the program has been funded through the assessment of fees paid by businesses which are: physically located within the Eugene city limits, use any quantity of listed hazardous substances, have at least 10 full time equivalent (FTE) employees, and operate within the #2,000-3,999 SIC codes.

Each of the first six section of the workplan has a summary, a list of general tasks, and an estimate of staff time allotment. Tasks are grouped by similarity and by synergy (a decrease in time spent on one can lead to an increase in another). Due to the interaction between tasks the time allotment is given by section. The seventh section covers proposed projects to be worked on or explored during the course of the year.

For fiscal year '24, the Workplan has been created with a 100% staffing model. The Toxics Program will fully fund 100 percent (100%) of staffing personnel costs (e.g. wages, benefits, taxes) and receive a direct proportional amount of staff time over the course of the fiscal year.

Contents

Introduction.....	1
Budget, Fees, & Workplan.....	2
Education, Outreach & PR.....	3
Compliance and Auditing	4
Program Management	5
Board Support	6
Appendix A – Program Task Matrix	7

Budget, Fees, & Workplan

The Program facilitates the annual requirement for the Toxics Board to recommend a program fee schedule to the City Council. The Program develops: the annual budget with the Fire Administration, annual Workplan with the Fire Marshal's Office and Toxics Board, and a fee schedule for the Toxics Board approval. The workplan and budget are utilized as supporting documentation for the proposed annual fee schedule. By charter mandate the fee schedule is to fully fund the program through collected fees.

1. Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees.¹
2. Work with Fire Marshal and the Toxics Board to develop a work plan and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee.²
3. Facilitate process to assist City Council approve the annual hazardous substance user fees; and prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings.³

Estimated Budget, Fees, & Workplan Total = 20%

¹ Article VI, Section 6.2.B.1

² Article VI, Section 6.3

³ Article VII, Section 7.A

Education, Outreach & PR

Providing orientations and educational sessions with new businesses and board members along with informational presentations to community members is a critical element of the program. By ensuring full understanding of the scope and purpose of the program, businesses are more likely to comply with the mandate of the program.

1. Maintain content on the Toxics Board and Toxics Program's webpages.⁴
2. Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public.⁴
3. Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders.⁴
4. Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board's email box, and facilitate responses accordingly.⁴

Estimated Education, Outreach, & PR Total = 20%

⁴ Necessary to support charter amendment

Compliance and Auditing

As much as possible, the program attempts to proactively encourage compliance. Through proper guidance and education, provided to businesses within the program, coupled with auditing of submitted data the need for more extreme activities from non-compliance has been kept to a minimum. The charter mandated activities, for when a business is non-compliant, have been budgeted at under 1% of program staff time since they are on an as needed basis and rarely needed.

1. Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter mandated deadline of April 1st: including providing information and assistance.⁵
2. Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements.⁶
3. Publish names of non-complying entities in the daily newspaper.⁷
4. Investigate evidence of reports not filed in compliance with the Charter Amendment.⁸
5. Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly identified businesses as part of Toxics Program representative orientation; Work with the Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs.⁹
6. Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1st for payment of invoices.¹⁰
7. Enforce reporting requirements and impose penalties for noncompliance.¹¹
8. Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene.¹²
9. Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment.¹³

Estimated Compliance & Auditing Total = 20%

⁵ Article IV, Section 4

⁶ Article VI, Section 6.2.C

⁷ Article VI, Section 6.2.D

⁸ Article VI, Section 6.2.E

⁹ Article VI, Section 6.2.F

¹⁰ Article VII, Section 7.A

¹¹ Article VIII, Section 8.1

¹² Article VII Section 8.2.E

¹³ Article VIII, Section 8.3

Program Management

Beyond the previous sections there are many tasks that must be completed to maintain an effective and efficient program. The Program operates in a balance between needs of the Board, facilitating the program mandates, and needs of the Fire Marshal's Office. Annual reporting, process evaluation and improvement, program research, and much more must take place for the program to operate and optimum efficacy.

1. Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with Information Technology staff to build or purchase a more efficient records and data management program/system.¹⁴
2. Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process).¹⁵
3. Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library.¹⁶
4. Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf.¹⁷
5. Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate.¹⁵
6. Conduct inventory processes to identify covered entities and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses.¹⁵
7. Conduct ongoing continuous improvement program and process analyses and make recommendations to Toxics Board for improvements as necessary.¹⁵

Estimated Program Management Total = 20%

¹⁴ Article IV, Section 4

¹⁵ Necessary to support charter amendment

¹⁶ Article V, Section 5.1.F

¹⁷ Article VI, Section 6.2.B.3

Board Support

A critical element of the program operations is to support the Toxics Right-to-Know Board to facilitate effective operation. The Program facilitates: communication of recommendations from the Board to the City Council and City Manager, posting and filling of Board vacancies, coordination of Board meetings, and other special projects as developed by the Board.

1. Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments.¹⁸
2. Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above).¹⁹
3. Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up).²⁰
4. Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide.²⁰

Estimated Board Support Total = 20%

¹⁸ Article VI, Section 6.1

¹⁹ Article X, Section 10

²⁰ Necessary to support charter amendment.

Appendix A – Program Task Matrix

Attachment B

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT		APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
STAFF TASKS			
Charter Mandate – Article VI, Section 6.2.B.1 and Article VII, Section 7.B: Toxics Board: Recommend annual hazardous substance user fees	Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees	3%	Budget, Fees, & Workplan #1
Charter Mandate – Article VI, Section 6.3: City Manager: Work with the Toxics Board jointly to determine the appropriate support services for the program	Work with Fire Chief and the Toxics Board to develop a work plan, and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee	3%	Budget, Fees, & Workplan #2
Charter Mandate – Article VII, Section 7.B: City Council: Approve and amend as necessary annual hazardous substance user fees	Facilitate process to assist City Council approve the annual hazardous substance user fees; and prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings	3%	Budget, Fees, & Workplan #3
Necessary to Support Charter Amendment	Maintain content on the Toxics Board and Toxics Program’s webpages	3%	Education, Outreach, & PR #1
Necessary to Support Charter Amendment	Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public	3%	Education, Outreach, & PR #2
Necessary to Support Charter Amendment	Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders	3%	Education, Outreach, & PR #3
Necessary to Support Charter Amendment	Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board’s email box, and facilitate responses accordingly	5%	Education, Outreach, & PR #4
Charter Mandate – Article IV, Section 4: Hazardous Substance Users: File annual, public, hazardous materials balance report; and File a signed declaration certifying that the hazardous materials balance reports filed are accurate and complete	Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter-mandated deadline of April 1 st : including providing information and assistance	6%	Compliance and Auditing #1
Charter Mandate – Article VI, Section 6.2.C: Toxics Board: Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #2

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.D: Toxics Board: Publish names of non-complying entities in the daily newspaper	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #3
Charter Mandate – Article VI, Section 6.2.E: City Fire Marshal: Investigate evidence of reports not filed in compliance with the Charter Amendment	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #4
Charter Mandate – Article VI, Section 6.2.F: City Fire Marshal: Audit the accuracy of the reporting processes of each hazardous substance user in an order such that all hazardous substance users are audited in a random order at least once every three years	Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly identified businesses as part of Toxics Program representative orientation; Work with Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs	3%	Compliance and Auditing #5
Charter Mandate – Article VII, Section 7.A and Article VII, Section 7.C: Hazardous Substance Users: Pay an annual fee to cover program expenses	Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print, and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1 st for payment of invoices	5%	Compliance and Auditing #6
Charter Mandate – Article VIII, Section 8.1: Toxics Board: Enforce reporting requirements and impose penalties for noncompliance	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #7
Charter Mandate – Article VIII, Section 8.2.E: City Manager: Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #8
Charter Mandate – Article VIII, Section 8.3: Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment	Percentage of staff time is currently zero because historically, this situation has not occurred; however, if it were to occur, staff time would need to be reallocated accordingly to manage the process	3%	Compliance and Auditing #9
Charter Mandate – Article V, Section 5.1.C and Article VI, Section 6.2.A: Toxics Board: Provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems	Percentage of staff time is currently zero because online data entry system for hazardous materials balance reports has been developed and implemented	3%	Program Management #1
Necessary to Support Charter Amendment	Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with	3%	Program Management #1

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT		APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
STAFF TASKS			
	Information Technology staff to build or purchase a more efficient records and data management program/system		
Necessary to Support Charter Amendment	Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process)	3%	Program Management #2
Charter Mandate – Article V, Section 5.1.F: Toxics Board: Make hazardous materials balance reports available at the Eugene Public Library for seven years	Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library	3%	Program Management #3
Charter Mandate – Article VI, Section 6.2.B.3: Toxics Board: File an annual report on the effectiveness of the program, and any recommendations for improvements	Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf	3%	Program Management #4
Necessary to Support Charter Amendment	Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate	3%	Program Management #5
Necessary to Support Charter Amendment	Conduct inventory processes to identify covered entities, and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses	3%	Program Management #6
Necessary to Support Charter Amendment	Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up); and conduct ongoing continuous improvement program and process analyses, and make recommendations to Toxics Board for improvements as necessary	3% 3%	Program Management #7 Board Support #3
Charter Mandate – Article VI, Section 6.1: City Council: Appoint Toxics Board members	Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments	3%	Board Support #1
Charter Mandate – Article X, Section 10: City Council: Enact reasonable ordinances necessary and proper for carrying into execution the provisions of the Charter	Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above)	3%	Board Support #2

Attachment B

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Amendment upon recommendation of the Toxics Board			
Necessary to Support Charter Amendment	Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide	3%	Board Support #4
	TOTAL APPROXIMATE % OF STAFF TIME	50%	



Program Fee History

November 1996 Eugene City Charter, Section 54, Amendment IV adopted (Section 54, Amendment IV, Article VII, Section 7(D)). For the fiscal year 1997 and 1998 – The program was supported by the City of Eugene’s General Fund in accordance with the Eugene City Charter (Section 54, Amendment IV, Article VII, Section 7(D)).

- ❖ 1998 fee -- \$500/facility + \$16.12/FTE (Charged to reporting businesses)¹
- ❖ 1999 fee -- \$500/facility + \$7.92/FTE (Charged to reporting businesses)²
- ❖ 2000 fee -- \$14.31/FTE³
- ❖ 2001 fee -- \$12.54/FTE
- ❖ 2002 fee -- \$10.79/FTE
- ❖ 2003 fee -- \$13.92/FTE
- ❖ 2004 fee -- \$31.65/FTE up to \$2,000⁴
- ❖ 2005 fee -- \$30.94/FTE up to \$2,000
- ❖ 2006 fee -- \$31.30/FTE up to \$2,000
- ❖ 2007 fee -- \$37.38/FTE up to \$2,000
- ❖ 2008 fee -- \$46.20/FTE up to \$2,000
- ❖ 2009 fee -- \$52.38/FTE up to \$2,000
- ❖ 2010 fee -- \$55.48/FTE up to \$2,000
- ❖ 2011 fee -- \$53.34/FTE up to \$2,000
- ❖ 2012 fee -- \$79.00/FTE up to \$2,000
- ❖ 2013 fee -- \$82.69/FTE up to \$2,000
- ❖ 2014 fee -- \$56.75/FTE up to \$2,000
- ❖ 2015 fee -- \$56.08/FTE up to \$2,000
- ❖ 2016 fee -- \$48.29/FTE up to \$2,000
- ❖ 2017 fee -- \$63.12/FTE up to \$2,000
- ❖ 2018 fee -- \$65.43/FTE up to \$2,000
- ❖ 2019 fee -- \$62.23/FTE up to \$2,000
- ❖ 2020 fee -- \$56.13/FTE up to \$2,000
- ❖ 2021 fee -- \$62.80/FTE up to \$2,000
- ❖ 2022 fee -- \$26.10/FTE up to \$2,000
- ❖ 2023 fee -- \$62.28/FTE up to \$2,000
- ❖ 2024 fee -- \$62.28/FTE up to \$2,000

¹ Beginning spring 1998, program is supported by fees assessed each spring, per the City Charter. This continues to be the case.

² Because of the 05/05/99 Oregon Court of Appeals decision, all fees paid in 1998 and 1999 were refunded; due to the City assessing fees based on quantity.

³ In 2000 an additional class of businesses that did not meet the 2,640-pound reporting threshold but did meet the other three criteria to be considered hazardous substance users. This class of businesses are categorized as non-reporting businesses under the program. From then all fees were assessed to both reporting and non-reporting businesses.

⁴ State-imposed fee cap of \$2,000 per facility took effect 7/1/03 (ORS 453.370(2)(b)).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Charges for Stormwater And Parks Service And Amending Section 6.406 Of The Eugene Code, 1971.

Meeting Date: June 17, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Matt Rodrigues
Contact Telephone Number: 541-682-4930

ISSUE STATEMENT

This public hearing is on a proposed amendment to section 6.406 of Eugene Code expanding the definition of “stormwater service” to add the operation and maintenance of city-owned parks and open spaces. (See Attachment A for the proposed ordinance.) Adoption of the proposed ordinance will not change the stormwater rates; any rate change would occur through a subsequent process in accordance with the Eugene Code.

BACKGROUND

At the April 22, 2024 and May 13, 2024 City Council work sessions (Finance & Revenue Update) and the May 13, 2024 (Sustainable Budget Parks & Fire) City Council work session staff presented a solution to address the critical funding gap in the General Fund, currently estimated at \$8.3 million in Fiscal Year (FY) 2025 and \$13.9 million in FY2026. The solution is proposed to be implemented over two years and includes budget strategies and new revenues. In the first year, the solution proposes implementation of \$6.9 million in budget strategies which were reviewed at the Budget Committee meeting on May 22, 2024 and proposed to be implemented as part of the June supplemental budget, as well as expanding Stormwater Service Fee eligibility to all Parks services.

The proposal to expand Stormwater Service Fee eligibility to Parks services would amend the definition of stormwater service in Eugene code to include operations and maintenance of city-owned parks and open spaces. By making all parks and open spaces expenditures stormwater eligible, revenue for these costs can be considered as part of the stormwater service rate making process and be billed efficiently through the current billing structure in place with Eugene Water & Electric Board (EWEB). The proposal to expand Stormwater Service Fee eligibility to Parks services would allow rates to be amended to raise revenue for ongoing parks and open spaces expenses that are currently funded by the General Fund. If the definition amendment is adopted by Council the proposal is to increase rates through administrative process in FY2025 to provide between approximately \$1.0 million and \$1.4 million in stormwater fee revenue to fund parks and open spaces expenses currently funded by the General Fund.

PREVIOUS COUNCIL DIRECTION

[September 14, 2022 Work Session](#)

This session was an information update on the condition of the General Fund and the future financial outlook.

[February 27, 2023 Work Session](#)

This session provided a high-level budget update and a recommendation for a revenue team to develop funding strategies for unfunded services.

[April 12, 2023 Work Session](#)

This session provided an updated Revenue Committee proposal to develop funding strategies for unfunded services.

[April 26, 2023 Budget Committee Meeting](#)

The City Manager presented the 2023-2025 Proposed Budget.

[May 10, 2023 Budget Committee Meeting](#)

The Budget Committee received presentations on Alternative Response, Downtown Services, and Unhoused Services.

[May 17, 2023 Budget Committee Meeting](#)

The Budget Committee received presentations on the Fire Engine/Squad proposal, Climate Recovery, and URA Frozen Base.

[May 24, 2023 Work Session](#)

This session provided information on unfunded/underfunded service levels as Council considers a potential scope for the Revenue Committee.

[June 21, 2023 Work Session](#)

This session provided high level information on the financial condition of the City and discussion on a revised approach to addressing the structural gap in the General Fund and other funding and service prioritization needs.

[July 10, 2023 Work Session](#)

This session was a continuation of the Financial Condition and Revenue Update work session on June 21, 2023 to provide information and additional context to understand evolving financial needs and the approach for continued revenue and service prioritization discussions.

[October 11, 2023 Work Session](#)

This session included an overview of the revenue report created by staff in August 2023 and an update on the next steps for a revenue advisory team to advise the City Manager on revenue options to address funding issues.

[February 26, 2024 Work Session](#)

This session included an overview of the Revenue Advisor work to date including potential revenue options that could make sense for the range of funding issues facing the City.

April 22, 2024 Work Session

This session provided information on the current critical funding gap in the General Fund that begins July 2024. Staff presented a potential two-year solution that includes budget strategies, a park fee that could be implemented in the summer of 2024, and a fire fee that could be implemented in the next biennium.

May 13, 2024 Work Session

Council directed the City Manager to schedule a public hearing for an ordinance concerning charges for stormwater and parks service and amending Section 6.406 of the Eugene Code, 1971 with the following motion:

Councilor Keating, seconded by Councilor Groves moved to direct the City Manager to schedule a public hearing on an ordinance amending the definition of “stormwater service” to add the operation and maintenance of city-owned parks and open space as set out in Attachment A to this AIS .

Passed 7:1 (Opposed by Councilor Clark)

COUNCIL OPTIONS

This is a public hearing only and no action is required at this time. Deliberation and action are scheduled for Monday, June 24, 2024.

CITY MANAGER’S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. An Ordinance Concerning Charges For Stormwater and Parks Service and Amending Section 6.406 of the Eugene Code, 1971

FOR MORE INFORMATION

Staff Contact: Matt Rodrigues, Assistant City Manager
Telephone: 541-682-4930
Staff E-Mail: mrodrigues@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CHARGES FOR STORMWATER AND PARKS SERVICE AND AMENDING SECTION 6.406 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of "Stormwater service" in Section 6.406 of the Eugene Code, 1971, is amended to provide as follows:

6.406 Definitions. For purposes of sections 6.401 through 6.645, unless the context requires otherwise words and phrases shall have the meaning ascribed to them. In interpreting the meaning of words in a definition, other definitions of that word in this Code may be considered:

Stormwater service. The use of the city's stormwater system including, but not limited to, collection of stormwater discharged from property on which development exists and its deposit directly or indirectly into the city stormwater system. ***For purposes of sections 6.411 through 6.605 of this code, "stormwater service" shall include operation and maintenance of city-owned parks and open spaces.***

Section 2. It is the policy of this Council that the revenue needed to pay for the direct and indirect expected costs to operate and maintain city-owned parks and open spaces should be considered during the stormwater service ratemaking process. (EC 6.411(2)(g)).

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
____ day of _____, 2024

Approved by the Mayor this
____ day of _____, 2024

City Recorder

Mayor