BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

| In the Matter of Appointing the Land Development) | |
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| Services Director as the Administrator of the Columbia) | ORDER NO. 59-2004 |
| County Natural Resources Depletion Fee Ordinance, | |
| Authorizing the Land Development Services Director and | |
| Code Enforcement Officer to Enforce the Columbia County) | |
| Natural Resources Depletion Fee Ordinance, and | |
| Appointing DOGAMI as the Administrator of the | |
| Columbia County Surface Mining Ordinance | |
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WHEREAS, on March 29, 2000, the Board of County Commissioners approved Order No. 27-2000, "In the Matter of Authorizing Certain Positions Held within Columbia County to Enforce Certain Statutes, Administrative Rules, Ordinances, Orders and Resolutions, and Provisions Thereof"; and

WHEREAS, Pursuant to Ordinance No. 96-2, the Columbia County Natural Resources Depletion Fee Ordinance (hereinafter referred to as the "Depletion Fee Ordinance"), the Board of County Commissioners shall appoint a person to administer the provisions of the ordinance and delegate to that person the powers, rights, duties and authority with respect to the rules, regulations, collection, refunding and administration of the fees levied under the Ordinance; and

WHEREAS, the County has historically contracted for administration of both the Columbia County Surface Mining Ordinance and the Columbia County Natural Resources Depletion Fee Ordinance; and

WHEREAS, the County has contracted with the Oregon State Department of Geology and Mineral Industries (DOGAMI) to act as the Administrator of the Columbia County Surface Mining Ordinance, with the exception of enforcement of the Ordinance; and

WHEREAS, the Board of County Commissioners has decided that it is in the best interest of the County to have County staff administer and enforce the Depletion Fee Ordinance; and

WHEREAS, because the County will be administering the Depletion Fee Ordinance, the Land Development Services Director and Code Enforcement Officer must have the authority to enforce the Ordinance; and

WHEREAS, because the current Enforcement Ordinance authorizes the Surface Mining Administrator to enforce provisions of the Columbia County Surface Mining Ordinance, the Enforcement Ordinance should be amended to revoke such authorization.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Columbia County Land Development Services Director is appointed as the administrator of the Columbia County Natural Resources Depletion Fee Ordinance and is delegated with the powers, rights, duties, and authority with respect to rules, regulations, collection, refunding and administration of the fees levied under the Ordinance.

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- 2. The Columbia County Land Development Services Director and the Columbia County Code Enforcement Officer are hereby authorized to enforce the Columbia County Natural Resources Depletion Fee Ordinance, as amended.
- 3. DOGAMI is appointed as the Administrator of the Columbia County Surface Mining Ordinance according to the terms of the Intergovernmental Agreement with the County, as amended, and is delegated with the powers, rights, duties, and authority with respect to rules, regulations, collection, refunding and administration of the Ordinance. However, DOGAMI shall not have enforcement authority except as may otherwise be provided in the current Intergovernmental Agreement, or as amended.
- 4. The Surface Mining Administrator's authority to enforce violations of the Surface Mining Ordinance is hereby revoked, except as otherwise provided in paragraph 3, above.
- 5. Exhibit A to Order No. 27-2000, and the sections thereof pertaining to the Code Enforcement Officer, Land Development Services Director, and Surface Mining Administrator, are hereby amended as follows:

EXHIBIT A

COUNTY-WIDE POSITIONS WITH ENFORCEMENT AUTHORITY (PURSUANT TO ORDER NO. 27-2000 AND ANY SUPPLEMENT THERETO)

| AUTHORIZED POSITIONS | AREA(S) OF AUTHORITY | RELEVANT PROVISIONS |
|------------------------------------|--|--|
| LAND DEVELOPMENT SERVICES DIRECTOR | Planning, Building, Solid Waste, DEQ Regulations, Surface Mining, Subsurface Sewage, Depletion Fees | Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections, A, B, C, D, E, F, G and H and relevant amendments and ordinances under Subsections S, and T and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance. |
| CODE ENFORCEMENT OFFICER | Planning, Building, Solid Waste, DEQ Regulations, Surface Mining, Subsurface Sewage, Depletion Fees | Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G, and H, and relevant amendments and ordinances under Subsections S, and T, and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance. |

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| SURFACE MINING SADMINISTRATOR | Surface Mining | Violations of the ordinance and provisions thereof, listed in Subsection F, and relevant amendments and ordinances under Subsections S and T of Section 6 of the Columbia County Enforcement Ordinance. As provided in the Intergovernmental Agreement by and Between Columbia County and the Oregon Department of Geology and Mineral Industries, as amended. |
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6. Exhibit B to Order No. 27-2000, and the sections thereof pertaining to the Code Enforcement Officer, Land Development Services Director, and Surface Mining Administrator, are hereby amended as follows:

EXHIBIT B

INDIVIDUAL HOLDING POSITION WITH ENFORCEMENT AUTHORITY ON MARCH 29, 2000 (PURSUANT TO ORDER NO. 27-2000 AND ANY SUPPLEMENT THERETO)

| AUTHORIZED POSITIONS | EMPLOYEES WITH AUTHORITY | RELEVANT PROVISIONS |
|---------------------------------------|-----------------------------|--|
| LAND DEVELOPMENT SERVICES DIRECTOR | TODD DUGDALE | Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections, A, B, C, D, E, F, G and H and relevant amendments and ordinances under Subsections S, and T and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance. |
| CODE ENFORCEMENT OFFICER | HM RICE ROBERT CRAIN | Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G, and H, and relevant amendments and ordinances under Subsections S, and T, and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance. |

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| AUTHORIZED | EMPLOYEES WITH | RELEVANT |
|---------------------------------|-----------------------|--|
| POSITIONS | AUTHORITY | PROVISIONS |
| SURFACE MINING ADMINISTRATOR | CARLA CUDMORE DOGAMI | Violations of the ordinance and provisions thereof, listed in Subsection F, and relevant amendments and ordinances under Subsections S and T of Section 6 of the Columbia County Enforcement Ordinance. As provided in the Intergovernmental Agreement by and Between Columbia County and the Oregon Department of Geology and Mineral Industries, as amended. |

- All other provisions of Order No. 27-2000, as amended, remain unchanged and in full 7. force and effect.
- 8. Letters of Authority shall be issued to Todd Dugdale, Land Development Services Director, and Robert Crain, Code Enforcement Officer.

DATED this <u>AISE</u> day of July, 2004

Approved as to form

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA QOUNTY, OREGON

By: Anthony Hyde, Commissioner