

Legal Counsel Update: August 23, 2017

2:00 p.m. – Board Conference Room

Attending: Commissioners Simon G. Hare, Lily N. Morgan, and Daniel E. DeYoung; Wally Hicks and Pat Ellison, Legal Counsel; Wendy Watkins, Recorder

Chair Simon G. Hare called the meeting to order at 2:00 p.m.

1. LUBA Remand - Shoemaker/Ellison - 1995 Comp Plan Zone Change (Russell Road)

Julie Schmelzer, Community Development Director, explained this case went on for years and at the last hearing a motion was made to table further consideration of the application indefinitely and a motion passed unanimously. Ms. Schmelzer expressed whether the application is valid or not, there should be a time limit but there is not one on this element. The Board would like time to review this further and will bring it back next week.

2. Order No. 2017-___; In the Matter of an Appeal filed by Brimstone Natural Resources Co. of the Community Development Director's Decision to Approve with Conditions, to Authorize Placer Mining Activities within the Riparian Corridor of Brimstone Gulch and to Consider the Proposed Reclamation and Landscaping Plan; Assessor's Legal 34-06-08, TL 800

Pat Ellison, Legal Administrator, discussed the order and Ms. Schmelzer said she has a problem with the body of the text and noticed grammar errors. The Board agreed to review this further and will bring it back next week.

3. Law Library

Wally Hicks, County Legal Counsel, mentioned Beecher Ellison, Law Librarian, has been promoted and accepted a job in the Clerk's Office which leaves the Law Library vacant and would like direction from the Board on how to fill the position. Mr. Hicks reviewed **Law Library – Purpose of Program (Exhibit 1)**.

4. Josephine County Library Board of Trustees; transfer of library authority and financial oversight to Library District

Mr. Hicks discussed transferring the disposition of county assets to the Library District.

5. Matters from Commissioners - ORS 192.640(1)

Commissioner Hare discussed an Intergovernmental Agreement (IGA) with the City of Grants Pass to facilitate the Emergency Management position that he would like to bring forward to tomorrow's County Administration Workshop.

Chair Simon G. Hare called for Executive Session at 3:06 p.m. Minutes filed separately.

Additional Attendees: Michael Watson, Real Property Specialist; Peter Allen, Surveyor; Arthur O'Hare

6. EXECUTIVE SESSION:

a. County Real Property at 102 Redwood Hwy. - ORS 192.660(2)(e)

b. Robert A. White and Shelly Ann White v. Josephine County and Siskiyou Seeds, LLC, et al- Oregon Court of Appeals No. A162460 - ORS 192.660(2)(h)

c. Paradise Ranch (1) Rogue River Mortgage request; (2) Washington Federal request - ORS 192.660(2)(h)

Executive Session Adjourned at 4:03 p.m.

The Board reported the following:

Agenda Item #6a: Commissioner Morgan made a motion to continue item 6a until tomorrow to the County Administration Workshop at 9:00 a.m., seconded by Commissioner DeYoung. Commissioner DeYoung – yes. Commissioner Morgan – yes and Commissioner Hare – yes.

Agenda Item #6b: Discussion only.

Agenda Item #6c: Discussion only.

Meeting adjourned at 4:04 p.m.

EXHIBITS:

Exhibit 1 - Law Library – Purpose of Program

LEGAL COUNSEL

Law Library - Purpose of Program

Josephine County operates a free law library, pursuant to ORS 9.815, that provides legal reference service to the general public as well as to attorneys and judges. Funding for the law library is provided by a fund maintained by the Oregon Judicial Department for the purpose of operating law libraries. The law librarian assists patrons in finding legal reference materials such as statutes, case law, administrative rules, and legal treatises on a wide variety of subjects. The law librarian assists patrons with legal research in both electronic research databases and in print resources.

The law library is an integral part of the provision of County services to the public. In an average month, for example, approximately 100 members of the general public visit the law library, in addition to approximately 20 legal professionals. In an average month the law librarian will respond to between 125 to 150 inquiries from members of the public, and between 20 to 25 inquiries from legal professionals. These do not include emails and telephone calls, nor do they include the use of the OJIN terminal in the law library. In order to serve the public and legal professionals, the law librarian provides referrals to other community resources such as the Women's Crisis Support Team, the Oregon Law Center and the Oregon State Bar Attorney Referral Service. The law librarian helps provide reference service on difficult questions and helps locate rare or hard-to-find documents.

Budget Goal #1 - Improve community outreach and communication to the public by increasing efficiencies within County Departments and providing enhanced service to citizens.

The Law Library has transitioned from primary reliance on print resources to electronic database resources, including Westlaw and LEXIS. The law librarian maintains membership in statewide and nationwide groups of law librarians, which allows access to hundreds of other databases throughout the world. The Josephine County Law Library can retrieve documents from almost any database in the United States, and from many databases in other nations through the cooperation of other law librarians. This greatly enhances the ability of the law library to respond to questions from County departments, citizens, attorneys and judges alike.

Budget Goal #2 - Develop a sustainable plan for all mandated and essential County government programs.

All county law libraries in Oregon are dependent on funding derived from court filing fees and handled and disbursed by the Oregon Judicial Department. The amount of funds available to individual county law libraries has been reduced significantly over the last few years. In response, the Law Library has reduced its reliance on print resources by cancelling practically all of the subscriptions to periodicals and reporters. The law librarian has acquired most of the books received over the last three years by cooperating with other law libraries to acquire books at no charge. In 2016 the LEXIS contract was successfully renegotiated to reduce the contract cost.

Budget Goal #3 - Provide access to County services to the citizens of Josephine County in a transparent, open and professional manner.

In 2016, the Josephine County Law Library served over 1,100 patrons, including over 210 judges and attorneys. The law librarian works closely with other providers of services to persons in need, including the Women's Crisis Support Team. Everyone associated with the Law Library is dedicated to providing the highest possible level of service to the citizens of Josephine County.

Key Performance Indicators:

<u>Service Levels</u>	<u>2015-16 Actual</u>	<u>2016-17 Estimated</u>	<u>2017-18 Budgeted</u>
Patrons Served	1300	1200	1200
Days A Week Open	5	5	5
Inquiries from Public	1400	1400	1400
Inquiries from Legal Professionals	240	230	230

Fiscal Year 2015-16 & 2016-17 Anticipated Accomplishments:

- Updated Lexis Contract and reduced cost to county
- Continually coordinating with other libraries to get free books