

## AGENDA COVER MEMO

Memorandum Date: January 26, 2011  
Order Date: February 2, 2011

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**TO:** Board of County Commissioners

**DEPARTMENT:** Office of Legal Counsel

**PRESENTED BY:** Andy Clark, Assistant County Counsel

**AGENDA ITEM TITLE:** In the Matter of Eliminating the Justice of the Peace Position for Central Lane Justice Court and Consolidating Central Lane Justice District with Upper Willamette Justice District and Clarifying the Usage of the Florence Justice Court and Closing the Oakridge Justice Court and Modifying the Justice of the Peace District Boundaries. (LM 64.200-220)

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### I. MOTION

TO APPROVE THE ORDER IN THE MATTER OF AMENDING CHAPTER 64 OF THE LANE MANUAL TO COMBINE CENTRAL AND UPPER WILLAMETTE JUSTICE DISTRICTS (LM 64.205), AND THE ORDER CLOSING THE OAKRIDGE JUSTICE COURT.

### II. AGENDA ITEM SUMMARY

The Lane County Board of County Commissioners is being asked to approve the combining of the Central Lane Justice District and Upper Willamette Justice District to form one justice district titled the Central and Eastern Lane Justice District, and close the Oakridge Justice Court.

### III. BACKGROUND/IMPLICATIONS OF ACTION

**A. Board Action and Other History** At its August 8, 2010 meeting, the Board of Commissioners discussed the combining of the Upper Willamette Justice District with the Central Lane Justice District to cover the territory currently served by both districts. Combining the districts would also allow the justice court in Oakridge to be closed. The Board was in favor of the change, in large part, because it would result in a savings of approximately \$50,000. In addition, improved efficiencies might result in better service to those within the revised district.

The proposed Orders would combine two of the three justice of the peace districts, leaving two districts, and close the justice court currently associated with the Upper Willamette Justice District in Oakridge.

**B. Policy Issues** This proposal involves the issue of whether the costs saving of eliminating one of three justice of the peace districts is warranted.

**C. Board Goals** This proposal furthers the goal and core strategy of providing governmental services efficiently.

**D. Financial and/or Resource Considerations** Staff anticipates that combining these two justice of the peace districts would result in a savings of approximately \$50,000.

**E. Analysis** ORS 51.020(1) provides: "The ... board of county commissioners of every county may set off and establish, or modify the boundaries of, justice of the peace districts within the county." Inherent within this authorization is the authority to eliminate a previously created district and to modify another district to encompass the territory previously served by the eliminated district. Accordingly, the Board has the authority to eliminate the Central Lane Justice District and modify the boundaries of the Upper Willamette Justice District as proposed. The Upper Willamette Justice District would be renamed as the Central and Eastern Lane Justice District, and its territory would include all of Lane County other than the territory within the Florence Justice District and the territory within the corporate boundaries of the City of Eugene. The court for the Central and Eastern Lane Justice District would be located in Springfield and the court in Oakridge would be closed.

**F. Alternatives/Options**

- 1) Approve the change to Lane Manual chapter 64 and the closing of the Oakridge Justice Court as proposed.
- 2) Reject the proposed change to Lane Manual chapter 64, preserving the current boundaries of the three justice of the peace districts, and maintaining the Oakridge Justice Court.

**IV. TIMING/IMPLEMENTATION**

NA

**V. RECOMMENDATION**

Approve the Order.

**VI. FOLLOW-UP**

Approval of the amendment to Lane Manual chapter 64 takes effect upon Board adoption of the order. Termination of the lease for the space occupied by the Oakridge Justice Court would be accomplished by staff according to Board order. No follow up is needed unless the Board prefers an alternative to that set forth here.

**VII. ATTACHMENTS**

Board Order

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 11-2-2-\_\_\_\_\_

IN THE MATTER OF ELIMINATING THE  
JUSTICE OF THE PEACE POSITION FOR  
CENTRAL LANE JUSTICE COURT AND  
CONSOLIDATING CENTRAL LANE  
JUSTICE DISTRICT WITH UPPER  
WILLAMETTE JUSTICE DISTRICT AND  
CLARIFYING THE USAGE OF THE  
FLORENCE JUSTICE COURT.

**WHEREAS**, the Central Lane Justice of the Peace position has been vacant since the retirement of Justice Sinclair in 2010; and

**WHEREAS**, the Board of Commissioners have explored many options in regards to the makeup of the Justice Courts in Lane County in order to continue to provide service to Lane County residents while also ensuring that the courts are fiscally sound; and

**WHEREAS**, the Board of Commissioners have heard several recommendations and have been provided with public and staff input over the last six months, and

**WHEREAS**, the Board of County Commissioners of Lane County is aware that the Upper Willamette Justice District court and the Florence Justice District court are both underutilized such that the benefits of the courts to Lane County citizens are outweighed by the administrative costs of operation; and

**WHEREAS**, the Board of County Commissioners is mindful of the importance of reducing County administrative costs wherever possible, and has determined that it is in the best interest of a majority of the citizens of Lane County to consolidate the Upper Willamette Justice District court with the Central Lane Justice District court and to handle all criminal matters regularly cited into the three justice courts in Central Lane Justice District court in order to streamline the processes.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Justice of the Peace position for the Central Lane Justice District be eliminated, and

**IT IS FURTHER ORDERED** that the Upper Willamette Justice District be consolidated with the Central Lane Justice District, and that the new combined District be named the Central and Eastern Lane County Justice District.

**IT IS FURTHER ORDERED** that the operations at the Upper Willamette Justice Court located in Oakridge, Oregon be closed and all court operations cease, effective as of the close of business on June 30, 2011.

**IT IS FURTHER ORDERED** that the Florence Justice Court District court will remain open in order to handle civil matters arising in the Florence area.

**IT IS FURTHER ORDERED** that the County Administrator is authorized to take all reasonable steps to implement this order including modifying or terminating the term of the lease of the Willamette Activity Center in Oakridge, Oregon.

**ADOPTED** this 2<sup>nd</sup> day of February, 2011.

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Faye Stewart, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-27-11 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 11-2-2-\_\_\_\_\_

IN THE MATTER OF MODIFYING JUSTICE  
OF THE PEACE DISTRICT BOUNDARIES  
(LM 64.200-220).

**WHEREAS**, ORS 51.020(1) provides the Board of Commissioners with the authority to establish and modify the boundaries of justice of the peace districts within the county; and

**WHEREAS**, the Board of Commissioners has determined that administrative costs will be reduced and the citizens of Lane County will be better served by combining the Upper Willamette Justice District and the Central Lane County Justice District.

**NOW, THEREFORE**, the Board of County Commissioner of Lane County orders as follows:

Lane Manual Chapter 64 is hereby amended by deleting, substituting and adding the following section:

**REMOVE THESE SECTIONS**

64.200 – 64.220  
as located on pages 64-1 — 64-3  
(a total of 3 pages)

**INSERT THESE SECTIONS**

64.200 – 64.220  
as located on pages 64-1— 64-3  
(a total of 3 pages)

The purpose of this deletion, substitution and addition is to combine the Upper Willamette Justice District and the Central Lane County Justice District to form the Central and Eastern Lane County Justice District.

Adopted this 2<sup>nd</sup> day of February, 2011.

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Faye Stewart, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-26-11 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## Chapter 64

### Chapter 64 - JUSTICE COURTS

#### **64.200 Authority for Justice of the Peace Districts of Lane County.**

The Justice Courts are a part of the state court system and operate pursuant to Oregon State statutes, ORS Chapters 51 and 55. *(Revised by Order 99-9-1-2; Effective 9.1.99)*

#### **64.205 District Voting Boundaries.**

There are three Justice of the Peace Districts within Lane County: the Florence Justice District and the Central and Eastern Lane Justice District. The Florence Justice District is, located in western Lane County and includes the City of Florence and the precincts of Florence, Glenada, Heceta, Mapleton, Mercer and Swisshome. The Central and Eastern Lane Justice District covers the remaining central and eastern areas of Lane County, including the Cities of Springfield and Oakridge, and the precincts of Oakridge 1, Oakridge 2, Salmon Creek and Westfir, but excludes any territory within the City of Eugene. The district boundaries are determined according to the descriptions included in Appendix "A" to this section and outlined by the accompanying map included in Appendix "B" to this section. Questions regarding whether specific territory is included in either district may be directed to the Management Services (County Clerk division) of Lane County, Oregon. *(Revised by Order 99-9-1-2, Effective 9.1.99; 03-1-15-5, 1.15.03)*

#### **64.210 Criminal Jurisdiction.**

Criminal jurisdiction extends to all misdemeanors or as otherwise defined by state law. *(Revised by Order 99-9-1-2; Effective 9.1.99)*

#### **64.215 Civil Jurisdiction.**

Civil jurisdiction extends generally to those cases where the amount of money, damages or specific property claimed does not exceed \$5,000 and which are not excluded by state law. *(Revised by Order 99-9-1-2; Effective 9.1.99; 03-1-15-5, 1.15.03)*

#### **64.220 Small Claims.**

The Small Claims Department has jurisdiction for the recovery of money or damages where the amount claimed does not exceed \$5,000 and has sole jurisdiction where the amount claimed does not exceed \$200. *(Revised by Order 99-9-1-2; Effective 9.1.99; 03-1-15-5, 1.15.03)*

### APPENDIX "A" TO CHAPTER 64 SECTION 64.205 OF LANE MANUAL

#### FLORENCE JUSTICE DISTRICT

Beginning at the intersection of the North Boundary of Lane County and the top of the ridge separating the drainage basin of Lobster Creek and its tributaries from the drainage basins of Lake Creek and Swamp Creek and their tributaries in Section 7, Township 15, Range 7 West, Willamette Meridian; thence Southerly along said ridge and the ridge dividing Deadwood Creek and its tributaries from Greenleaf Creek; then the ridge dividing Wheeler Creek and Chapel Creek drainage basins; downstream Chapel Creek to Lake Creek, thence downstream Lake Creek to the point of intersection of the center of the main channel of Lake Creek and the centerline of the Lane County Garbage Dump Road in Section 14, Township 17 South, Range 9 West; Willamette Meridian; thence Southerly along said road to the Garbage Dump to the ridge dividing the tributaries of

Lake Creek from the tributaries of the Siuslaw River; thence Easterly along said ridge; thence along the ridge dividing the drainage basin of San Antone Creek and Smith Creek from the Walker Creek drainage basin; thence downstream Meadow Creek to the Siuslaw River; thence upstream said river to an unnamed tributary approximately 900 ft., upstream from the confluence of Rock Creek (South side of Siuslaw River) thence along the ridge dividing Turner Creek, Waite Creek, Bounds Creek and Whittaker Creek drainage basins from the drainage basins of Barber Creek and Knowles Creek and their tributaries to a point where said ridge crosses the South boundary of Lane County in Section 1, Township 19 South, Range 9 West, Willamette Meridian; thence Westerly along the South boundary of Lane County to the Pacific Ocean; thence Northerly along the Pacific Ocean shoreline to the North boundary of Lane County; thence Easterly along the North boundary of Lane County to the top of the ridge separating the Lobster Creek drainage basin and its tributaries from the drainage basins of Lake Creek and Swamp Creek and their tributaries in Section 7, Township 15 South, Range 7 West, Willamette Meridian; the point of beginning, in Lane County, Oregon.

This Justice District includes the Precincts of Florence, Glenada, Heceta, Mapleton, Mercer and Swisshome.

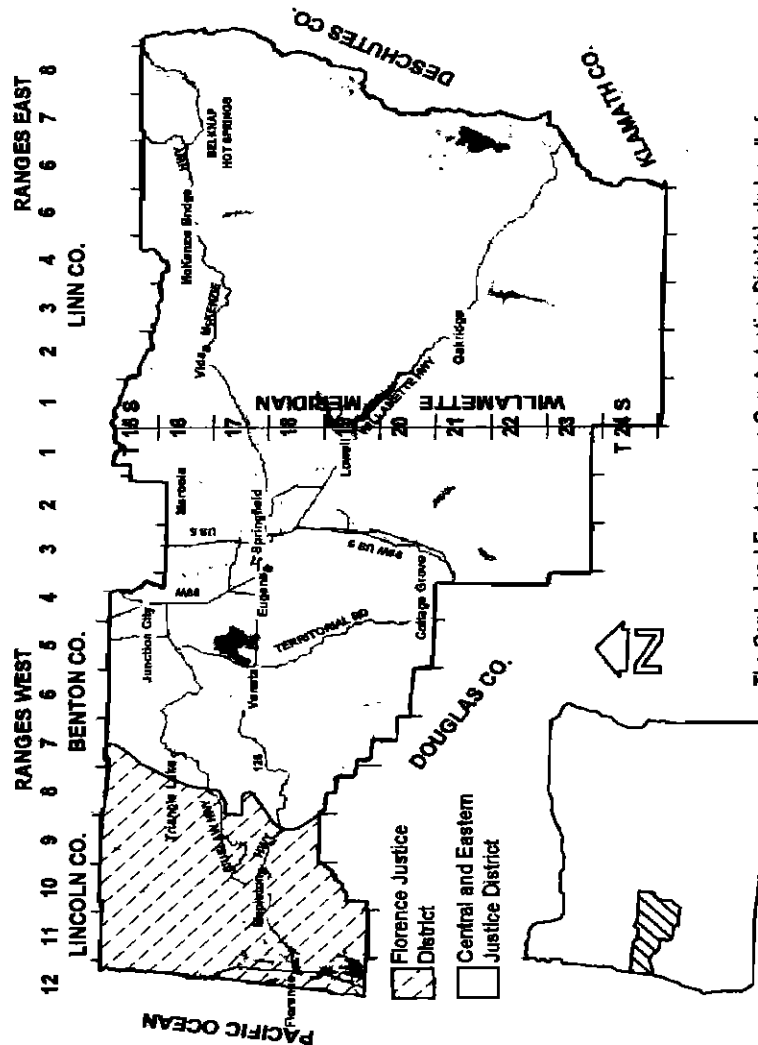
#### CENTRAL AND EASTERN LANE JUSTICE DISTRICT

This Justice District covers all areas in Lane County outside of the corporate boundary of the City of Eugene and outside of those areas covered by the Florence Justice District. This Justice District includes all precincts within Lane County, except the precincts of Florence, Glenada, Heceta, Mapleton, Mercer, Swisshome, and all precincts within the corporate limits of the City of Eugene.

DATED: 2-2-11  
APPENDIX "A" TO CHAPTER 64  
SECTION 64.205 OF LANE MANUAL

*(Revised by Order 90-2-14-12; Effective 2.14.90)*

DATED: 2-14-90  
 APPENDIX "B" TO CHAPTER 64  
 SECTION 64.205 OF LANE MANUAL



The Central and Eastern Lane County Justice District includes all of Lane County except for territory within the Florence Justice District and the corporate limits of the City of Eugene.

## LANE COUNTY OREGON

DATED: 2-2-11  
 APPENDIX "B" TO CHAPTER 64  
 SECTION 64.205 OF LANE MANUAL

(Revised by Order 90-2-14-12; Effective 2.14.9)



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Bold indicates material being added  
Strikethrough indicates material being deleted

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FORMAT**

64.200

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**Chapter 64**

**Chapter 64 - JUSTICE COURTS**

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**64.205 District Voting Boundaries.**

There are three Justice of the Peace Districts within Lane County: **the Florence Justice District and the Central and Eastern Lane Justice District.** **The Florence Justice District is, located in eastern-western Lane County and includes the City of Florence and the precincts of Florence, Glenada, Heceta, Mapleton, Mercer and Swisshome. The Central and Eastern Lane Justice District covers the remaining central and eastern areas of Lane County, including the Cities of Springfield and Oakridge, and the precincts of Oakridge 1, Oakridge 2, Salmon Creek and Westfir, but excludes any territory within the City of Eugene.** ~~at Oakridge, western Lane County at Florence and central Lane County at Springfield.~~ The district boundaries are determined according to the descriptions included in Appendix "A" to this section and outlined by the accompanying map included in Appendix "B" to this section. ~~The Florence Justice District includes the Precincts of Florence, Glenada, Heceta, Mapleton, Mercer and Swisshome. The Upper Willamette Justice District includes the Precincts of Oakridge 1, Oakridge 2, Salmon Creek and Westfir. The Central Lane County Justice District includes the balance of Lane County excluding any territory within the City of Eugene. Any questions regarding whether on what specifically territory is included in either district may be directed to the Director of the Department of Court, Elections and Records Administration Management Services (County Clerk division) of Lane County, Oregon.~~ *(Revised by Order 99-9-1-2; Effective 9.1.99; 03-1-15-5, 1.15.03)*

**64.210 Criminal Jurisdiction.**

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**64.220 Small Claims.**

The Small Claims Department has jurisdiction for the recovery of money or damages where the amount claimed does not exceed \$5,000 and has sole jurisdiction where the amount claimed does not exceed \$200. *(Revised by Order 99-9-1-2; Effective 9.1.99; 03-1-15-5, 1.15.03)*

APPENDIX "A" TO CHAPTER 64  
SECTION 64.205 OF LANE MANUAL

FLORENCE JUSTICE DISTRICT

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This Justice District includes the Precincts of Florence, Glenada, Heceta, Mapleton, Mercer and Swisshome.

UPPER WILLAMETTE JUSTICE DISTRICT

~~Beginning at the Northwest corner of Township 19 South, Range 4 East, Willamette Meridian; thence East 12 miles to the Northeast corner of Township 19 South, Range 5 East, Willamette Meridian; thence Southeasterly along the divide between the watersheds of the Middle Fork of the Willamette River and the Roaring River to the Eastern boundary of Lane County; thence Southerly and Westerly along the boundary of Lane County to the Southwest corner of Township 24 South, Range 3 East, Willamette Meridian; thence North to the Northwest corner of Township 22, Range 3 East, Willamette Meridian; thence West 2 miles, North 3 1/2 miles to the North line of the South 1/2 of Section 15, Township 21 South, Range 2 East, Willamette Meridian; thence West 2 miles, North 2 1/2 miles to the Northwest corner of Section 4, Township 21 South, Range 2 East, Willamette Meridian; thence East 1 mile, North 6 miles to the Northwest corner of Section 3, Township 20 South, Range 2 East, Willamette Meridian; thence East to the Northwest corner of Township 20 South, Range 3 East, Willamette Meridian; thence North 3 miles, East 4 miles, North 1 mile, East 2 miles, North 2 miles to~~

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~~This Justice District includes the Precincts of Oakridge 1, Oakridge 2, Salmon Creek and Westfir.~~

**CENTRAL AND EASTERN LANE JUSTICE DISTRICT**

This Justice District covers all areas **in Lane County outside of the corporate boundary of the City of Eugene** and outside of those **areas** covered by the Florence Justice District. ~~and the Upper Willamette Justice District.~~ This Justice District includes all precincts within Lane County, except the precincts of Florence, Glenada, Heceta, Mapleton, Mercer, Swisshome, ~~Oakridge 1, Oakridge 2, Salmon Creek and Westfir,~~ and all precincts within the corporate limits of the City of Eugene.

DATED: ~~2-14-90~~**2-11**

APPENDIX "A" TO CHAPTER 64

SECTION 64.205 OF LANE MANUAL

*(Revised by Order 90-2-14-12; Effective 2.14.90)*

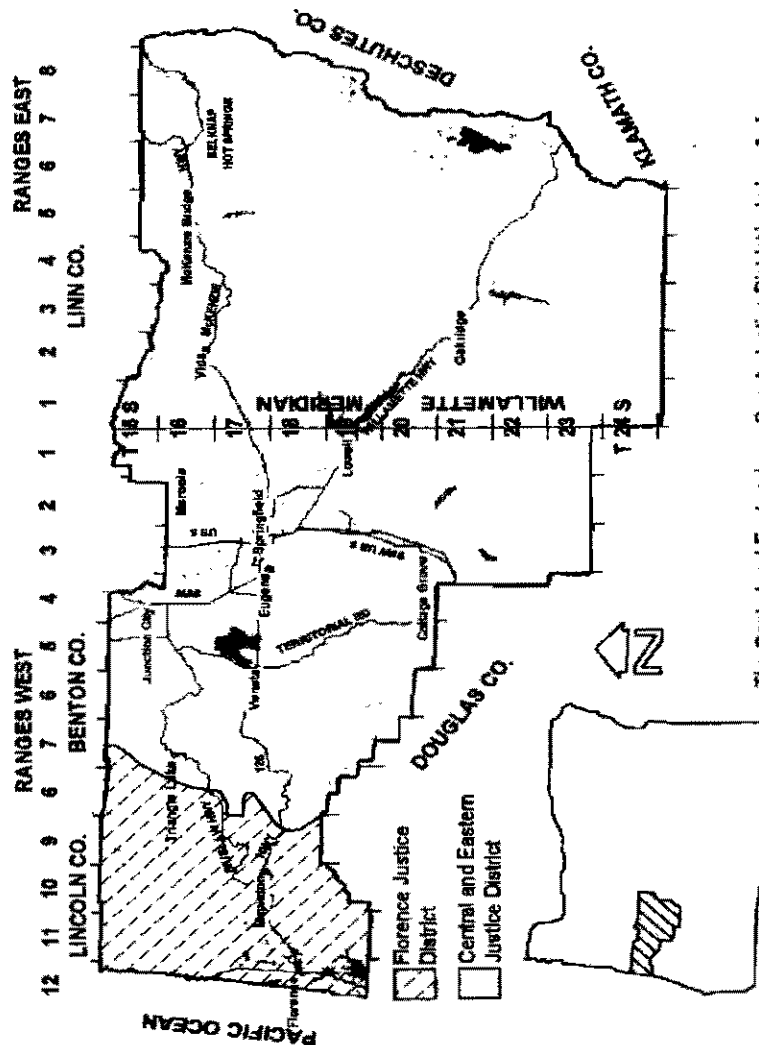
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DATED: 2-14-90  
APPENDIX "B" TO CHAPTER 64  
SECTION 64.205 OF LANE MANUAL



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### LANE COUNTY OREGON

DATED: 2-14-90 2-2-11  
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SECTION 64.205 OF LANE MANUAL

(Revised by Order 90-2-14-12; Effective 2.14.9)