

W. S. F. I.

**AGENDA COVER MEMO**

AGENDA DATE: January 19, 2011  
Memorandum Date: January 12, 2011

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPARTMENT: Office of County Administration

PRESENTED BY: Liane Richardson, Acting County Administrator

AGENDA ITEM TITLE: Appointment of Lane County Sheriff

I. **MOTION** - I move that the Board appoint Acting Sheriff Tom Turner as Sheriff for the remainder of Sheriff Russ Burger's term.

II. **AGENDA ITEM SUMMARY.**

In late December, 2010, Sheriff Russ Burger received word that he had been confirmed as US Marshall for the District of Oregon. On January 7, 2011, Sheriff Burger submitted his resignation, effective 11:59 pm on January 10, 2011. As Undersheriff, Tom Turner assumed the role of Acting Sheriff at 12:00 am on January 11, 2011. Oregon law provides that the Board of Commissioners has 30 days from the date of vacancy to appoint a successor in the Office of the Sheriff. The appointee must run in the next general election if they wish to remain in the position of Sheriff.

III. **BACKGROUND/IMPLICATIONS OF ACTION**

A. **Board Action and Other History**

The Board has been aware of the possibility of this appointment for approximately 18 months. After the Sheriff was confirmed in December, Commissioners were informed of the process and the upcoming appointment opportunity. Sheriff Burger served copies of his resignation on all commissioners, the County Administrator, and County Counsel on January 7, 2010. All Board members and Sheriff's Office staff were informed that the item would be brought before the Board of Commissioners at the upcoming board meeting as an emergency business item on the January 12, 2011 agenda. The Board of Commissioners was informed of the vacancy and that they had approximately 28 ½ more days to make a decision or Acting Sheriff Turner would simply assume the role of Sheriff.

The Board discussed the concern that the general public had not had notice of this item, and that there was a concern that public input and other potential applications had not been solicited or considered by the Board. The Board also discussed having received input from various employees and groups of employees. The Board voted to have staff draft an order appointing Tom Turner as Sheriff, and to bring it back on consent calendar the following week, which will be January 19, 2011.

B. **Policy Issues** - The Board has the duty and authority to appoint persons to fill certain vacancies in elected office.

**C. Board Goals** - The Board has a goal of supporting public safety. Public Safety employees and groups have indicated that an immediate appointment of Tom Turner as Sheriff would most support that goal.

**D. Financial and/or Resource Considerations** - There are fiscal and other issues that are on hold until the Board acts on this vacancy. Decisions need to be made by the Sheriff, and while it is uncertain who will assume that role, those decisions cannot be made.

**E. Analysis** - Tom Turner has been the Assistant Director under various titles for the Sheriff's Office since shortly after Sheriff Burger was elected. He has acted as Sheriff in the absence of Sheriff Burger. He is the person in charge of administration for the Sheriff's Office, and therefore is the most familiar with budget, personnel, and administrative issues. He has served on the negotiating teams while dealing with LCPOA and FOPPO, and has dealt with AFSCME personnel issues as well. With Sheriff Burger's absence, Tom Turner is the only person with the vast pool of knowledge necessary to hit the ground running in a time what that quality isn't just nice to have, but essential. Tom Turner has the support of the Sheriff's Department for this position. There may be other employees who are interested in running for the office next year, but it appears that even those employees acknowledge that Tom Turner is the best person to assume the role of Sheriff at this time. There are also personnel issues and upcoming criminal cases that will require a strong, empathetic leader who the rest of the department can look to for support and guidance. The Sheriff's Office has many strong leaders but none who are ready to assume the role at this point in time.

**F. Alternatives/Options**

1. Approve the Board Order appointing Tom Turner as Sheriff.
2. Revisit the issue and determine if the Board wishes to move in a different direction. The Board will have approximately 21 days left of the 30 days at the time this comes before the Board on the agenda.

**IV. TIMING/IMPLEMENTATION**

- V. RECOMMENDATION** - It is my recommendation that the Board approve the Board Order appointing Tom Turner as Sheriff.

**VI. ATTACHMENTS**

corrected  
order W. 5. F. I.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 11-1-19-6

IN THE MATTER OF APPOINTING TOM TURNER AS  
LANE COUNTY SHERIFF

**WHEREAS**, Sheriff Russ Burger resigned effective 11:59 pm on January 10, 2011, to assume the position of U.S. Marshal for the State of Oregon, and

**WHEREAS**, Undersheriff Tom Turner assumed the role as Acting Sheriff immediately when the resignation of Sheriff Burger became effective, and

**WHEREAS**, after due deliberation and discussion, the Board of County Commissioners determined that Tom Turner is the most appropriate person to fulfill the remainder of Sheriff Burger's term.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that Tom Turner be appointed as Lane County Sheriff, effective immediately, to perform the duties of the office until the vacancy created by the resignation of Sheriff Burger is filled by election.

Approved this 19th day of January 2011.

\_\_\_\_\_  
Faye Stewart  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date \_\_\_\_\_ Lane County

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