

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 19-09-10-08

In the Matter of Waiving Attorney Client
Privilege in the Matter of ORS 294.100.

WHEREAS, on May 21, 2019 the Board of Commissioners requested that County Counsel hold an executive session of voter referrals of ballot measures that may conflict with state law; and

WHEREAS, on May 21, 2019 the Board of Commissioners also requested that County Counsel specifically address in potential individual personal liability for commissioner actions in referring measures to the ballot; and

WHEREAS, County Counsel prepared a legal memorandum and opinion dated July 2, 2019 addressing the questions posed by the Board of Commissioners in preparation for the requested executive session on referral of voter measures and potential individual personal liability of commissioners for actions in referring measures to the ballot; and

WHEREAS, on July 9, 2019 the Board of Commissioners pursuant to ORS 102.660(2)(h) conducted an executive session on the application of ORS 294.100 and issues associated with the referral of voter measures to the ballot; and

WHEREAS, the Board of Commissioners agreed to hold a work session to discuss the referral of voter measures to the ballot; and

WHEREAS, the Board of Commissioners believed the release of the July 2, 2019 legal memorandum and opinion prepared by County Counsel is a necessary part of a work session to discuss the referral of voter measures; and

WHEREAS, on July 23, 2019 the Board of Commissioners unanimously voted to waive the attorney-client privilege, but only with respect to the written legal opinion prepared by County Counsel dated July 2, 2019; and

WHEREAS, on August 20, 2019 the Board of Commissioners scheduled the above work session October 16, 2019 to discuss the referral of voter measures; and

WHEREAS, County Counsel prepared an additional legal memorandum and opinion dated August 26, 2019 addressing issues raised by Attorney Daniel Meek in preparation for the work session on referral of voter measures and potential individual personal liability of commissioners for actions in referring measures to the ballot; and

WHEREAS, the Board of Commissioners believe the release of the August 26, 2019 legal memorandum and opinion prepared by County Counsel is a necessary part of the October 16, 2019 work session to discuss the referral of voter measures; and

WHEREAS, on September 10, 2019 the Board of Commissioners unanimously voted to waive the attorney-client privilege, but only with respect to the written legal opinion prepared by County Counsel dated August 26, 2019; and

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The attorney-client privilege is waived as to the written legal memorandum and attachments prepared by County Counsel date August 26, 2019.

ADOPTED this 10th day of September, 2019.



Pete Sorenson, Chair
Lane County Board of Commissioners