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AGENDA COVER MEMO

AGENDA DATE: April 18, 2005
TO: Board of County Commissioners
DEPT.: County Counsel/Law Library
PRESENTED: Linda Falken, Law Librarian 
AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 3 OF THE LANE MANUAL TO REVISE THE NUMBER OF MEMBERS APPOINTED BY LANE COUNTY BAR ASSOCIATION TO THE LAW LIBRARY ADVISORY COMMITTEE AND LENGTH OF TERM FOR LAY CITIZEN MEMBERS (LM 3.542) AND APPROVING BYLAWS

MOTION

TO AMEND CHAPTER 3 OF THE LANE MANUAL TO REVISE THE NUMBER OF MEMBERS APPOINTED BY LANE COUNTY BAR ASSOCIATION TO THE LAW LIBRARY ADVISORY COMMITTEE AND THE LENGTH OF TERM FOR LAY CITIZEN MEMBERS (LM 3.542) AND APPROVING BYLAWS

I. ISSUE OR PROBLEM

The Lane County Law Library has operated for years with an advisory committee, which included nine (9) members of the Lane County Bar Association, appointed by the Bar President in July of each year. There are also two lay members on the Committee, each serving concurrent terms. However, in actual practice the Lane County Bar President only appointed seven (7) members of the local bar to serve on the Committee for the past four years. Achieving a quorum at meetings has become extremely difficult, particularly if one or both of the lay members is also unavailable.

Additionally, the two lay members were appointed for 3-year terms, one due to expire April 2004. (Board Order No. 02-4-3-11). This is consistent with past practice, although inconsistent with the Lane Manual description of the term for lay members.

II. DISCUSSION

Background and Analysis

The Lane Manual section that defines the Lane County Law Library Advisory Committees role and membership was last amended in 2000. (Per LM 3.542, last revised by Order No. 00-8-16-1, effective August 17, 2000.) That section stated that the Committee consisted of: 1) nine (9) representatives from the local bar; two (2) lay members, representing the interests of public users (i.e., non-attorney); and 3) a non-voting ex-officio member, served conjointly by different staff members from the University of Oregon Law Library. The Committee's bylaws, last revised in 1994, also reflected the same number of total members. This meant a quorum requirement of 6 members was necessary for conducting business.

Until about 2001, the Committee had adequate volunteers to serve, resulting in nine appointments to the Committee by the Lane County Bar President. However, due to some resignations during that term - and the inability to locate other volunteers to serve, only seven attorneys/bar representatives were appointed in 2001-02, and in subsequent years. This left two of the positions vacant over the last four years.

The lay members have also been unavailable for much of the last year or so. The result of both the reduced bar appointments and difficulties for our lay members has been a decline in the number of meetings per year in which the Committee can conduct business, due to lack of a quorum

The Committee believes that reducing the number of voting members from 11 to 9 and the attendant reduction in the quorum requirement would increase the likelihood of meetings where they are able to conduct business. In undertaking these changes, the Committee solicited input from the current Lane County Bar President and from the LCBA Executive Board. Both indicated that the association had no objections to these changes. A letter from John Kim, current LCBA President (2004-2005) indicating the Association's approval of these changes, accompanies this memo.

With respect to the law members, one term expires this year, the other in 2006. The appointments of lay members in recent years have been for only 3 years, although the Lane Manual called for 4 year terms. The three-year term seems to work well, and I would recommend conforming the Lane Manual to actual practice.

Consequently, the Committee would ask that the membership be reduced and the lay member terms be changed in the Lane Manual to conform to recent practices. In recognition of these proposed changes, the Committee revised its bylaws to conform to the suggested amendments. During the revision effort, the 1994 bylaws text was further streamlined to reflect current operations and membership. These revised bylaws, attached, were considered and approved by the Advisory Committee in their last regular meeting.

III. ALTERNATIVES/OPTIONS

1. To approve the motion on amending the Law Library Advisory Committee's membership, and to approve the amended bylaws
2. Do not approve the motion.
3. Modify the motion.

IV. RECOMMENDATION

It is recommended that the Board amend the Lane Manual to include the proposed changes to section 3.542 on the Lane County Law Library Advisory Committee, and that the amended bylaws submitted be approved.

IV. ATTACHMENTS

Board Order
Lane Manual 3.542
Letter from John Kim, LCBA President

John H. Kim, President
Maureen DeFrank, President-Elect
Mindy Wittkop, Secretary-Treasurer

LANE COUNTY BAR ASSOCIATION
P. O. BOX 11379
EUGENE OR 97440
(541) 687-8700
JOHNKIM@PEAK.ORG

Judge Douglas Mitchell
Stephanie Chandler
Jens Schmidt
Mindy Wittkop
Murray Pettit
Prof. Margie Paris

April 12, 2005

Mr. William C. Carpenter Jr.
Attorney at Law
Suite 303
474 Willamette St.
Eugene OR 97401

RE: Revising Number of Bar Appointees to Lane County Law Library Advisory Committee

Dear Bill:

This letter is in response to your question about the number of representatives from the Lane County Bar Association that serves on the Lane County Law Library Advisory Committee. To my knowledge there is no need to be appointed to this Committee. The general principles that I have followed as Bar President have been to appoint members who have expressed an interest in serving on this particular committee.

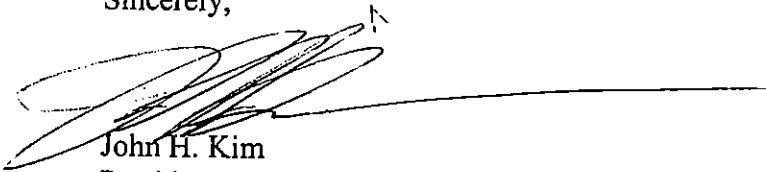
You have expressed some concern over the fact that the Committee's bylaws indicate that there should be nine members appointed, but only seven have served for the last few years. You also mentioned that these vacancies have impacted the work of the Committee since the requirements for a quorum are still six (out of 11 potential members) instead of a simple majority of the members actually serving (nine members currently appointed either by the Bar or by the Board.) In order to correct this problem of a working quorum for meetings, you have stated that the Committee would like to amend its bylaws. These proposed changes in the actual number of bar members to be appointed would reflect the current reality of available volunteers (i.e., going from nine to seven.)

It is my understanding that Professor Margie Paris now serves as the Lane County Bar Executive Board Liaison with your Committee and concurs with these suggested changes. I presented the issue to the Board on April 7, 2005, and was met with no objections. There would still be a significant number of participants who would serve on the Committee and represent the interests of the local bar members in the Law Library's operation, which in some cases is still a higher level of participation than with other bar activities.

You asked that I send you a written statement indicating that the Lane County Bar Association would have no issues with the proposed changes. By this letter, I am so

indicating that the LCBA agrees with the proposed changes. If you require any further comments or have other questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Kim", is written over a horizontal line. The signature is stylized and somewhat illegible due to the cursive nature of the writing.

John H. Kim
President

ck;jhk

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 3 OF LANE MANUAL TO REVISE THE NUMBER OF MEMBERS APPOINTED BY LANE COUNTY BAR ASSOCIATION TO THE LAW LIBRARY ADVISORY COMMITTEE AND LENGTH OF TERM FOR LAY CITIZEN MEMBERS (LM 3.542), AND APPROVING BYLAWS

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 3 is hereby amended by removing, substituting, and adding the following section:

REMOVE THIS SECTION

3.542

as located on page 3-41
(a total of 1 page)

INSERT THIS SECTION

3.542

as located on pages 3-41
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to amend LM section 3.542 to revise the number of members appointed by the Lane County Bar Association to the Law Library Advisory Committee, and the length of term for lay citizen members of the Committee (LM 3.542), and

IT IS FURTHER ORDERED that the revised Committee Bylaws attached as Exhibit B are consistent with the Lane Manual and are approved.

Adopted this _____ day of _____ 2005.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 4/25/05 Lane County



OFFICE OF LEGAL COUNSEL

and discrimination complaints and recommends appropriate action; recommends policies and actions to improve access to County services and employment opportunities, and for overcoming cultural, linguistic and physical barriers which limit accessibility; provides an annual report to the Board of County Commissioners on the progress and condition of human rights in Lane County (including past activities, future goals and the number, type, and resolution of complaints); holds at least three (3) Committee meetings outside the Eugene/Springfield area utilizing city council meetings, community forums, and joint meetings with the Commissioner of the District in which the meetings are held; develops a work plan annually for the upcoming year; affirms, encourages and promotes programs and services designed to effectuate the spirit and intent of laws prohibiting discrimination and that recognize and value the cultural diversity of Lane County.

STAFFING: Department of Management Services

MEETS: Monthly

NONMANDATED

MEMBERSHIP: (14) Consists of up to 14 citizens, to include representation from among the protected classes of women, youth, older workers, disabled persons and African-Americans, Latinos, Asian-Americans and Native Americans. Notwithstanding LM 3.506(2)(j), County employees may apply, and be appointed, to serve on off-duty hours.

NOTE: 3 Lane County employees allowed.

TERM: 4 years, ending April 30

(Revised by Order No. 00-8-16-1, Effective 8.17.00; 02-8-28-15, 8.28.02)

3.542 Law Library Advisory Committee.

Works with assigned county staff to maintain adequate law library facilities and services.

STAFFING: Office of Legal Counsel

MEETS: Quarterly

NONMANDATED

MEMBERSHIP: (9) Consists of seven members appointed by the Lane County Bar Association, two lay citizens appointed by the Board of Commissioners, and a member of the University of Oregon Law Library staff as an ex-officio member.

TERM: 3 years (for lay citizens), ending September 30 *(Revised by Order No. 00-8-16-1; Effective 8.17.00)*

| At right margin indicates changes

Bold indicates material being added

~~Strikethrough~~ indicates material being deleted

3.542

Lane Manual

LEGISLATIVE

FORMAT

3.542

and discrimination complaints and recommends appropriate action; recommends policies and actions to improve access to County services and employment opportunities, and for overcoming cultural, linguistic and physical barriers which limit accessibility; provides an annual report to the Board of County Commissioners on the progress and condition of human rights in Lane County (including past activities, future goals and the number, type, and resolution of complaints); holds at least three (3) Committee meetings outside the Eugene/Springfield area utilizing city council meetings, community forums, and joint meetings with the Commissioner of the District in which the meetings are held; develops a work plan annually for the upcoming year; affirms, encourages and promotes programs and services designed to effectuate the spirit and intent of laws prohibiting discrimination and that recognize and value the cultural diversity of Lane County.

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3.542 Law Library Advisory Committee.

Works with assigned county staff to maintain adequate law library facilities and services.

STAFFING: Office of Legal Counsel

MEETS: Quarterly

NONMANDATED

MEMBERSHIP: (119) Consists of ~~nine~~ seven members appointed by the Lane County Bar Association, two lay citizens appointed by the Board of Commissioners, and a member of the University of Oregon Law Library staff as an ex-officio member.

TERM: ~~43~~ years (for lay citizens), ending September 30 *(Revised by Order No. 00-8-16-1; Effective 8.17.00)*

Law Library Advisory Committee Bylaws

Article I. Name. This Committee shall be known as the Lane County Law Library Advisory Committee, hereinafter referred to as the Committee.

Article II. Responsibilities and Objectives. In accordance with Lane Manual 3.542, the Committee has the following authority and responsibility: "Works with assigned County staff to maintain adequate law library facilities and services."

In addition to and in furtherance of the above-cited objective, the Committee shall:

- A. Perform its duties in accordance with ORS 9.840, 9.850 and 21.350.
- B. Act as liaison between the Board of County Commissioners and the Executive Committee of the Lane County Bar Association regarding law library matters.
- C. Provide advisory recommendations to the Law Librarian concerning policies for the law library, and its programs and services.
- D. Provide advisory recommendations to the Law Librarian on long-range requirements for the law library
- E. Make advisory recommendations to the Board of County Commissioners on the appointment of lay members.

Article III. Membership.

- A. The Committee shall consist of nine (9) members.
- B. Two (2) members of the Committee shall be lay members, appointed by the Board of County Commissioners. Each lay member shall be appointed to serve a three (3) year term, ending on September 30th of the third year. Lay members are defined as individuals who are not members of the Lane County Bar Association or active members of the Oregon State Bar Association.
- C. Seven (7) members of the Committee shall be members of the Lane County Bar Association, appointed by the president of the Bar, to serve a one (1) year term, subject to reappointment by the Bar Association for additional terms.
- D. A member of the University of Oregon Law Library staff shall serve as an ex-officio member. Additional ex-officio members may be appointed by the Committee. Ex-officio members serve in a non-voting capacity.

Article IV. Vacancies.

- A. Vacancies may occur because of death, illness, resignation or other reasons. When such a situation occurs, the Chair shall notify the appointing authority and request the appointment of a replacement to complete the term of the vacant position. A member who wishes to resign shall do so by submitting a letter to the appointing authority and a copy to the Chair, specifying the effective date.
- B. A member who is absent without excuse from three (3) consecutive meetings shall receive a certified letter from the Chair stating that if the member fails to attend the next meeting without excuse, the Chair will request the Committee vote to declare the position vacant. Upon such a vote, the Chair will notify the appointing authority of the vacancy and request appointment of a replacement.

Article V. Officers.

A. Except as specified below, the officers of the Committee shall serve for one (1) year or until their successor is designated. The officers consist of:

1. Chair – who shall preside at all meetings of the Committee. The Chair is appointed to serve by the Lane County Bar Association president.

2. Vice-Chair – who shall act in the absence of the Chair. The Vice-Chair is elected by the Committee in October of each year.

3. Secretary – who shall provide the staff support to the Committee. The Secretary shall be the Law Librarian.

B. The Committee may remove an officer from office for misconduct or neglect of duty in office.

Article VI. Meetings and Voting.

A. The Committee shall meet at least quarterly, as mandated by LM 3.542.

B. All meetings of the Committee (and any appointed sub-committee) shall be conducted in accordance with the Oregon Open Meetings Law, ORS 192-610-.690. The Secretary shall be responsible for complying with the requirements of the law, including advance public notice of the agenda and written minutes.

C. Meetings of the Committee shall be conducted generally according to Roberts' Rules of Order, latest revision.

D. Each lay and bar member of the Committee shall be entitled to one vote on all issues at a meeting at which the member is present, except as provided in Article VII Conflict of Interest. No proxy votes shall be allowed.

E. A majority of the total membership shall constitute a quorum for the transaction of business at any meeting of the Committee.

F. The act of a majority of the total membership shall be the act of the Committee.

G. Vacancy in a position does not change the number needed for purposes of calculation of quorum or votes needed to take action.

Article VII. Conflict of Interest. In accordance with ORS Chapter 244, no Committee member shall participate in a decision in which he or she has a private pecuniary interest. Affected members shall disqualify themselves from participation, and state on the record the nature of their conflict.

Article VIII. Role of Staff. The Law Librarian shall provide administrative support for the Committee meetings, including preparation of notices, agendas (in conjunction with the Chair), minutes and background information on agenda items, as well as professional advice to the Committee. The Law Librarian shall accurately present the Committee's recommendations on matters to the Board of County Commissioners; however, the Librarian shall also be responsible for providing professional assistance and advice to the County, whether or not such advice may conflict with the Committee recommendation.

Article IX. Amendments to Bylaws. The Committee by majority vote of the total membership may recommend amendments to these bylaws. Amendments shall become effective only upon approval of the Board of County Commissioners.

Adopted this 15th day of March by the Law Library Advisory Committee.

Approved the ____ day of _____ by the Board of County Commissioners.