

**AGENDA COVER MEMO**

AGENDA DATE: January 3, 2007  
 Memorandum Date: December 21, 2006

TO: LANE COUNTY BOARD OF COMMISSIONERS  
 DEPARTMENT: LANE COUNTY OFFICE OF LEGAL COUNSEL  
 PRESENTED BY: Teresa J. Wilson, County Counsel  
 AGENDA ITEM TITLE: In the Matter of Selecting Newspapers to Publish Ballots, Monthly Statement of Expenditures, Personal Property Tax Warrants, And Notices of Real Property Tax Foreclosures

**I. MOTION**

I MOVE THAT THE REGISTER GUARD AND THE OREGON DAILY EMERALD BE SELECTED TO PUBLISH BALLOTS, AND THE REGISTER GUARD TO PUBLISH THE MONTHLY STATEMENT OF EXPENDITURES, PROPERTY TAX WARRANTS, AND NOTICES OF FORECLOSURE.

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve the selection of newspapers for publication of various legal notices throughout the year, pursuant to statutory requirements.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History** At the first meeting of the year, the County must select two newspapers of general circulation to publish sample ballots. ORS 254.205. This publication requirement applies to polling place elections, but may also be cross-referenced for other elections purposes. The Board must also select a weekly or daily paper of general circulation to publish the monthly statement of expenditures, ORS 294.250, and a paper of general circulation to publish the personal property tax warrants and the notice of real property tax foreclosures. ORS 311.615, 312.040.

**B. Policy Issues** The policy objective here is to ensure that legally required notice is given as broad a distribution to County residents as is reasonable.

**C. Board Goals** The Board's second Strategic Objective is to engage and inform citizens about Lane County's services. Complying with these publication requirements is in furtherance of that objective.

**D. Financial and/or Resource Considerations** There are no immediate financial considerations to the proposed decision. The costs of publication only occur at the time and by the activity identified.

## **E. Analysis**

<u>PUBLICATION</u>	<u>TIMES PUBLISHED</u>	<u>TOTAL CIRCULATION</u>	<u>GENERAL AREA OF COVERAGE</u>
<u>Register Guard</u>	7 times per week	68,497/day Mon-Fri 74,848 Saturday 72,626 Sunday	Eugene/Springfield/Lane Co./elsewhere in the State
<u>Cottage Grove Sentinel</u>	1 time per week	4,500/day	Cottage Grove and surrounding area
<u>Siuslaw News</u>	2 times per week (Wednesday/Saturday)	6,571/day	Coastal areas from Newport to Reedsport and Eugene
<u>Oregon Daily Emerald</u>	5 times/wk (academic yr. Sept.-May) 2 times/wk (summer)	8,500/day 8,500/day	U of O Campus and general Eugene community

The statutory criterion for selection of the appropriate newspaper is whether the newspaper is one of "general circulation in the County." Clearly the Register Guard is the largest paper of general circulation. Based on total circulation, the Oregon Daily Emerald is the second largest paper, even though it may not cover as large a geographic area as the Siuslaw News. The purpose though, is to get the information to the largest number of residents as reasonable. Should there be a polling place election, or should other statutes refer to ORS 254.250 for the newspaper designation, it would appear that the Register Guard and the Oregon Daily Emerald meet the required criterion. As a matter of practice, the Elections Division routinely also publishes ballots in the paper in the community (such as the Siuslaw News or the Cottage Grove Sentinel), as requested by the relevant district election authority, when there is a local issue on the ballots.

**F. Alternatives/Options** The Board could choose a different second newspaper for the election purposes, based on its interpretation of what a "newspaper of general circulation" means, if it believes that one of the others better reaches a significant audience. If it does so, then the rationale should be articulated and we would need to capture that in a revision to the Board Order. There are no other realistic alternatives than the Register Guard which meet the statutory criteria for the monthly statement of expenditures or property tax matters.

## **IV. TIMING/IMPLEMENTATION**

Per ORS 254.205, the selection must occur at the first regular meeting of the calendar year. If enacted, these designations would apply throughout 2007.

## **V. RECOMMENDATION**

I recommend the Board designate the Register Guard and the Oregon Daily Emerald to publish ballots and the Register Guard to publish the monthly statement of expenditures, personal property tax warrants, and real property tax foreclosure notice.

## **VI. FOLLOW-UP**

The recommendation and the ultimate Board decision will be communicated to the affected departments.

## **VII. ATTACHMENTS**

Order

cc:     Anette Spickard, Department of Assessment and Taxation  
          Annette Newingham, Elections Manager, Management Services Department  
          Kay Blackburn, Finance Manager, Management Services Department

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON**

ORDER NO. 07-01-03-

IN THE MATTER OF SELECTING NEWSPAPERS  
TO PUBLISH BALLOTS, MONTHLY NOTICE OF  
EXPENDITURES, PERSONAL PROPERTY TAX  
WARRANTS, AND NOTICES OF REAL PROPERTY  
TAX FORECLOSURE

**WHEREAS**, ORS 254.205 requires the County to select two newspapers of general circulation in the County to publish sample ballots, and

**WHEREAS** the Board of Commissioners has determined that the Register Guard and the Oregon Daily Emerald are the two newspapers of general circulation in the County which meet the requirements of ORS 254.205, and

**WHEREAS**, ORS 294.250 requires the County to select one daily or weekly newspaper of general circulation in the County to publish a monthly notice of expenditures, and

**WHEREAS**, ORS 311.615 requires the County to select a newspaper of general circulation in the County in which the tax collector shall publish to obtain service of personal property tax warrants, and

**WHEREAS**, ORS 312.040 requires the County to select a newspaper of general circulation in the County in which the tax collector shall publish to give notice of real property tax foreclosure proceedings, and

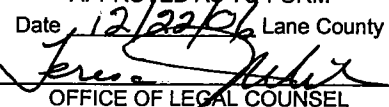
**WHEREAS**, the Board of Commissioners has determined that the Register Guard is the newspaper that meets the requirements of ORS 294.250, 311.615 and 312.040, now, therefore, it is hereby

**ORDERED** that the Register Guard and the Oregon Daily Emerald are hereby selected for 2007 as the two newspapers in which the ballots shall be published so long as the newspapers comply with ORS 254.205, and it is further

**ORDERED** that the Register Guard is hereby selected for 2007 as the newspaper in which the monthly statement of expenditures shall be published pursuant to ORS 294.250, the personal property tax warrants shall be published pursuant to ORS 311.615, and the notices of real property tax foreclosure proceedings shall be published pursuant to ORS 312.040.

Adopted this 3rd day of January 2007.

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Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 12/22/06 Lane County  
  
OFFICE OF LEGAL COUNSEL