

W. B. B. I.

Memorandum Date: 9/5/07
Order Date: 9/19/07

TO: Board of County Commissioners
DEPARTMENT: Law Library/County Counsel
PRESENTED BY: Linda Falken, Law Librarian
AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO REVISE LAW LIBRARY FEES (LM 60.865)

I. MOTION

MOVE TO AMEND LANE MANUAL SECTION 60.865 AFFECTING LEVELS OF COURT FEES ASSESSED FOR THE LANE COUNTY LAW LIBRARY, TO CONFORM TO 2007 LEGISLATIVE CHANGES TO ORS 21.350.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve an amendment to Lane Manual section 60.865, which includes a statement about legislative limitations on the percentage of court fees assessed on behalf of the Lane County Law Library. That percentage, specified in ORS 21.350, was changed in the 2007 legislative session from 33% to 28% for all county law libraries, effective 9/1/07. This amendment and order will bring the Lane Manual into compliance with the limits mandated by current statute.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Lane County Law Library was established in 1948 upon resolution by the Lane County Bar Association to the Board of County Commissioners. It has primarily been maintained by revenue derived from court filing fees. Revenue levels are based on ORS 21.350, and were originally at 20% and then increased to 40% in 1961. Since that time, there have been two reductions in this percentage by the Legislature (1997 and 2007). Historically, this section of the Lane Manual was amended by the Board with Order No. 97-10-29-5, effective 10/29/97, in compliance with 1997 legislation that reduced county law libraries' fees from 40% to 33%. It was further amended on 5/11/05, by Order No. 05-5-11-5, which expanded LM 60.865(2), adding information about fees charged by the Lane County Law Library to cover extra services provided to patrons, such as

photocopies and fax service. The 2007 Legislature passed an amendment to ORS 21.350, in Chapter 860, section 13, effective 9/1/07 which further reduces the maximum assessed level from 33% to 28%.

B. Policy Issues

The policy objective is to maintain the Lane Manual's section on law library fees so it reflects the specific percentage of assessment, as imposed by statute.

C. Board Goals

The Board determines the level of fees assessed for the purposes of operating and maintaining the Lane County Law Library as a service to all county residents.

D. Financial and/or Resource Considerations

While the actual financial impact of this change in the level of fees collected has yet to be determined by the Law Library, recent changes in state law (ORS 21.350) will be acknowledged by updating the relevant sections of the Lane Manual.

E. Analysis

Approving this change will bring Lane Manual sections into compliance with current State statutes.

F. Alternatives/Options

- 1) Approve the proposed amendment to the Lane Manual to bring this section into compliance with existing State statutes
- 2) Do not approve the proposed amendment to the Lane Manual, and direct staff to revise the proposed amendment, or to propose alternative language to address legislative changes.

IV. TIMING/IMPLEMENTATION

Effective immediately.

V. RECOMMENDATION

The staff recommends that the Board of Commissioners approve the proposed amendment to Lane Manual section 60.865

VI. FOLLOW-UP

No follow-up required.

VII. ATTACHMENTS

- A. Board Order
- B. Lane Manual section 60.865
- C. Legislative Format of Lane Manual section 60.865

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF
THE LANE MANUAL TO REVISE LAW LIBRARY
FEES (LM 60.865)

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

Lane Manual Chapter 60 is hereby amended by removing, substituting, and adding the following section:

REMOVE THIS SECTION

60.865
as located on page 60-54
(a total of 1 page)

INSERT THIS SECTION

60.865
as located on pages 60-54
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise Law Library Fees (LM 60.865).

Adopted this _____ day of _____ 2007.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 9/4/07 Lane County



OFFICE OF LEGAL COUNSEL

60.865 Law Library Fees.

(1) Circuit Court Fees Assessed on Behalf of the County Law Library. Under the authority of ORS 21.350, the law library fee in each civil suit, action, or proceeding filed in the Circuit Court of Lane County shall be 28% of the filing fee provided by law rounded to the next full dollar. No such fee shall be charged in accordance with this section that exceeds 28% of the filing fee as provided by law.

(2) For additional services provided in the Law Library, the following fees are established:

- | | | |
|-----|--|--|
| (a) | Self-service photocopies (cash)..... | \$.20/page |
| (b) | Copy cards ¹ | \$ 1.00 plus
\$.20/page |
| (c) | Fax service (dependent on number of pages faxed/telephone charges/staff time): | |
| | Faxes received | \$ 1.00 plus
\$.20/page |
| | Faxes transmitted (local area)..... | \$ 1.50 plus
\$.30/page |
| | Faxes transmitted (Oregon—503) | \$ 1.50 plus
\$.35/page |
| | Faxes transmitted (U.S./Canada)..... | \$ 2.00 plus
\$.60/page |
| | Faxes transmitted (international) | \$ 6.00 plus
\$ 3.00/page |
| (d) | Computer prints | \$.20/page |
| (e) | Microform copies | \$.20/page |
| (f) | Poster prints | \$ 7.50/page printed |
| (g) | Document delivery | \$12.00/citation plus
\$.20 for each page
over 20 pages |
| (h) | Video equipment for courtroom use | \$ 10.00/day |
| (i) | Overhead projector for courtroom use..... | \$ 10.00/day |
| (j) | Lost access key card | \$ 25.00 |
| (k) | Lost/damaged materials..... | replacement cost
plus \$40.00
processing fee |
| (l) | Interest rate on late bills (more than 30 days)..... | 9% |

(Revised by Order No. 97-10-29-5, Effective 10.29.97; 05-5-11-5, 5.11.05)

60.870 Records Search Fee.

In accordance with the authority granted by ORS 192.440, a records search and inspection fee is hereby established for the purpose of reimbursing Lane County for its actual cost in making records available under ORS Chapter 192.

Per single request, search or examination,
employee lost time less than one hour.....-None-

¹ Copy cards are sold in pre-valued denominations of \$10.00, \$20.00, \$50.00, and \$100.00, but can be re-valued to any level, at \$.20 per page. Cost of initial copy card is \$1.00.

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

60.865

Lane Manual

~~60.870~~60.870

60.865 Law Library Fees.

(1) Circuit Court Fees Assessed on Behalf of the County Law Library. Under the authority of ORS 21.350, the law library fee in each civil suit, action, or proceeding filed in the Circuit Court of Lane County shall be ~~33%~~ **28%** of the filing fee provided by law rounded to the next full dollar. No such fee shall be charged in accordance with this section that exceeds ~~33%~~ **28%** of the filing fee as provided by law.

(2) For additional services provided in the Law Library, the following fees are established:

- (a) Self-service photocopies (cash) \$.20/page
- (b) Copy cards¹ \$ 1.00 plus
\$.20/page
- (c) Fax service (dependent on number of pages faxed/telephone charges/staff time):
 - Faxes received \$ 1.00 plus
\$.20/page
 - Faxes transmitted (local area) \$ 1.50 plus
\$.30/page
 - Faxes transmitted (Oregon—503) \$ 1.50 plus
\$.35/page
 - Faxes transmitted (U.S./Canada) \$ 2.00 plus
\$.60/page
 - Faxes transmitted (international) \$ 6.00 plus
\$ 3.00/page
- (d) Computer prints \$.20/page
- (e) Microform copies \$.20/page
- (f) Poster prints \$ 7.50/page printed
- (g) Document delivery \$12.00/citation plus
\$.20 for each page
over 20 pages
- (h) Video equipment for courtroom use \$ 10.00/day
- (i) Overhead projector for courtroom use \$ 10.00/day
- (j) Lost access key card \$ 25.00
- (k) Lost/damaged materials replacement cost
plus \$40.00
processing fee
- (l) Interest rate on late bills (more than 30 days) 9%

(Revised by Order No. 97-10-29-5, Effective 10.29.97; 05-5-11-5, 5.11.05)

60.870 Records Search Fee.

In accordance with the authority granted by ORS 192.440, a records search and inspection fee is hereby established for the purpose of reimbursing Lane County for its actual cost in making records available under ORS Chapter 192.

Per single request, search or examination,
employee lost time less than one hour -None-

¹ Copy cards are sold in pre-valued denominations of \$10.00, \$20.00, \$50.00, and \$100.00, but can be re-valued to any level, at \$.20 per page. Cost of initial copy card is \$1.00.