



October 31, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Board Order reaffirming Clackamas County’s commitment to the Alden E. Miller Law Library. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review	Resolution creating the Law Library adopted December 9, 1927 Board Order 77-2211 – December 22, 1977 Board Order 83-515 – March 17, 1983 Board Order 2002-237 – December 5, 2002 Briefed at Issues – October 29, 2024		
Performance Clackamas	1. Which indicator of success does this item affect? Building Public Trust in Good Government		
Counsel Review	Yes	Procurement Review	No
Contact Person	Tony Mayernik	Contact Phone	503-742-5920

EXECUTIVE SUMMARY: Under Oregon law, counties are required to operate a law library, either through the county itself or under contract with a law library association or other organization. In Clackamas County, the Alden E. Miller Law Library was established in 1927 by the County Court in an agreement with the Clackamas County Bar Association. Over time, there have been adjustments to that arrangement, with the shift from a County Court to a Board of County Commissioners, legislative changes to state law around distribution of filing fees, and other administrative changes. The present configuration, with the law library under the administrative control of the Clackamas County Bar Association Law Library Committee, with the Judicial Member of the committee retaining appointment and supervisory powers for the Law Librarian and other County law library staff positions, and Clackamas County serving as fiscal agent, was most recently reaffirmed in 2002.

For Filing Use Only

County operations have evolved significantly since 2002, and it is appropriate to reaffirm the partnership between the County, the Bar Association, and the Circuit Court. The attached Board Order outlines the County's role as a fiscal agent for the law library, whose staff are County employees that follow County policy and protocol. County staff will work with the Law Library Director and their staff to ensure that County internal services are effectively delivered in a manner that fits the needs of the law library, and appropriate fiscal agent duties will be routed to the County Administrator or their designee. As outlined in the Board Order, the law library will remain under the administrative control of the Clackamas County Bar Association Law Library Committee and Fifth District Circuit Court Judges.

RECOMMENDATION: Staff recommends the BCC approve the proposed Board Order and authorize Chair Smith to sign on behalf of the Board of County Commissioners.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gary Schmidt". The signature is written in a cursive, flowing style.

Gary Schmidt
County Administrator

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Renewing Clackamas County’s Commitment to Essential Support of the Alden E. Miller Law Library through the Historic Collaboration Between the Clackamas County Bar Association Law Library Committee and Fifth District Circuit Court Judges as Administrative Supervising Authorities and Clackamas County as Affiliate Fiscal Agent



Board Order No.

Page 1 of 2

Whereas, this matter came before the Board of County Commissioners for consideration and clarification of the historic and perpetual authoritative structure for the Alden E. Miller Law Library; and

Whereas, the Alden E. Miller Law Library was created in 1927 by adoption of a Resolution of the Clackamas County Bar Association and a Resolution of the County Court / County Commission; and

Whereas, its mission has always been to meet the needs of local citizens, litigants, bar members, County Counsel, District Attorneys and Judges, by providing adequate legal resources and guidance to all citizens of Clackamas County, to help facilitate meaningful access to justice; and

Whereas, with the passage of time, the number of our citizens who choose to represent themselves in court actions continues to expand, making the Law Library’s mission, methods, and humanity increasingly vital; and

Whereas, the Clackamas County Bar Association Law Library Committee and Judges of the Fifth District have always retained supervisory powers as the Law Library’s exclusive administrative and operations overseers and Clackamas County has always supported the Law Library’s functioning as its fiscal agent; and

Whereas, the Board of County Commissioners underscored the County’s longstanding commitment to this collaboration to benefit Clackamas County citizens in Board Order Nos. 77-2211, 83-515 and 2002-237; and

Whereas, as fiscal agent, Clackamas County collects the filing fees mandated by ORS 21.350, ensuring the Law Library is self-supporting, and not a liability to the County General Fund; and

Whereas, Clackamas County now reaffirms its commitment to continue its fiscal agency by providing the Law Library with ongoing internal services in exchange for a percentage of those ORS 21.350 fees, including, among others: Finance, Facilities, Utilities, Technology Services, Human Resources, Public and Government Affairs, and County Counsel.

//

//

//

//

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Renewing Clackamas County’s Commitment to Essential Support of the Alden E. Miller Law Library through the Historic Collaboration Between the Clackamas County Bar Association Law Library Committee and Fifth District Circuit Court Judges as Administrative Supervising Authorities and Clackamas County as Affiliate Fiscal Agent



Board Order No.

Page 2 of 2

NOW THEREFORE, **the Clackamas County Board of Commissioners do hereby order** that as part of the unique triad that forms the Law Library’s foundational structure, Clackamas County recommits to perpetually fulfill its statutory role as fiscal agent, in the manner that continues past practice and best supports the achievement of the Law Library’s vital mission:

- 1) Clackamas County recommits to being flexible in its fiscal agency role to best accommodate the unique size, structure and needs of the Law Library, and to allow mutually agreed upon accommodations to County policies and procedures whenever necessary to eliminate barriers to effective Law Library administration;
- 2) Clackamas County’s fiscal agency entails, among other things, retaining Law Library personnel as county employees. Consistent with County policies, Law Library personnel timesheets, performance evaluations, procurement card(s) and similar documents will be routed through the County Administrator or designee.
- 3) The Clackamas County Bar Association Law Library Committee and Fifth District Circuit Court Judges shall continue their exclusive control of the Law Library Director and personnel selection, performance oversight and retention, and of all day-to-day operational and supervisory Law Library functions and issues.
- 4) This agreement will remain in place until revised or rescinded by mutual agreement of the Law Library Committee, the Fifth District Circuit Court Judges and the Board of County Commissioners.

DATED this ____ day of _____, 2024

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary