

INFORMAL SESSION MINUTES

September 23, 2013

2:00 p.m.

Commissioners' Office Conference Room

PRESENT: Commissioners Kathy George, Mary P. Stern, and Allen Springer.

Staff: Laura Tschabold, Chuck Vesper, Pat Anderson, Christian Boenisch, Silas Halloran-Steiner, and Ted Smietana.

Guests: Nathalie Hardy and Jeb Bladine, News-Register; and Dave Adams, KLYC.

* indicates item forwarded to formal agenda

Kathy called the meeting to order at 2:06 p.m.

* Personnel - Pat presented personnel requests from various departments. See formal session agenda for details.

Department Updates

HHS: Silas Halloran-Steiner provided updates on the Early Learning Council, primary care integration at the Evans Street complex, the new Community Support Services manager, the community health assessment and planning process, and upcoming changes due to implementation of the Affordable Care Act.

Community Corrections: Ted Smietana provided updates on new hires, NACo's intent to highlight Yamhill County's efforts regarding the Pre-trial Justice Institute on its website, the biennial plan, and various contracts needing Board approval.

Legal Notices - Jeb Bladine discussed the requirements for publishing legal notices (see Exhibit A) and recommended that a formal contract be established between the county and the News-Register. He reviewed a sample notice and suggestions for improving the format and reducing the content to make it more readable and less expensive and to improve communication with the public. He said that as newsprint becomes more digital, he expects that legal notices will include less printed content and will refer more to content available on a website. He discussed an ongoing initiative by the Oregon State Bar to put all legal notices onto a website instead of in newspapers and to redirect those funds to indigent legal care.

* Contracts/Grants - See agenda for details.

* Plans - Approve the 2013-15 Community Corrections Biennial Plan.

* Approve the updated 2013-14 Capital Improvement Projects List for the jail.

The meeting adjourned at 3:25 p.m.

Anne Britt

Secretary

Legal Notices / Presentation to Yamhill County Commissioners, Sept. 23, 2013

From Jeb Bladine, News-Register Publishing Co., McMinnville

I. Background: Sheriff's Sales, Real Property Foreclosures:

- A. Most were Internet-only publication, September 2012 to September 2013
- B. New ORS mandates full notice on OSSA website / reduced notice in newspaper
- C. Non-Judicial foreclosures still solely in newspapers / And ONPA Website.

II. Oregon law on qualified newspapers for Legal Notice publication:

- A. Definition of Newspaper, as per ORS 193.010:
 - General Circulation, In English, Minimum Size Requirements
 - Bona fide subscribers representing more than half of total distribution
 - At least weekly publication for 12 consecutive months.
- B.. Requirement of ORS 193.020 for publication of "any public notice ... required by law:"
 - Any newspaper, as defined by ORS 193.010, "published within the county ... (or) city of which any part lies within that county ..."
- C. If more than one newspaper fulfills publication requirements, notice shall be published in
 - " ... that newspaper which the moving party considers best suited to give actual notice."

III. Specifications for Printed Legal Notices:

- A. Size to be "determined by the person authorizing publication of the legal notice."
- B. "Designed to afford the public reasonable ease in reading the information contained."
- C. If typeset by the newspaper, type size "no smaller than ... regular classified advertising."

IV. Need for Yamhill County Contract for Advertising Services:

- A. Fee for legal notices "not to exceed ... (the newspaper's) ... open display advertising rate.
- B. However, the newspaper must provide:
 - " ... customary discounts or contractual rates ... (if county) ... fulfills the requirements necessary to qualify for the discounts or contractual rates."

V. News-Register Request for Legal Clarification:

- A. We seek clarification of ORS 279B.055, "Competitive sealed bidding," which states:
 - "(4)(b) A public notice must be published at least once in at least one newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as the contracting agency may determine."

B. Questions:

Does Daily Journal of Commerce qualify for the requirement of "general circulation in the area where the contract is to be performed"?

Does ORS 193.020 prevail, thus requiring such notices to be published in a newspaper that is "published within the county ..."

Or, does some other Oregon law overrule ORS 193.020 in this instance.

C. Our Interpretation:

Notices are required by Oregon law, thus under ORS 193.020 are mandated for publication in a newspaper "published in" the county. ORS 279B.055 does not specify content of the notice. It requires specific content in "Invitation to Bid" and a public notice of that Invitation. Public notice could include key information about Invitation, and tell where a prospective bidder could acquire the complete document.

Exhibit A 1/1