



JAN 25 2017 1:38p
TASSI O'NEIL
COUNTY CLERK *ef*

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

COUNTY COURT JOURNAL

In the Matter of Dispersing Discovery) ORDER
Fees to Special Prosecution Fund)
#17-006

This matter came before the Board of Commissioners for Tillamook County, Oregon, on the 25th day of January, 2017 at the request of William B. Porter, Tillamook County District Attorney.

The Board, being fully apprised of the representations of the above named person and the files and records herein, finds as follows:

1. By Order No. 13-032 the Board established a special prosecution fund assessment on certain Justice Court convictions.
2. The Order established a \$20 assessment on every Justice Court conviction fine for Minor in Possession of Alcohol, Possession of a Controlled Substance Less Than One Ounce, and Open Container.
3. The Order also directed the Tillamook County Treasurer to disperse the assessment into a Special Prosecution Fund to be administered by the Tillamook County District Attorney with a fund cap of \$50,000.
4. As a result of changes to the law, possession of a controlled substance less than one ounce is no longer a violation. By Order No. 15-057 the Board established a \$20 assessment on every Justice Court conviction fine for Minor in Possession of Alcohol, Open Container, and all marijuana related offenses. Order No. 13-032 was repealed.
5. The purpose of these assessments was to offset the District Attorney budget and to ensure that monies generated by local law enforcement efforts were re-invested locally, with offenders bearing a share of the cost.
6. This fund balance remains historically low and is not meeting the continued financial needs for prosecution expenses, training, as well as the increasing cost of supplies used in providing discovery. Additionally, the Justice Court assessments create additional strain on Justice Court staff to continuously track and maintain.
7. The District Attorney's Office charges fees for discovery provided to the defense as required by law. The discovery fees are set out in a letter which is attached as Exhibit A. Revenue totals are estimated to be approximately \$30,000 for fiscal year 16/17, which is an increase of \$10,000 from the fiscal year 15/16 estimate.
8. District Attorney William B. Porter and Treasurer Debbie Clark agree that it is in the best interest of the District Attorney budget to direct 100% of discovery fee revenue to this

Special Prosecution Fund until the fund cap of \$50,000 is reached, and thereafter directing a portion of discovery fee revenue to the fund to maintain the \$50,000 balance.

9. It is therefore necessary to repeal Order No. 15-057 and replace it with a new order which accomplishes a more significant fund balance and relieves additional strain on Justice Court staff.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT

10. The Tillamook County Treasurer will disperse District Attorney Discovery fee revenue into the Special Prosecution Fund which will be administered by the Tillamook County District Attorney up to the \$50,000 fund cap, and continuously as needed to maintain the fund balance of \$50,000.
11. Order No. 15-057 is repealed.
12. Discovery fees shall be in accordance with Exhibit A.

DATED this 25th day of January, 2017.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<u>Bill Baertlein</u> Bill Baertlein, Chair	✓	_____	_____/_____
<u>Tim Josi</u> Tim Josi, Vice Chairperson	✓	_____	_____/_____
<u>David Yamamoto</u> David Yamamoto, Commissioner	✗	_____	_____/_____

ATTEST: Tassi O'Neil, County Clerk

By: Tassi O'Neil
Special Deputy

APPROVED AS TO FORM:

William K Sargent
William K Sargent, County Counsel

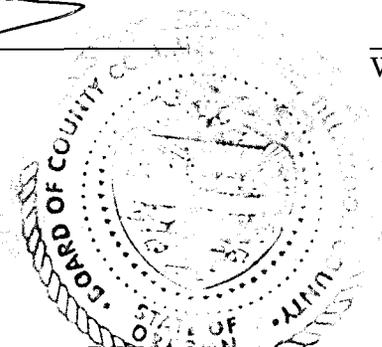




Exhibit A

Chief Deputy Ray Bassel
Deputy Jeremy S. Dietrich
Deputy Paul M. Binford
Deputy Aaron B. Girata

William B. Porter

DISTRICT ATTORNEY

TDD: Oregon Relay Service
Telephone (503) 842-3410
FAX (503) 842-1802

June 20, 2016

Tillamook County Commissioner's Office
Attn: Rachel Hagerty
201 Laurel Avenue
Tillamook, OR 97141

COPY

Re: Review of Fees

Dear Rachel,

Below is a list of our discovery fees, the only fees our office collects.

Base Discovery Fee	\$10.00 per case
Pages 51 and over	\$.25 per page additional
Photograph/Color Copies	\$2.00 per page
Audio Tape	\$5.00 each
CD/DVD	\$10.00 each
Video Tape	\$20.00 each
Failure to Appear File	\$2.00 each
Justice Court Discovery	\$2.00 each

After conducting a review of the fees, using a recently completed survey of other District Attorney's Office Discovery Fees for the State, we have made the following changes effective **July 1, 2016**:

Base Discovery Fee	\$15.00 per case (additional \$5.00 each)
CD	\$15.00 (additional \$5.00 each)
DVD	\$20.00 (additional \$10.00 each)
Flash/Thumb Drive	Actual Cost plus \$20.00

All other fees will remain unchanged.

Sincerely,

William B. Porter
District Attorney

Copy: Debbie Clark, Treasurer
V. Schill, Office of Public Defense Services
Tillamook District Attorney's Office Staff
Attorneys as listed on attached sheet

wbp:cja

TILLAMOOK COUNTY COURTHOUSE
201 Laurel Ave
Tillamook, Oregon 97141

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