

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of Increasing Fund Cap of) ORDER
Special Prosecution Fund) #20- 024

This matter came before the Tillamook County Board of Commissioners on May 27, 2020 at the request of the William B. Porter, Tillamook County District Attorney. The Board of Commissioners, being fully apprised, of the records and files 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 Order No. 13-032 was repealed.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 fund balance continued to remain historically low and did not meet the increasing costs associated with prosecution. Additionally, the assessment created additional strain on Justice Court staff to track and maintain.
6. The District Attorney's Office charges fees for discovery provided to the defense as required by law. By Order No. 17-006 the Board directed the Tillamook County Treasurer to disperse discovery fee revenue into the Special Prosecution Fund to 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. Order No. 15-057 was repealed.
7. The District Attorney intends to purchase and implement a digital case management system, pending FY 2020/2021 budget approval. Increasing the cap of the Special Prosecution Fund will ensure that all initial and ongoing costs related to this purchase will be fully supported by the Special Prosecution Fund and will not affect the District Attorney's General Fund Budget.

- 8. District Attorney William B. Porter and Treasurer Shawn Blanchard agree that it is in the best interest of the District Attorney budget to raise the fund cap of the Special Prosecution Fund to \$75,000. This change is intended to financially support the District Attorney's Office in their efforts to transition to digital case management, while continuing to offset costs of the District Attorney budget and purchase and/or replace equipment used by local law enforcement to aid in prosecution of criminal cases.
- 9. It is therefore necessary to repeal Order No. 17-006 and replace it with a new order which accomplishes a more significant fund balance to help support the District Attorney's budget.

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 \$75,000 fund cap, and continuously as needed to maintain the fund balance of \$75,000. Discovery fees shall be in accordance with Exhibit A.
- 11. Order No. 17-006 is repealed.

DATED this 27th day of May, 2020.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

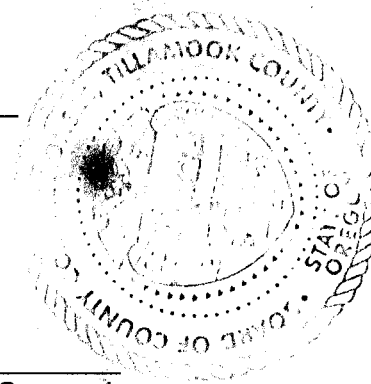
| | Aye | Nay | Abstain/Absent |
|---|-----|-----|----------------|
| <u>Bill Baertlein</u> Bill Baertlein, Chair | ✓ | — | — / — |
| <u>M.F. Bell</u> Mary Faith Bell, Vice-Chair | 0 | — | — / — |
| <u>David Yamamoto</u> David Yamamoto, Commissioner | 0 | — | — / — |

ATTEST: Tassi O'Neil
County Clerk

By: [Signature]
Special Deputy

APPROVED AS TO FORM:

[Signature]
William K. Sargent, County Counsel



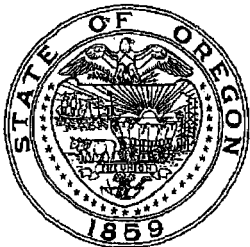


Exhibit A

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
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An Equal Opportunity Employer

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