

MEMORANDUM

Memorandum Date: January 16, 2024

Board Order Date: January 23, 2024

TO: Lane County Board of Commissioners

DEPARTMENT: Office of Legal Counsel

PRESENTED BY: Erin Pettigrew, Lane County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF SELECTING A NEWSPAPER TO PUBLISH MONTHLY NOTICES OF EXPENDITURES, PERSONAL PROPERTY TAX WARRANTS, AND NOTICES OF REAL PROPERTY TAX FORECLOSURE.

I. MOTION

Move to approve Board Order No. _____ selecting The Register Guard and The Chronicle to publish notices related to the County's monthly statement of expenditures, personal property tax warrants, and notices of real property tax foreclosure to meet applicable statutory requirements and timelines. The Register Guard will be used when necessary to meet applicable statutory timelines and The Chronicle will be used in other instances at the discretion of County staff.

II. SUMMARY

The Board is being asked to approve the selection of a newspaper of general circulation in the County for publication of various legal notices.

III. FURTHER ANALYSIS

Both ORS 311.615 and ORS 312.040 require publication of notices of tax warrants and real property tax foreclosures, respectively, in a newspaper designated by the county. ORS 294.250 requires publication of notices of monthly statements of expenditures in either a newspaper or on the internet.

Newspaper selection is done in accordance with ORS 193.020, which requires designation of a newspaper that is "best suited to give actual notice." "Newspaper" is defined by ORS 193.101(2), in part, as a newspaper of "general circulation" and that meets several other

specifics.¹ The table below shows that the Register Guard has the largest number of subscribers and readers, and the widest geographic coverage. As such, the Board could most reasonably conclude that it is the newspaper “best suited to give actual notice” of the matter being advertised. For this reason, staff recommends that it be selected to provide the required notices referenced above.

Publication	Frequency of Publication	Total Circulation	Cost of Advertisement/ Classifieds	General Area of Coverage
Cottage Grove Sentinel	Wednesdays	Press Run: 2,100 Print Subscribers: 782 Online Subscribers: 192	\$10.00 per column inch	West: Lorane East: Culp Creek South: Drain North: Creswell
Register Guard*	Daily	Subscribers: 43,358 Readers: Mon – Fri: 43,663 Sat: 47,427 Sun: 49,682	\$15/ 3 lines, runs for 7 days \$20/ 3 lines, runs for 14 days	Lane County, Coast to Coos Bay, North to Newport, Corvallis & Sweet Home, part of Douglas County to Roseburg
Siuslaw News	Wednesdays	Press Run: 3,100 Print Subscribers: 1,277 Online subscribers: 428	\$10.00/column inch	Western Lane County (Florence, Mapleton, Reedsport)
The Chronicle	Thursdays	Press run: 1,500 Print Subscribers: 1,000 Online subscribers: 400	\$10.00/column inch	Springfield, Cottage Grove, Creswell, Pleasant Hill

*Data last updated December 2022

Alternatives/Options. As noted, notices of monthly statements of expenditures may be published in either a newspaper or on the internet. Typically, staff has chosen to publish these notices on the county webpage to save money. Notices of tax warrants or real property tax foreclosures must be published in at least the newspaper designated by the county, which would be the Register Guard if the draft order is approved by the Board. Additional publication, either via internet or other newspapers, is optional. The Board has given direction to staff designate The Chronical as a second option.

¹ORS 193.010(2) Newspaper means a newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type of matter of a depth of at least 14 inches, or, if smaller pages, then comprising an equivalent amount of type matter, which has bona fide subscribers representing more than half of the total distribution of copies and regularly and uninterruptedly published at least once a week during a period of at least 12

IV. RECOMMENDATION

Recommend that the Board designates The Register Guard to publish the monthly statement of expenditures, personal property tax warrants, and real property tax foreclosure notices. Further recommend that The Chronicle be designated as an additional approved publication that may be used at County staff discretion.

V. TIMING/IMPLEMENTATION

This designation would apply until changed.

VI. FOLLOW-UP

The recommendation and the ultimate Board decision will be communicated to the affected departments. This 2024 memorandum and order reflects the 2024 annual review.

VII. ATTACHMENTS

Order

consecutive months immediately preceding the first publication of the public notice. Interrupted publication because of labor-management disputes, fire, flood, or the elements for a period not to exceed 120 days, either before or after a newspaper is qualified for publication of public notices, shall not affect such qualification.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 24-01-23-06

IN THE MATTER OF SELECTING A
NEWSPAPER TO PUBLISH MONTHLY
NOTICES OF EXPENDITURES,
PERSONAL PROPERTY TAX
WARRANTS, AND NOTICES OF REAL
PROPERTY TAX FORECLOSURE

WHEREAS, the Board of Commissioners has determined that The Register Guard and the The Chronicle are newspapers of general circulation in the County; and

WHEREAS, ORS 311.615 requires the County to publish in a newspaper of general circulation in the County personal property tax warrants; and

WHEREAS, ORS 312.040 requires the County to publish in a newspaper of general circulation in the County notice of real property tax foreclosure proceedings; and

WHEREAS, the Board of Commissioners has determined that The Register Guard and the The Chronicle are newspapers that under ORS 193.020 are best suited to give actual notice by publication as contemplated by ORS 311.615 and 312.040, and that The Register Guard is available when a daily newspaper is necessary to meet applicable statutory timelines and that the The Chronicle is an appropriate newspaper to use in other instances where cost savings can be realized or where publication in The Chronicle is advantageous to ensure notice to the communities served.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. That The Register Guard and the The Chronicle are hereby selected as newspapers of general circulation in the County in which personal property tax warrants under ORS 311.615 and notices of real property tax foreclosure proceedings under ORS 312.040 may be published to satisfy the respective statutory requirements.
2. That The Register Guard is the appropriate newspaper to use when a daily newspaper is necessary to meet applicable statutory timelines and that The Chronicle is the appropriate newspaper to use in other instances where its use will result in cost savings to the county or where such publication is advantageous. Selection of such publications will be at staff discretion, consistent with applicable statutes.

ADOPTED this 23rd day of January, 2024.

APPROVED AS TO FORM

Date 1/16/2024 Lane County

s/ Erin M. Pettigrew

OFFICE OF LEGAL COUNSEL

Laurie Triege, Chair, Lane County Board of Commissioners