

Legal Counsel Update: October 8, 2019

2:00 p.m. – Board Conference Room

Attending: Commissioners Lily N. Morgan, Darin J. Fowler and Daniel E. DeYoung (arrived at 2:03 p.m.); Wally Hicks, Augustus Ogu and Pat Ellison, Legal Counsel; Wendy Watkins, Recorder

Chair Lily N. Morgan called the meeting to order at 2:02 p.m.

1. Acceptance of Bargain and Sale Deed from Joann Nordstrom to Josephine County (One original Deed filed with the County Clerk)

Wally Hicks, County Legal Counsel, mentioned the owners of 1202 Lower Wolf Creek Road have signed the bargain and sale deed transferring their property to the County.

Commissioner Fowler made a motion to approve the Acceptance of Bargain and Sale Deed from Joann Nordstrom to Josephine County, seconded by Commissioner Morgan. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Fowler – yes and Commissioner Morgan – yes.

2. Land Use Enforcement Cases Update

Augustus Ogu, Assistant County Legal Counsel, discussed the three current open land use enforcement cases he is working on. He said he has closed ten cases thus far and has dismissed four cases, all in 2019. Mr. Ogu reviewed **Code Enforcement Cases Update (Exhibit 1)** with the Board.

Chair Lily N. Morgan called for Executive Session at 2:26 p.m. Minutes filed separately.

Additional Attendees: Helene Lulich, Real Property Manager; Leah Harper, Assistant County Legal Counsel; Shaun Hall, The Daily Courier

3. EXECUTIVE SESSION

a. C&D Land & Trust v. Josephine County Assessor – Oregon Tax Court Case #190178R – ORS 192.660(2)(h)

b. County Real Property on Coyote Creek Road – Request for Easement Across County Property – ORS 192.660(2)(e)

c. Offer to Purchase County Real Property – ORS 192.660(2)(e)

Executive Session Adjourned at 2:51 p.m.

The Board reported the following:

Agenda Item #3(a): Discussion only.

Agenda Item #3(b): Discussion only.

Agenda Item #3(c): Discussion only.

LEGAL COUNSEL UPDATE CONT'D

4. Additional Subjects/Matters from Commissioners – ORS 192.640(1)

The Board supported paying the 2019 AOC dues.

Meeting adjourned at 2:55 p.m.

EXHIBITS:

Exhibit 1 - Code Enforcement Cases Update

Legal Counsel Update – 10/08/19*Code Enforcement Case Update**Current open cases in 2019: 3**Closed cases in 2019: 10**Dismissed cases in 2019: 4**Total: 17*Open Cases**19CV15358 – Josephine County v. Karen Warwick, et al.****Lawsuit Type: Drug house nuisance abatement****Disposition: Judgment and removal for one (1) year**

Judgment in this case filed on October 7, 2019. Judgment includes removal of all individuals from the property for one year to abate the drug nuisance problem present on the property, solid waste cleanup, and costs resulting from the abatement. Writ of Assistance and cleanup to follow.

19CV15361 – Josephine County v. U.S. Bank National Association, et al.**Lawsuit Type: General lawsuit****Disposition: Engaging with bank to coordinate cleanup of property.****19CV15403 – Josephine County v. Darol C. Spleithof, Janet E. Spleithof, et al.****Lawsuit Type: General lawsuit****Disposition: Engaging with bank to coordinate cleanup of property.**Closed Cases**18CV29657 – Josephine County v. Michael Paul Marsh, et al.****Lawsuit type: Drug house nuisance abatement****Disposition: Judgment, change of ownership**

Obtained judgment against the property at 4180 New Hope Road on January 10, 2019. Judgment includes removal of all individuals from the property for one year to abate the drug nuisance problem present on the property, solid waste cleanup, and costs resulting from the abatement. Bank evicted owners and cleaned the property.

18CV29339 – Josephine County v. Adriel Cedar Stafford et al.

Lawsuit type: Drug house nuisance abatement

Disposition: Judgment and removal for one (1) year

Obtained judgment against the property at 108 Cricket Lane after hearing on March 21, 2019. Judgment includes removal of all individuals from the property for one year to abate the drug nuisance problem present on the property, solid waste cleanup, and costs resulting from the abatement. Judgment entered on March 26, 2019. Writ of Assistance enforced on April 2, 2019. Cleanup has occurred. The property is secure.

18CV33412 – Josephine County v. Mary Sigmon, et al.

Lawsuit type: Drug house nuisance abatement

Disposition: Settlement and receivership of property

Settlement was obtained in lieu of trial. Judgment designates the Code Enforcement Administrator and the Solid Waste Specialist as receivers for the property, who will commence cleanup on the property. Settlement agreement and stipulated judgment signed on September 5, 2019, and accepted by the court. Cleanup to follow.

18CV46283 – Josephine County v. Francois Boulanger Sr., et al.

Lawsuit Type: Drug house nuisance abatement

Disposition: Settlement and receivership of property

Settlement was obtained in lieu of trial. Judgment designates the Code Enforcement Administrator and the Solid Waste Specialist as receivers for the property. Settlement agreement signed on June 17, 2019. Stipulated judgment signed on June 20, 2019. Cleanup to follow.

18CV46256 – Josephine County v. Marvin Thatcher, Paula Thatcher, et al.

Lawsuit Type: Housing Receivership

Disposition: Judgment and receivership of property

Obtained judgment against property at 5540 Tunnel Loop Road on January 15, 2019. Judgment designates the Code Enforcement Administrator and the Solid Waste Specialist as receivers for the property. Judgment includes recovery for all costs associated with cleanup. Cleanup has occurred.

18CV51890 – Josephine County v. Itai Levkovich

Lawsuit type: Housing receivership

Disposition: Judgment and receivership of property

Obtained judgment against Lake Shore Drive property on March 29, 2019. County is appointed as receiver for the property. Judgment includes recovery for all costs associated with cleanup. Cleanup to follow.

19CV19992 – Josephine County v. Hank Allen, et al.

Lawsuit type: Drug house nuisance abatement

Disposition: Judgment and removal for one (1) year

Obtained judgment against the property at 380 Murphy Creek Road on August 7, 2019. Has been a massive issue for the county for a number of years. Judgment includes removal of all individuals from the property for one year to abate the drug nuisance problem present on the property, and costs resulting from the abatement. Writ of Assistance enforced on September 12, 2019. The property is secure.

19CV15189 – Josephine County v. John C. Beairsto, et al.

Lawsuit Type: Drug house nuisance abatement

Disposition: Judgment and removal for one (1) year

Obtained judgment against the property at 785 Stewart Road on September 16, 2019. Judgment includes removal of all individuals from the property for one year to abate the drug nuisance problem present on the property, solid waste cleanup, and costs resulting from the abatement. Writ of Assistance and cleanup to follow.

19CV15410 – Josephine County v. Victoria Allison Schirle

Lawsuit Type: Housing Receivership

Disposition: Judgment and receivership of property

Obtained judgment against property at 909 Granite Hill Road on July 26, 2019. Judgment designates the Code Enforcement Administrator and the Solid Waste Specialist as receivers for the property. Judgment includes recovery for all costs associated with cleanup. Cleanup to follow.

19CV00535 – Josephine County v. The Estate of James Lee Zeigler
Lawsuit Type: Drug house nuisance abatement
Disposition: Settlement and receivership of property

Settlement was obtained in lieu of trial. Settlement and stipulated judgment allow the county unfettered access to the property to control entrants, and to abate any and all nuisances on the property. Cleanup to follow

Dismissed Cases

18CV15183 - Josephine County v. Janet Watson, et al.
Lawsuit Type: Drug house nuisance abatement
Disposition: Dismissal after compliance

18CV33410 – Josephine County v. Secretary of Housing and Urban Development
Lawsuit Type: Drug house nuisance abatement
Disposition: Dismissal after compliance

19CV18677 – Josephine County v. Federal National Mortgage Association, et al.
Lawsuit Type: Drug house nuisance abatement
Disposition: Dismissal after compliance

19CV18694 – Josephine County v. Sherry Wood, et al.
Lawsuit Type: Drug house nuisance abatement
Disposition: Dismissal after compliance