



CIRCUIT COURT OF OREGON
Fifteenth Judicial District

MARTIN E. STONE
Judge

Coos County Courthouse
Coquille, Oregon 97423
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November 4, 2025

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Re: Curry County Board of Commissioners v. John Ward, Sheriff of Curry County; Curry County Case No. 25CV02479

Counsel:

This case came before the court for trial on October 29, 2025. The court had previously granted summary judgment on cross-motions filed by the parties, ruling that sections 2, 3, 4, 6, 7 and 8 of Order 23510 are lawful orders of plaintiff ("Board"), within the authority granted by statute, and that the defendant ("Sheriff") is to comply with those sections of the Order. The issue that remained for decision at trial was whether section 1 of the Order is a lawful order of the BOC which the Sheriff is required to follow.

The court heard testimony from several witnesses, received exhibits including a 461-page Criminal Justice Information Services (CJIS) Security Policy, and heard argument from counsel. This letter sets forth the court's decision.

As explained in the court's summary judgment ruling, the Board of Commissioners has broad authority over matters of property and concerns of the county. See ORS 203.010 (4); ORS 203.035; ORS 203.111. To assist in the discharge of its duties the Board can appoint an attorney as Legal Counsel to advise the Board and other county officers and to provide additional services as the Board determines. ORS 203.145 (2). Exhibit 2 outlines the broad duties and responsibilities of the Curry County Legal Counsel, such as providing legal advice to the Board and all county departments, reviewing contracts and legal documents, prosecuting and defending civil legal actions, and serving as Risk Manager for the county.

The Board has authority to enter orders that require department heads and county public officials, such as the Sheriff, to provide documents, on request, to County

Counsel and the Board to assist in the performance of duties, such as risk management of the county. That said, section 1 of Order 23510, as written, is overbroad in that it directs the Sheriff to provide records, information and supporting documents that may be subject to restricted access (LEDS) or that may be protected from disclosure under the CJIS Security Policy followed by the Sheriff. The problem with section 1 is that it does not contain language like section 6 of the Order which would allow the Sheriff to identify the documents he believes cannot be produced and to discuss those restrictions with County Counsel.

This is not to say that section 1, in a revised form, is not needed. The court believes that there is a need for an order requiring the Sheriff to provide documents and information requested by County Counsel or the Board, but not as broad as the wording that appears in section 1. It is clear to the court that the Sheriff has not provided a number of documents requested by County Counsel related to matters of county concern, county property, and within the job duties of counsel, including risk management.

To address the need for cooperation from the Sheriff the Board has the authority to enact an order with language similar in form to section 1 but with wording that allows the Sheriff to identify documents he is restricted from producing, identify the basis for nondisclosure and then discuss with County Counsel. To be clear, such an order must relate to documents and information connected to county property and county concerns, not to question the Sheriff on how he organizes his office. See ORS 206.210. A revised order also must remove section 5 of Order 23510 as previously decided by the court.

ORDERS:

1. Judgment is entered for plaintiff as to sections 2, 3, 4, 6, 7 and 8 of the Order. These are lawful orders of the Board, and the Sheriff is required to comply.
2. Judgment is entered for defendant as to section 5 of the Order. That section exceeds the authority of the Board.
3. Judgment is entered for defendant as to section 1 of the Order. As written that section is overbroad. The Board may however enact a further order which requires the Sheriff to furnish documents on request but also allows the Sheriff to identify documents that are subject to restricted access or protected from disclosure and to discuss the restrictions with County Counsel.
4. Mr. Montag shall file a General Judgment within 28 days. Plaintiff is the prevailing party.

Sincerely,



Martin E. Stone
Circuit Court Judge