

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Establishing the )  
Position of County Administrator; Declaring ) ORDINANCE No. 848  
an Emergency, Effective January 1, 2010. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 2, 2009, commissioners Leslie Lewis, Kathy George and Mary P. Stern participating.

THE BOARD MAKES THE FOLLOWING FINDINGS.

- A. As a general law county, the Board currently supervises all non-elected department heads. After considerable study, the Board has determined it appropriate to establish the position of County Administrator to supervise all non-elected department heads.
- B. This ordinance creates the position of County Administrator and sets the duties for the position. NOW, THEREFORE,

**THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Purpose.** The Board finds and determines that the interests of the County will be best served by delegating certain administrative authority of the Board to a County Administrator who will be responsible to the Board for the administration of the duties specified by this ordinance.

**Section 2. Definitions.** The following terms used in this ordinance shall have the meanings set forth below:

- 1. “Elected Official” means and includes the following Yamhill County elected officials: the Commissioners, the Sheriff, the Clerk, the Assessor, the Treasurer and the Surveyor. “Elected Official” also means and includes the District Attorney, a state elected official.
- 2. “Liaison Commissioner” means the member of the Board assigned by the Board to one or more county departments, committees or agencies for purposes of being informed about issues pertinent to the department, committee or agency and not for administrative

purposes. It is the responsibility of the Liaison Commissioner to communicate information to the Board.

**Section 3. Office of County Administrator Created.** The Office of County Administrator is hereby created. The County Administrator shall act as the head of administration for the County and, if delegated by the district governing body, county service districts.

**Section 4. Appointment, Removal.**

1. The County Administrator shall be appointed by the Board for an indefinite term. The County Administrator is an at-will employee and may be removed at the pleasure of the Board, consistent with any applicable employment agreement and this ordinance.

2. The person holding the position of Administrative Services Director on the effective date of this ordinance is designated as County Administrator.

3. The County Administrator may be tentatively removed by a majority vote of the Board Commissioners. Upon such a majority vote, the Board shall adopt a preliminary order setting forth the reasons for the County Administrator's removal. The County Administrator may reply, in writing, and may request an opportunity to be heard at a meeting of the Board, which shall be an executive session unless the County Administrator requests the matter be conducted in open session. After such hearing of the Board, if one is requested, and after full consideration, the Board may adopt a final order of removal. By the preliminary order, the Board may suspend the County Administrator from duty, but shall, during the term of such suspension, cause the County Administrator to be paid any salary and fringe benefit amounts due the County Administrator as the result of the duly executed employment agreement in effect at the time of the preliminary order; provided, however, that no such payment shall be made if the County Administrator's removal is for any reason involving moral turpitude or lack of integrity pursuant to the terms of the employment agreement.

4. Nothing contained in this section shall be construed to prohibit the Board and the County Administrator from negotiating and entering into a separation agreement.

**Section 5. Vacancy, Absence or Disability.**

1. When a permanent vacancy occurs in the Office of County Administrator, the Board shall designate an Acting County Administrator until such time as a County Administrator is appointed. The Acting County Administrator shall have all powers and duties conferred on the County Administrator by this ordinance.

2. The County Administrator may designate in writing an administrative officer of the County to exercise and perform the County Administrator's powers and duties during the County Administrator's temporary absence or disability. Where the Administrator has not designated someone to act on behalf of the Administrator and due to temporary incapacity the Administrator is incapable of making such designation, the Board may designate an acting Administrator to serve until such time as the Administrator is capable of making a designation or has resumed responsibilities.

#### **Section 6. Authority.**

1. The County Administrator shall be the Chief Administrative Officer of the County and all County service districts, if that authority is delegated by the governing body of the district. The County Administrator shall be responsible to the Board for the administration and management of the County and its service districts and shall have control and supervision of all administrative departments, divisions, offices, districts and agencies subject to the County Administrator's jurisdiction, except as otherwise provided by law and except for the Office of County Counsel. The County Administrator shall exercise no authority over the actions of Elected Officials or the County Counsel. The County Counsel shall report directly to the Board.

2. The Board hereby delegates to the County Administrator broad authority to perform the County Administrator's job functions. The County Administrator is responsible to the Board for the manner of the County Administrator's administration. The Board reserves to itself all of its legislative and judicial or quasi-judicial authority, unless expressly delegated.

4. The County Administrator shall have the specific authority, to perform all day-to-day functions necessary for the administration and management of County affairs and, if delegated, the affairs of County service districts. Such authority includes, but is not limited to, the following:

a. Direct and coordinate the overall management of County government in accordance with policies set by the Board and applicable laws.

b. Consistent with any applicable collective bargaining agreement, transfer employees from one office or department to another when the workload requires such action.

c. Provide the proper administration of all ordinances, orders and resolutions of the Board, all contracts entered into by the County, and provide for the enforcement of all policies, rules, procedures, orders and regulations duly adopted by the Board.

d. In consultation with members of the Board, select, appoint and dismiss all heads of departments, except Elected Officials and County Counsel, in accordance with federal and state laws and guidelines, applicable contracts and policies adopted by the Board; and advise the Board of the reasons and process used in any selections, appointments or dismissals. Prior to initiating any disciplinary action leading to dismissal, the County Administrator shall consult with County Counsel.

e. Supervise and discipline all heads of departments, except Elected Officials and County Counsel, in accordance federal and state laws, and applicable contracts and county policies; and advise the Board of the reasons and process used in any disciplinary actions. Prior to initiating any disciplinary action leading to demotion or suspension without pay, the County Administrator shall consult with County Counsel.

f. Coordinate the work of all offices, departments and agencies, and devise ways and means whereby efficiency and economy may be secured in the operation of all offices, departments and agencies.

g. Prepare and submit to the Board and budget committee an annual budget and a long range capital improvement and expenditure program, along with a financial plan for raising revenue.

h. Direct the use, maintenance and custody of all county property, buildings, works and improvements according to policies promulgated by the Board.

**Section 7. Delegation.** The County Administrator may delegate any authority to County department heads or other County or district staff, in a manner consistent with the provisions of the County policies or district operating agreements.

**Section 8. Interaction with County Administrator, Employees.** In the exercise of their authority as members of the governing body of the County, Board members may individually, or as a group in a public meeting, discuss fully and freely with the County Administrator any matter pertaining to County affairs or the interest of the County. Board members may not direct any County employee, other than the County Administrator, in the performance of their duties. This section shall not be construed to prohibit a Board member from performing the Board member's role as liaison in making inquiries of County employees within particular departments, or members of committees or agencies to which they are assigned concerning day-to-day conduct of County affairs.

**Section 9. Conflict with Procedures Ordinance.** Where any provision of this ordinance conflicts with a provision of the Procedures Ordinance, Ordinance 754, as amended, this ordinance shall control.

**Section 10 Severability clause.** Any judgment or declaration by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other portion of this Ordinance.

**Section 11 Effective date; emergency clause.** The first and second readings of this ordinance were made December 2, 2009. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect January 1, 2010.

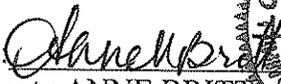
AYES: Commissioners Lewis, George and Stern. NAYS: None.

DONE at McMinnville, Oregon on December 2, 2009.

ATTEST  
YAMHILL COUNTY  
BOARD OF COMMISSIONERS

REBEKAH STERN DOLAN  
County Clerk

  
LESLIE LEWIS

By   
Deputy ANNE BRITT



  
Commissioner KATHY GEORGE

FORM APPROVED BY:

  
JOHN M. GRAY, JR.  
Yamhill County Legal Counsel

  
Commissioner MARY P. STERN

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