



ADMINISTRATIVE POLICIES

SECTION:	Facilities Policies	POLICY NO.:	212
TITLE:	Exclusion of Persons from County Property		
BOARD ORDERS:	B.O. 24-257	LAST REVISED:	08/15/2024

I. PURPOSE

- 1.01 In furtherance of maintaining a safe environment for public employees and visitors, and pursuant to the powers and authority of Yamhill County Board of Commissioners, the following policy addresses the exclusion of individuals from County-owned buildings and property.

II. DEFINITIONS

- 2.01 “**Board**” means the Yamhill County Board of Commissioners.
- 2.02 “**Clerk**” means the Yamhill County Clerk.
- 2.03 “**County**” means Yamhill County.
- 2.04 “**County Administrator**” means the Yamhill County Administrator.
- 2.05 “**County Counsel**” means the Yamhill County Counsel.
- 2.06 “**County Property**” means any building, and the grounds directly adjacent to each such building, owned or under the control of the County.
- 2.07 “**Necessary Official Business**” means: (1) an appearance for a legal matter; or (2) a prearranged and verifiable meeting with a County employee or official.
- 2.08 “**Sheriff**” means the Yamhill County Sheriff.

III. POLICY

- 3.01 A person is subject to immediate exclusion from County Property if that person is observed to be engaged in any of the following:
- A. Disorderly, riotous, violent, and/or threatening conduct;
 - B. Unreasonably loud, boisterous, or disruptive behavior;
 - C. Disruption of lawful meetings or events;
 - D. Obstruction of access to government services;
 - E. Interference in government business;
 - F. Abusive language or gestures;
 - G. Degrading the appearance of County Property, including, but not limited to, depositing waste, defacing property, or spitting;
 - H. Unauthorized access to restricted areas or other violations of County security policies;
 - I. Refusal to abide by, or otherwise obey, a directive issued by an authorized County employee or elected official;
 - J. Violation of a state or local law; and/or
 - K. Conduct that is otherwise disruptive to the efficient functioning of government affairs.
- 3.02 Before issuing an exclusion under this section, the person authorized to exclude individuals from County Property shall first give the person a warning and opportunity to desist from the conduct or behavior. An exclusion shall not be issued if the person promptly complies with the direction and desists from conduct or behavior. Notwithstanding the provisions of this Section 3.02, no warning shall be required if the person is to be excluded for engaging in conduct that has resulted in injury to any person or damage to any County Property.
- 3.03 The Sheriff and the County Administrator, or their designee(s), shall have the authority to issue exclusion orders.
- 3.04 If the person authorized to exclude individuals from County Property did not witness the prohibited conduct or behavior firsthand, the person(s) that reported the prohibited conduct or behavior shall complete a witness affidavit that describes in sufficient detail the observed conduct or behavior. Such an affidavit shall be substantially similar in form to Appendix 1.
- 3.05 A person in violation of this policy may be excluded for a period of up to twelve (12) months. The length of exclusion is dependent upon the following factors:
- A. Collective number of prior violations;

B. Severity of behavior; and

C. Nature of the County business affected.

- 3.06 During the exclusion period, the person may only enter a specific County Property, with prior notice to the County Administrator or designee, to conduct Necessary Official Business during normal County business hours.
- 3.07 If a person to whom an exclusion order is directed remains or returns to excluded County Property without complying with Section 3.06, that person may be subject to arrest for criminal trespass.

IV. EXCLUSION ORDER FORM

- 4.01 All exclusion orders must be in writing and shall state the basis for the order, the County Property to which the exclusion applies, and the appeal information. The form of such an exclusion order must substantially comply, in form and content, with Appendix 2.
- 4.02 The order must be served personally on the person to be excluded or by certified and regular mail. If the order is to be served by certified and regular mail, it must be postmarked within ten (10) business days of the offensive behavior or conduct.
- 4.03 The exclusion order must be kept on file by the issuing department during the term of the exclusion. The party issuing the exclusion order must: 1) provide copies of the order to the County Administrator and to Courthouse Security (where applicable); and (2) file a copy of the order with the Yamhill County Clerk in accordance with Section 6.
- 4.04 The exclusion will remain in effect for the period specified in the order unless modified or rescinded upon appeal.

V. APPEAL

- 5.01 Any exclusion order from County Property may be appealed by filing a notice of appeal no later than five (5) business days after being served with the exclusion order. If a person accepts certified mailing, the date of acceptance of the mailing shall serve as the date of service for calculation of the appeal period. If a person rejects certified mailing, the date of rejection of the mailing shall serve as the date of service for calculation of the appeal period. The notice of appeal will be considered timely only if postmarked or received within the five (5) day period.
- 5.02 The notice of appeal shall be mailed to:
- Yamhill County Counsel's Office
Re: Exclusion Order Appeal
535 NE Fifth Street
McMinnville, OR 97128
- 5.03 An exclusion order shall be stayed while an appeal is pending.

- 5.04 The County Counsel shall select a designee to adjudicate the appeal if the County Counsel has any personal involvement in the matter.
- 5.05 The County Counsel or designee shall arrange for a hearing on the issue of the exclusion order. The hearing shall take place in front of the County Counsel or designee within five (5) business days of receiving the notice of appeal.
- 5.06 During the hearing, the County Counsel or designee shall consider any evidence and/or justifications the issuing official deems as relevant. This may include oral and/or written testimony, including affidavits or declarations from any involved persons, including hearsay deemed reliable by the County Counsel or designee. The appellant may present evidence and/or submit testimony at the hearing in order to contest the validity of the exclusion order.
- 5.07 The County Counsel or designee shall uphold the exclusion if, upon their de novo review, the preponderance of evidence indicates that, more likely than not, the person in fact committed the violation for which the person was excluded, and if the exclusion is otherwise in accordance with law. The County Counsel or designee is the sole judge as to whether or not an exclusion order is consistent with this policy or any other applicable law.
- 5.08 The County Counsel or designee shall issue a written decision within five (5) business days of the hearing date. Such decision shall be final.

VI. RECORDING OF EXCLUSION ORDERS

- 6.01 A copy of the exclusion order shall be filed with the Yamhill County Clerk's Office under the County Commissioner's Journal. When the Clerk accepts an order for filing, the Clerk shall affix a unique, controlled number to the order that conforms to the following format ("YY" represents the last two digits of the year in which the exclusion order was issued and "nnn" is the Clerk's control number for that particular exclusion order):

Exclusion Order No. YY-nnn

- 6.02 The Clerk shall record an exclusion order in the commissioners' journal.

APPENDIX 1: WITNESS AFFIDAVIT FORM

APPENDIX 2: EXCLUSION ORDER FORM



Order No. _____

YAMHILL COUNTY EXCLUSION ORDER

Name: _____ DOB: _____ Photo Attached? Yes No
Last First Middle

Sex: _____ Height (appx): _____ Weight (appx): _____ Eye Color: _____ Hair Color: _____ Race: _____

Address: _____ Phone: _____
Number Street City State Zip Code

On: _____ at: _____ a.m. p.m. you were witnessed engaging in the following conduct and/or behaviors:
Date Time

- Disorderly, riotous, violent, and/or threatening conduct
- Unreasonably loud, boisterous, or disruptive behavior
- Disruption of lawful meetings or events
- Obstruction of access to government services
- Interference in government business
- Abusive language or gestures
- Violation of a state or local law
- Degrading the appearance of County Property, including depositing waste, defacing property, or spitting
- Conduct that is otherwise disruptive to the efficient functioning of the County's government affairs

Additional clarification: _____

Because of your actions noted above, it is the decision of:

<i>Name</i>	<i>Title</i>	<i>Department</i>
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to exclude you from entering and being upon the following County Property pursuant to Yamhill County Policy 212:

- | | |
|--|---|
| <input type="checkbox"/> Yamhill County Courthouse | <input type="checkbox"/> Yamhill County Probation and Parole |
| <input type="checkbox"/> Yamhill County Fairgrounds | <input type="checkbox"/> Yamhill County Public Works |
| <input type="checkbox"/> Yamhill County Health & Human Services | <input type="checkbox"/> Yamhill County Sheriff's Office/Jail |
| <input type="checkbox"/> Yamhill County Parks/Recreational Areas | <input type="checkbox"/> ALL COUNTY PROPERTY |
| <input type="checkbox"/> Other: _____ | |

This document shall serve as your **Notice of Exclusion**. You are hereby formally excluded from the premises checked above for a period of: 1 day 30 days 3 months 6 months 12 months Other: _____

You may only enter a premises checked above to conduct **Necessary Official Business** during normal business hours. "Necessary Official Business" is defined as either: 1) an appearance for a legal matter; or 2) a prearranged and verifiable meeting with a County employee or official. If during your exclusion period you need to conduct Necessary Official Business upon any County Property from which you are excluded, you must notify the County of your presence prior to entry. Notification can be provided at the following phone numbers:

- For business at the Yamhill County Courthouse, please call (503) 472-9371.
- For business at the Yamhill County Sheriff's Office/Jail, please call (503) 434-7506.
- For business at Yamhill County Fairgrounds, please call (503) 434-7524.
- For business at any Yamhill County Park, please call (503) 434-7463.
- For business at Yamhill County Probation and Parole, please call (503) 434-7513.
- For business at Yamhill County Public Works, please call (503) 434-7515.
- For business at Yamhill County Health and Human Services, please call (503) 434-7523.
- For business at Yamhill County Planning & Development, please call (503) 434-7516.
- For business at Yamhill County Clerk's Office, please call (503) 434-7513.
- For all other County business, please call (503) 434-7501.

This exclusion has been recorded and will be kept on file during the term of this exclusion. **Failure to comply with this Exclusion Order may result in your arrest for criminal trespass.** This exclusion will remain in effect for the specified period unless it is changed or rescinded because of an appeal. To appeal this exclusion, see the appeal information provided on the back of this Order.

This Exclusion Order shall expire on: _____ at: _____ a.m. p.m.
Date Time

Authorized Signature: _____

HOW TO APPEAL AN ORDER OF EXCLUSION

Any exclusion from Linn County Property may be appealed by filing a notice of appeal within five (5) business days from the date of the Order. If an appeal is properly filed, this order will be stayed while the appeal is pending.

The written notice of appeal shall be mailed to the Yamhill County Administrator at the following address:

Yamhill County Administrator
Re: Exclusion Order Appeal
535 NE Fifth Street
McMinnville, OR 97128

The notice of appeal will be considered timely only if received or postmarked within the five-day period.

Upon receipt of a notice of appeal, the County Administrator will arrange for a hearing on the issue. The hearing shall take place in front of the County Administrator or designee within five (5) business days of receiving the notice of appeal.

During the hearing, the County Administrator or designee shall consider all evidence and/or justifications the issuing authority deems as relevant. This may include oral and/or written testimony, including affidavits or declarations from any involved persons. The appellant may present evidence and/or submit testimony at the hearing in order to contest the validity of the exclusion. The County Administrator or designee is the sole judge as to whether or not the exclusion order is consistent with Yamhill County Policy 212 or any other applicable law.

The County Administrator or designee shall issue a written decision within five (5) days of the hearing date. Such decision shall be final.