

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 the Adoption of an Ordinance)
Governing the Procedures for Conduct of Board)
Meetings and the Transaction of County Business;) ORDINANCE 754
Repealing Ordinances 616 and 623; Declaring an)
Emergency, Effective February 7, 2005.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on January 13, 2005, commissioners Mary P. Stern, Leslie Lewis and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. The Board currently conducts county business in accordance with Ordinance 616 as amended by Ordinance 623. The Board desires to adopt this ordinance to replace those ordinances to restate Board procedures and modify standard days and starting times for formal and informal Board sessions.
- B. ORS 203.035 allows the Board flexibility to adopt an ordinance establishing procedures to govern the manner in which it conducts county business. This ordinance is consistent with state law and is in the best interests of the citizens of the county because it establishes a consistent manner of operation for the Board. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1 ORGANIZATION OF THE BOARD

- 1.01 The Board shall, at its first formal meeting of each calendar year or as soon thereafter as reasonably practicable, elect a chair and vice-chair from among its members.
- 1.02 The Board may, at its first formal meeting of each calendar year or as soon thereafter as reasonably practicable, adopt a division of liaison or representational responsibilities for the various departments, committees, commissions and other activities of Yamhill County among its members.

Section 2 PRESIDING OFFICER

- 2.01 The chair of the Board shall be the presiding officer at all Board meetings. The chair shall have a vote on each matter before the Board. The chair may make motions.

- 2.02 The vice-chair shall be the presiding officer in the absence or incapacity of the chair.
- 2.03 All procedural decisions of the presiding officer shall be subject to review and reversal by a majority of the Board.
- 2.04 When the chair calls for a vote on a matter before the Board, the chair shall, before a vote is taken, state the question before the Board in general terms. The chair shall announce the individual vote of each commissioner as well as the decision of the Board after each matter is put to a vote.

Section 3 MEETINGS; FORMAL AND INFORMAL SESSIONS

- 3.01 Unless otherwise authorized by constitution, statute or ordinance, a quorum must be present for the Board to transact county business. A quorum is two members of the Board. To the extent allowed by Section 3.09, a commissioner may be "present" by means of electronic or telephonic participation.
- 3.02 Unless canceled by a majority of the Board, a formal session of the Board shall normally be held at 9:00 a.m. each Wednesday.
- 3.03 A formal session of the Board may be called at any time other than 9:00 a.m. Wednesday by the presiding officer or a majority of the Board. When a formal session is held at a time other than 9:00 a.m. Wednesday, the minutes shall state the reasons why the formal session was scheduled for a different time.
- 3.04 All formal business of the Board shall be conducted at formal sessions. The following matters shall be reserved for formal sessions:
 - a. Public hearings.
 - b. Adoption of ordinances or amendments to ordinances.
 - c. Hiring personnel, reclassification of personnel and readjustment of wages or benefits.
 - d. Budget actions, including transfers between departmental budgets or funds.
 - e. Final approval of contracts and agreements.
 - f. All land use final decisions.
 - g. Road vacations.
 - h. Acceptance of roads or additional right-of-way into the county road system.

- i. Creation of committees and committee appointments.
 - j. Adoption of classification decisions.
 - k. Refunds, but only where the amount to be refunded exceeds the delegated authority granted by Board Order to authorized county officials.
- 3.05 Informal sessions are reserved for briefings, receipt of reports, consultation among commissioners and staff, reports by commissioners on recent actions in the areas of their responsibility and other personnel and administrative decisions which are not required by this ordinance to be considered at formal Board sessions.
- 3.06 Informal sessions may be held as needed, but the following time shall be preferred: 2:00 p.m. each Monday.
- 3.07 Public notice of Board meetings.
- a. Formal sessions. Public notice of formal sessions of the Board shall be given in accordance with ORS 192.640.
 - b. Informal sessions. Public notice of informal sessions of the Board shall be given in accordance with ORS 192.640 and the following rules:
 - (i) Except as provided in subsection (ii), below, a separate public notice shall be given for each informal session. Notice of an informal sessions shall be provided to the public by posting on at least one bulletin board in the courthouse and by distribution to the News-Register, Newberg Graphic, Sheridan Sun newspapers and KLYC radio station. Notice shall be given as soon as a determination is made to hold an informal session. Notice shall include an agenda which lists the principal subjects to be considered at the meeting, but this requirement shall not limit the ability of the Board to consider additional subjects.
 - (ii) Notice of the Monday, 2:00 p.m. informal session to set the agenda for the following Wednesday and consider other informal subjects not reserved for a formal session shall be given to the public through the News-Register, Newberg Graphic, Sheridan Sun newspapers and KLYC radio station annually at the beginning of the calendar year. No other individual notice shall be required for any informal session held on a Monday at 2:00 p.m.
- 3.08 All sessions of the Board shall be open to the public unless the Board declares the session an "executive session" consistent with ORS 192.660.

3.09 Electronic or telephonic participation.

- a. For purposes of this Section 3.09, "participate" means to make motions, discuss and deliberate matters, and vote.
- b. A commissioner may elect to participate in an informal session by electronic or telephonic means.
- c. Except as provided in subsection (d), below, a commissioner must be physically present at the meeting in order to participate in a formal session of the Board. Although an absent commissioner may not participate in the formal session, the absent commissioner may listen to or observe the proceedings if audio or video equipment is available.
- d. A commissioner may participate by electronic or telephonic means upon the concurrence of a majority of the Board. For purposes of determining whether a majority of the Board concurs in the electronic or telephonic participation of an absent commissioner, the absent commissioner may participate by electronic or telephonic means on that question only.

Section 4 AGENDAS

- 4.01 Except when the presiding officer or a majority of the Board determines that good cause exists for a different time, the agenda for a formal session of the Board shall be set at the 2:00 p.m. informal session on the Monday preceding the formal session.
- 4.02 Any member of the Board may place an item on an agenda for any meeting whether a formal or informal session. The presiding officer shall determine the order of the agenda. At the meeting any item may be taken out of order upon a majority vote of the Board.
- 4.03 Except for public hearings and the adoption of the county budget, those items on the agenda that are considered routine by all Board members present at the informal session in which the agenda is set for the formal session may be classified as "consent agenda items." At the time of the formal session, any consent agenda item may be removed from the consent agenda by any Board member. If an item is removed from the consent agenda, the item shall be considered separately by the Board following action on the consent agenda. Following an opportunity for any Board member to remove any item from the consent agenda, a motion to approve the consent agenda may be made. Following the motion, the consent agenda may be approved by a single vote, and all items on the consent agenda shall be considered approved. Consent agenda items shall appear as separate items in the minutes.

- 4.04 A matter may be considered as an “add-on item” by the Board at any scheduled meeting even though the matter was not included on the agenda for the meeting. A majority of the Board may approve, disapprove or continue the add-on item.

Section 5 MOTIONS, DECISIONS, AND TIES

- 5.01 Decisions of the Board shall be made by majority vote on a motion of a member. Motions do not require a second in order to be brought to a vote.
- 5.02 A motion to reconsider any item may be made only by a commissioner who voted with the majority on the question or a commissioner who was absent for the vote. Such a motion can be made only at the same meeting that the original motion was adopted, or at the next formal session.
- 5.03 In the event of a tie vote, the item voted upon shall be continued to the next regularly scheduled meeting of the same type to allow the absent commissioner to break the tie. However, if the tie vote is the result of an abstention of a member due to a conflict of interest, the matter will not be continued and will be deemed denied. Prior to the vote to break the tie, no further evidence or public comment shall be allowed unless a majority of the Board agrees to further evidence or public comment.

Section 6 MANNER AND PROCEDURE FOR ADOPTING ORDERS, RESOLUTIONS, AND ORDINANCES

- 6.01 Those decisions of the Board requiring written documentation shall be in the form of either board orders, resolutions or ordinances, to be used as indicated in this subsection:
- a. Board Order. Board Orders shall be used by the Board for those matters which constitute the transaction of county business, but are not legislative in nature, or when an order is required by statute, ordinance or other law.
 - b. Resolution. Resolutions shall be used for the issuance of proclamations of county concern on non-legislative matters which do not direct the expenditure of funds or when otherwise required by statute, ordinance, or other law.
 - c. Ordinance. Ordinances shall be used for the legislative enactments of general law on matters of county concern by the Board of Commissioners or when otherwise required by statute, ordinance, or other law.
- 6.02 Board orders and resolutions shall be adopted by the Board at the appropriate Board meeting in accordance with applicable law and this ordinance. Repeal or amendment of a board order or resolution shall be accomplished by subsequent board order or resolution.

- 6.03 The procedure for adopting ordinances as provided in ORS 203.045 shall apply to all ordinances adopted by the Board, unless another procedure is authorized or required by law. Repeal or amendment of an ordinance shall be accomplished by subsequent ordinance adopted in compliance with this section.
- 6.04 Nothing in this section shall invalidate any action of the Board of Commissioners as a result of mislabeling or otherwise misnaming the written enactments, so long as the procedures required by statute for the decision made have been met.
- 6.05 Unless otherwise provided by law or by the document itself, board orders, resolutions, and ordinances shall be effective upon passage.
- 6.06 All board orders, resolutions, and ordinances shall reflect the vote of each Board member on its adoption.

Section 7 APPOINTMENT OF COMMITTEES, BOARDS, AND COMMISSIONS

- 7.01 The Board, by order, may create and appoint members to advisory committees, boards, task forces, and commissions to deal with any matter of county concern. The Board may set the terms of appointment, adopt by-laws, amend by-laws and take such other action regarding said boards, committees, task forces, and commissions as the Board deems appropriate. The Board may remove members of advisory committees, boards, task forces, and commissions when the Board determines in its sole discretion that removal is in the best interest of the county.
- 7.02 When a vacancy occurs on an appointive committee, board, task force, or commission, by resignation, expiration of term, or for any other reason, notice of such vacancy shall be placed on the formal Board session agenda unless circumstances warrant an immediate appointment as determined by the Board. The Board may solicit nominations or applications for such position from the public for a period established by the Board. The Board may make an appointment upon nomination by any member of the Board.
- 7.03 Unless the by-laws of an advisory committee, board, task force or commission provide to the contrary, a member shall continue to serve in office following expiration of term until a successor has been appointed.

Section 8 OPERATIONS OF THE COMMISSIONERS' OFFICE

- 8.01 For purposes of this section, the office of the Board of Commissioners includes the offices of the individual commissioners, personnel paid from the commissioners' budget category, the department of administrative services and the office of county counsel. The duties of the administrative services director and county counsel shall be established by the Board and may

be amended as determined appropriate by the Board. The administrative services director shall supervise operations of all personnel assigned to the department of administrative services and Board of Commissioners' office excluding personnel assigned to the office of county counsel. The county counsel shall supervise operations of all personnel assigned to the office of county counsel.

- 8.02 The administrative services director and county counsel shall be under the principal direction of the chair, subject to the approval and direction of the majority of the Board.
- 8.03 Consistent with policies adopted by the Board, each commissioner shall supervise the department head of the various departments assigned to that commissioner that are managed by an appointed official. A commissioner shall provide liaison with departments controlled by other elected officials.
- 8.04 Each commissioner may make routine decisions within that commissioner's areas of responsibility as set forth in the division of responsibilities adopted under Section 1.02 of this ordinance, including expenditure of county funds in amounts of no more than \$1,000 per expenditure up to a maximum of \$5,000 per fiscal year for all expenditures from the county budget. The commissioner who expends funds under this subsection shall declare the expenditure for the record of the next formal or informal session, including the total amount of the expenditure and the reasons for the expenditure.
- 8.05 In the absence of any commissioner, the responsibility for that commissioner's assigned departments will pass to the chair. If the chair is absent, the vice-chair shall adopt the absent commissioner's functions.

Section 9 AUTHORITY

- 9.01 a. Except as provided in subsection (b) of this section, Robert's Rules of Order, Newly Revised shall be the parliamentary authority for the Board, except as modified by this ordinance, statute, or other law.
- b. In any procedural matter, Section 2.03 of this ordinance shall control if invoked by a majority of the Board.

Section 10 REPEAL OF PRIOR ORDINANCES

- 10.01 Ordinances 616 and 623 are hereby repealed. This repeal shall not, however, affect or otherwise invalidate any decision or action of the Board made in accordance with the terms of Ordinances 616 and 623.

Section 11 SEVERABILITY

11.01 All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

Section 12 EFFECTIVE DATE.

12.01 The first and second readings of this ordinance were made January 13, 2005. 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 on February 7, 2005.

AYES: Commissioners Stern, Lewis and George.

DONE at McMinnville, Oregon on January 10, 2005.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

Mary P. Stern
MAYOR

Chair MARY P. STERN

By *Anne Britton*
Deputy ANNE BRITTON



Leslie Lewis
Commissioner LESLIE LEWIS

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Legal Counsel

Kathy George
Commissioner KATHY GEORGE

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