

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 Implementing )  
ORS 565.225 Relating to Removal of Fair )       ORDINANCE 788  
Board Members by the Board of Commissioners )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on June 14, 2006, commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Oregon Revised Statutes (ORS) section 565.225 allows a board of county commissioners to remove a fair board member for certain designated reasons. It requires a board of county commissioners, by ordinance, to define the terms of removal prescribed by the statute. The statute provides as follows:

**565.225 Removal of county fair board member.** A member of a county fair board appointed under ORS 565.210 may be removed by the county court for inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty or other good cause, as those terms may be defined by county ordinance. A member of the fair board shall not be removed by the county court until after the member receives a copy of a statement containing the cause for removal and a hearing on the removal is held. The statement shall be given to the member at least 10 days prior to the hearing, at which the member must have an opportunity to be heard in person or by counsel. When the county court removes a member of the fair board, a record of the proceedings, together with the cause for removal and findings thereon, shall be filed in the office of the county clerk.

B. In accordance with ORS 565.225, it is appropriate for the Board to adopt this ordinance to define the terms that authorize removal of a county fair board member. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

**Section 1.** This ordinance is adopted to comply with ORS 565.225, 2005 replacement part.

**Section 2.** For purposes of ORS 565.225, the terms inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty or other good cause, have the following meanings:

a. "Dereliction of duty" means an intentional abandonment of an official duty of fair board membership.

b. "Incompatibility" means a state of inharmonious co-existence on the fair board that diminishes the ability of the fair board or staff to effectively manage or operate the fairgrounds or county fair.

c. "Incompetence" means an inability to perform a duty on behalf of the fair board that makes it unlikely the legitimate goals of the fair board will be realized or a statutory requirement will be satisfied.

d. "Inefficiency" means the quality of wasting time or energy in performance of official fair board duties that results in inability to realize or difficulty in realizing legitimate goals of the fair board.

e. "Misconduct in office" means a substantial deviation from the standards of conduct or behavior that a reasonable person would expect from an appointed public official in performing official acts of the fair board.

f. "Neglect of duty" means a failure to perform an official fair board duty that is reasonably assumed necessary in the course of performance of official acts of a fair board member.

g. "Other good cause" means a sufficient reason to establish that a fair board member is unable or unwilling to act to advance the legitimate goals of the fair board.

**Section 3.** 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.

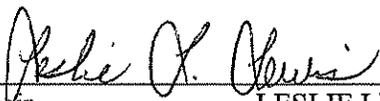
**Section 4.** The first and second readings of this ordinance were made June 14, 2006. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect immediately.

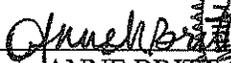
DONE at McMinnville, Oregon on June 14, 2006.

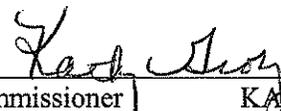
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

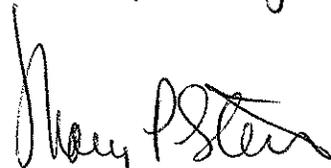
  
Chair  
LESLIE LEWIS

By:   
Deputy ANNE BRITZ

  
Commissioner | KATHY GEORGE

FORM APPROVED BY:

  
JOHN M. GRAY, JR.  
Yamhill County Legal Counsel

  
Commissioner | MARY P. STERN

Accepted by Yamhill County  
Board of Commissioners on  
6/14/06 by Board Order  
# 06-386