

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 Amending the Yamhill County Public Contracting Rules; Adopting the Yamhill County Public Hearing Procedures Code; Declaring an Emergency and Setting the Effective Date

ORDINANCE 933

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on April 4, 2024, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, On February 29, 2024, the Board held a work session to discussion proposed amendments to the “Procedures for Conduct of Board Meetings and the Transaction of County Business” code (the “Code”); and

WHEREAS, At the conclusion of the work session, the Board directed staff to amend the Code as provided in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, The Board also wishes to formally adopt uniform procedures for the conduct of public hearings involving a County “Approving Authority”, as provided in Exhibit B, attached hereto and incorporated herein; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Amendment of the Procedures for Conduct of Board Meetings and the Transaction of County Business Code. The amendments to the Procedures for Conduct of Board Meetings and the Transaction of County Business code, hereafter known as the “Yamhill County Board of Commissioners Procedural Code,” as provided in Exhibit A, are hereby approved and adopted.

Section 2. Adoption of the Yamhill County Public Hearing Procedures Code. The Yamhill County Public Hearing Procedures Code, as provided in Exhibit A, is hereby approved and adopted.

Section 3. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections thereto.

Section 4. Emergency Clause; Effective Date. Pursuant to the provisions of ORS 203.045(4)-(9), an emergency has been declared to exist. This Ordinance shall therefore become effective upon passage.

DATED this 4th day of April, 2024, at McMinnville, Oregon.



YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST

KERI HINTON
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

FORM APPROVED BY:

Jodi Gollehon
JODI GOLLEHON
Assistant Yamhill County Counsel

Lindsay Berschauer
Chair LINDSAY BERSCHAUER

| <u>AYE</u> | <u>NAY</u> |
|------------|------------|
| X | |

Kit Johnston
Commissioner KIT JOHNSTON

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| X | |
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Mary Starrett
Commissioner MARY STARRETT

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| X | |
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Approved by the Yamhill County Board of
Commissioners on 24-100
via Board Order 4/4/24

YAMHILL COUNTY CODE

TITLE 2: COUNTY ADMINISTRATION

Chapter 2.05: Procedures for Conduct of Board Meetings and the Transaction of County Business Yamhill County Board of Commissioners Procedural Code

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B.O. 24-100

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LEGISLATIVE HISTORY

SECTION 1 - ORGANIZATION OF THE BOARD

2.05.01.01 Election of Chair and Vice-Chair. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.01.02 Liaison Adoptions. 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, boards, task forces, commissions, and other activities of Yamhill County among its members.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

SECTION 2 - PRESIDING OFFICER

2.05.02.01 Chair of the Board. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.02.02 Vice-Chair of the Board. The vice-chair shall be the presiding officer in the absence or incapacity of the chair.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.02.03 Procedural Decisions Subject to Review. All procedural decisions of the presiding officer shall be subject to review and reversal by a majority of the Board.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.02.04 Call for Vote; Announcements Required. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

SECTION 3 - MEETINGS; FORMAL AND INFORMAL SESSIONS

2.05.03.01 Quorum Required. 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 2.05.03.09, a commissioner may be “present” by means of electronic or telephonic participation.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.03.02 Formal Session Schedule. Unless canceled by a majority of the Board, a formal session of the Board shall normally be held at 10:00 a.m. each Thursday.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.03.03 Special Sessions. A formal session of the Board may be called at any time other than 10:00 a.m. Thursday by the presiding officer or a majority of the Board. When a formal session is held at a time other than 10:00 a.m. Thursday, the minutes shall state the reasons why the formal session was scheduled for a different time.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.03.04 Formal Business. 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/or readjustment of wages or benefits, except when specifically delegated by the Board to the county administrator who will consult with the appropriate liaison commissioner and the department head or elected official.
- d) Budget actions, including transfers between departmental budgets or funds.
- e) Final approval of contracts and agreements unless approval has been delegated to another county official.
- 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 advisory boards, committees, task forces, commissions, and committee appointments thereto.
- 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.
- l) Department updates.

m) Work sessions, which shall be 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 as appropriate.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.03.05 REPEALED Informal Sessions Generally. ~~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 as appropriate.~~

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; REPEALED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.03.06 REPEALED Informal Session Schedule. ~~Informal sessions may be held as needed, but the following time shall be preferred: 2:00 p.m. each Tuesday.~~

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; REPEALED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.03.07 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.03.08 Sessions Open to the Public. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.03.09 Electronic or Telephonic Participation.

a) For purposes of this Section 2.05.03.09, “participate” means to make motions, discuss, and deliberate matters, and vote.

b) A commissioner may elect to participate in ~~an informal~~ formal or special sessions 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.~~

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

SECTION 4 – AGENDAS AND PUBLIC COMMENT

2.05.04.01 Agenda Schedule. 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 finalized by 10:00 a.m. on the Wednesday set at the 2:00 p.m. informal session on the Tuesday preceding the formal session. The finalized agenda shall be publicly posted no later than the start of the formal session.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.04.02 Adding to Agenda; Order of Agenda. Any member of the Board may place an item on an agenda for ~~any meeting~~ whether a formal or ~~informal~~ special session. The presiding officer shall determine the order of the agenda. At the meeting any item may be taken out of order upon consensus of the Board.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.04.03 Consent Agenda.

- a) 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.” The County Administrator or designee shall be responsible for drafting the consent agenda each week.
- b) 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.
- c) 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.
- d) Consent agenda items shall appear as separate items in the minutes.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.04.04 Add-on Items. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.04.05 Public Comment.

- a) Public Comment Provided During Formal Session. The agenda for a formal session shall include time for members of the public to provide comment on matters of county concern.
 - (i) Unless extended or limited by the chair, the maximum public comment time is three minutes per person. Unless extended by the chair, the total time for public comment shall not exceed 30 minutes. Citizens may not “yield their time” to others.
 - (ii) No public comments will be allowed that address: 1) an agenda item; 2) pending or threatened litigation; 3) a quasi-judicial land use matter; or 4) a topic scheduled for a public hearing.
 - (iii) Remote public comment shall be permitted when electronic or telephonic transmission is readily available. Individuals wishing to provide remote public comment shall request permission to provide public comment remotely, using a form prescribed by the county administrator, no later than 5:00 p.m. on the Wednesday preceding the formal session.
- b) Written Public Comment Submitted Prior to Formal Session.
 - (i) All written comments shall be shared with the Board and included with the formal session meeting record under the public comment agenda item.
 - (ii) Written public comment must be submitted prior to 5:00 p.m. on the Wednesday preceding the formal session. Written public comments submitted after this deadline shall be considered during the following week’s formal session.
- c) Dialogue Not Required. Citizens should not direct questions to commissioners or staff during the public comment period. Commissioners are under no obligation to answer questions during a public comment period but may do so at their discretion.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

SECTION 5 - MOTIONS, DECISIONS, AND TIES

2.05.05.01 Decisions and Motions Generally. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.05.02 Motion to Reconsider. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.05.03 Tie Votes. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

SECTION 6 - MANNER AND PROCEDURE FOR ADOPTING ORDERS, RESOLUTIONS, AND ORDINANCES

2.05.06.01 Written Decisions; Forms. 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 or when otherwise required by statute, ordinance, or other law.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.06.02 Adoptions Generally. Board orders and resolutions shall be adopted by the Board at the appropriate Board meeting in accordance with applicable law and this Chapter. Repeal or amendment of a board order or resolution shall be accomplished by subsequent board order or resolution.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.06.03 Application of ORS 203.045. 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.06.04 Mislabeling or Misnaming. Nothing in this section shall invalidate any action of the Board 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.06.05 Effective Date of Decisions. Unless otherwise provided by law or by the document itself, board orders, resolutions, and ordinances shall be effective upon passage.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.06.06 Minutes to Reflect Vote. The minutes shall reflect the vote of each member of the Board on the adoption of a board order, resolution, or ordinance.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

SECTION 7 - APPOINTMENT OF COMMITTEES, BOARDS, TASK FORCES AND COMMISSIONS

2.05.07.01 Appointments Generally.

- a) The Board, by order, may create and appoint members to advisory boards, 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~~ bylaws, amend ~~by laws~~ bylaws and take such other action regarding said boards, committees, task forces, and commissions as the Board deems appropriate.
- b) All volunteer advisory board, committee, task force, and commission members serve at the pleasure of the Board, and appointments and reappointments are subject to the approval of the Board. It is expected that all appointed advisory board, committee, task force, and commission members actively participate in the work of their appointed advisory board, committee, task force, or commission. ~~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.~~
- c) All appointments, reappointments, and removals of a member of an advisory board, committee, task force, and/or commission shall be done via formal order of the Board. Each application and a full roster of members of the advisory board, committee, task force, and/or commission to which a member is being appointed or re-appointed shall accompany the Board's order.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.07.02 Rosters and Applications to be Publicly Available.

- a) The county shall maintain a centralized roster of all advisory board, committee, task force, and/or commission members, their respective initial appointments, and their term expiration dates. Rosters shall be made available for public viewing on the county's website.
- b) Advisory board, committee, task force, and/or commission member application forms shall be available in the Board's office and on the county's website.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.07.03 Vacancies.

- a) When a vacancy occurs on an ~~appointive~~ advisory board, 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.~~
- b) Unless otherwise determined by the Board, vacancies shall be publicly posted on the county website for at least ten working days and shall remain posted thereafter until either the predetermined application deadline has lapsed, or the appointment has been approved by the Board. Notices may also be sent to the media and/or other interested groups at the discretion of the Board.
- c) When a new appointment is made to fill a vacancy for an unexpired term, the new appointment shall be for the remainder of the unexpired term.
- d) The Board may make an appointment upon nomination by any member of the Board.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.07.04 Appointment Term.

- a) Unless the ~~by laws~~ bylaws of an advisory board, committee, ~~board~~, task force, or commission provide to the contrary, a member ~~shall~~ may continue to serve in office following expiration of their term until a successor has been appointed.
- b) The chair of an advisory board, committee, task force, or commission shall contact a member with an expiring term in order to determine whether the member is willing to accept reappointment to the position. The chair shall thereafter inform the Board of the member's intention.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.07.05 Resignations; Removals.

- a) Member Resignations. A member of an advisory board, committee, task force, or commission shall submit a resignation in writing to the chair of the advisory board, committee, task force, and commission on which they serve. The chair shall forward a copy of the resignation to the Board.
- b) Member Removals.
 - (i) The Board may remove a member of an advisory board, committee, task force, or commission on its own motion or upon recommendation of the advisory board, committee, task force, or commission when it determines it is in the best interests of the county to do so. Removal of a member of an advisory board, committee, task force, or commission requires formal action by the Board.
 - (ii) Should it become evident to the chair, vice chair, or staff of any advisory board, committee, task force, or commission that a member has not attended meetings as necessary or has otherwise failed to perform such other reasonable functions as required by the bylaws or upon request of the chair/vice chair or staff, this fact shall be brought to the attention of the Board. The advisory board, committee, task force, or commission shall also include a recommendation as to whether the member's term of appointment should be terminated.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.07.06 Bylaws.

- a) The Board shall have the sole authority to adopt, amend, or repeal bylaws for County advisory boards, committees, ~~boards,~~ task force, and commissions. Bylaws shall be adopted by an order of the Board.
- b) Bylaws may be drafted, reviewed, and recommended to the Board by any advisory board, committee, task force, or commission. Each advisory board, committee, task force, and commission shall establish participation requirements in its bylaws that support the purpose of that group.
- c) Each advisory board, committee, task force, and commission shall review its bylaws on an annual basis. Updates and recommended changes to bylaws are to be forwarded to the Board for consideration. Bylaws may only be amended by formal action of the Board by Board Order.
- d) Bylaws shall be publicly posted and available upon request.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

SECTION 8 - OPERATIONS OF THE BOARD'S OFFICE

2.05.08.01 Office of the Board Generally. For purposes of this section, the office of the Board includes the offices of the individual commissioners, personnel paid from the Board's budget category, the ~~department office~~ of the county administrator and the office of county counsel. The duties of the county administrator and county counsel shall be established by the Board and may be amended as determined appropriate by the Board. The county administrator shall supervise operations of all personnel assigned to the office of county administrator ~~department of administrative services~~ and Board's 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.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.08.02 County Administrator and County Counsel. The county administrator and county counsel shall be under the ~~principal direction of the chair,~~ subject to the approval and direction of the majority of the Board.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.08.03 Liaisons. Consistent with policies adopted by the Board, each commissioner shall serve as liaison to the various departments assigned to that commissioner pursuant to Section 2.05.01.02. Liaison duties include being informed about issues pertinent to the assigned department, committee, board, task force, commission, or agency but not for formal administrative purposes. It is the responsibility of each liaison to communicate

information about their liaison departments, committees, boards, task forces, ~~or~~ commissions, or agencies to the rest of the Board from time to time.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16; AMENDED VIA ORDINANCE NO. 933 eff 04/04/24]

2.05.08.04 Absences. In the absence of any commissioner, the absent commissioner's assigned liaison responsibilities will pass to the chair. If the chair is absent, the vice-chair shall adopt the absent commissioner's liaison responsibilities.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

SECTION 9 - AUTHORITY

2.05.09.01 Robert's Rules of Order. 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 Chapter, statute, or other law.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

2.05.09.02 Ordinance Shall Control. In any procedural matter, Section 2.05.02.03 of this Chapter shall control if invoked by a majority of the Board.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

SECTION 10 - SEVERABILITY

2.05.10.01 Severability. All sections, subsections and paragraphs of this Chapter 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 Chapter shall be unaffected.

[ADOPTED VIA ORDINANCE NO. 900 eff 11/10/16]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 284 on 12/23/1981, effective 12/23/1981

Amended via Ordinance No. 313 on 12/23/1981, effective 12/23/1981

Repealed via Ordinance No. 353 on 12/23/1981, effective 12/23/1981

Adopted via Ordinance No. 353 on 12/23/1981, effective 12/23/1981

Amended via Ordinance No. 379 on 12/23/1981, effective 12/23/1981

Amended via Ordinance No. 406 on 12/23/1981, effective 12/23/1981

Repealed via Ordinance No. 616 on 12/23/1981, effective 12/23/1981

Adopted via Ordinance No. 616 on 12/23/1981, effective 12/23/1981

Amended via Ordinance No. 623 on 12/23/1981, effective 12/23/1981

Amended via Ordinance No. 687 on 12/23/1981, effective 12/23/1981

Repealed via Ordinance No. 754 on 12/23/1981, effective 12/23/1981

Adopted via Ordinance No. 754 on 12/23/1981, effective 12/23/1981

Repealed via Ordinance No. 860 on 12/23/1981, effective 12/23/1981

Adopted via Ordinance No. 860 on 12/23/1981, effective 12/23/1981

Repealed via Ordinance No. 868 on 12/23/1981, effective 12/23/1981

Adopted via Ordinance No. 868 on 12/23/1981, effective 12/23/1981

Repealed via Ordinance No. 900 on 12/23/1981, effective 12/23/1981

Adopted via Ordinance No. 900 on 11/10/2016, effective 11/10/2016

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Exhibit A
Ordinance 933
B.O. 24-100

YAMHILL COUNTY CODE

TITLE 2: COUNTY ADMINISTRATION

Chapter 2.65: Yamhill County Public Hearings Procedure Code

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LEGISLATIVE HISTORY

2.65.01 Short Title. This Chapter shall be known as the “Hearings Procedure Code” and may be so cited and pleaded.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.02 Purpose, Policy, Scope.

- a) It is declared to be in the public interest and policy of Yamhill County to establish uniform procedures for the conduct of public hearings for the transaction of public business before an Approving Authority, or as otherwise directed by the Board.
- b) Such uniform procedures for the conduct of public hearings will protect the health, safety, and welfare of the people of Yamhill County and provide a coordinated procedure for all citizens who wish to have input at Yamhill County public hearings.
- c) This Hearings Procedure Code does not apply to legislative hearings, or hearings that are otherwise legislative actions.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.03 Definitions.

- a) “**Approving Authority**” means the Board, a County advisory board, committee, task force, or commission, or a duly appointed hearings officer.
- b) “**Board**” means the Yamhill County Board of Commissioners.

- c) “**County**” means Yamhill County.
- d) “**County Counsel**” means the County’s chief legal advisor, or a designee thereof.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.04 Notice. Notice of a public hearing shall be provided as required in state statute or County Code.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.05 General Conduct of Public Hearings.

- a) No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- b) No proponent or opponent shall speak more than once without obtaining permission from the presiding officer at the first available opportunity.
- c) No person shall testify without first receiving recognition from the presiding officer and stating their full name and residence address.
- d) There shall be no audience demonstrations, such as applause, cheering, display, or signs., or other conduct disruptive of the hearing.
- e) Members of an Approving Authority, and, with the approval of the presiding officer, County Counsel and any other officer or employee of the County, may question and cross-examine any person who testifies.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.06 Presiding Officer.

- a) The elected chairman shall be the presiding officer at all hearings. In their absence, the vice-chairman shall act as presiding officer at a hearing. If neither the chairman nor the vice-chairman is present, the Approving Authority shall select a temporary chairman from the members present. Such chairman shall have all the duties and responsibilities of the chairman for the duration of the hearing.
- b) The presiding officer shall have authority to:
 - (i) Regulate the course and decorum of the hearing;
 - (ii) Dispose of procedural requests or similar matters;
 - (iii) Rule on matters of proof and relevancy of evidence and testimony;
 - (iv) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination of witnesses, and rebuttal testimony; and
 - (v) Take such other action authorized by the Approving Authority appropriate for conduct commensurate with the nature of the hearing.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.07 Right to Representation; Cross Examination. Any person attending a public hearing shall have the right to be represented by counsel. However, neither counsel nor any other individual at the hearing shall have the right to directly question or cross examine any speaker testifying at the public hearing. Counsel or other individuals, however, shall have the right to present questions in writing to the presiding officer who, personally, or through County Counsel, may request an answer to such questions of any such speaker. The presiding officer, however, maintains sole discretion over the decision to allow cross examination of speakers by members of the audience.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.08 Order of Procedure. The public hearing shall be conducted in the following order:

- a) Commence the Hearing. The presiding officer shall announce the nature and purpose of the public hearing and summarize the rules for the conduct of the hearing.
- b) Call for Abstentions. The presiding officer shall inquire of the Approving Authority whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing their abstention shall identify the reasons for abstaining and shall not participate in discussion of the proposal or vote on the proposal.
- c) Objections to Jurisdiction. The presiding officer shall inquire of the audience whether there are any objections to the jurisdiction of the Approving Authority to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing

if the inquiry results in substantial evidence that the Approving Authority lacks jurisdiction. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Approving Authority.

- d) Staff Report and Summarization. The presiding officer shall request presentation by the appropriate County staff member to summarize the nature of the decision before the Approving Authority, explain any graphic or pictorial displays which are a part of the record, summarize staff reports and findings or recommendations of advisory committees (if any), and provide such other information as may be requested by the Approving Authority. The presiding officer may then call upon additional County staff or officials to provide additional information relevant to the matter before them.
- e) Public Agencies. The presiding officer shall allow representatives of any city, county, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law, to be heard next.
- f) Proponents' Testimony. The applicant (if any) or designated representative shall explain the position of the applicant, reasons for the application, and introduce statements or exhibits in support of the application. If there is no applicant or applicant's representative, a representative of the proponents of the subject matter of the public hearing who wish to make a statement or introduce exhibits in favor of the decision may do so upon recognition by the presiding officer. Following the applicant or representative, or the representative of the proponents, if any, anyone in attendance who wishes to make a statement or introduce exhibits in favor of the subject matter of the hearing may do so upon recognition by the presiding officer.
- g) Questions for Proponents. The presiding officer shall allow members of the Approving Authority, County Counsel, and, upon recognition, any other officer or employee of the County to submit questions to proponents who have testified. Proponents shall be given a reasonable time to respond solely to the questions.
- h) Opponents' Testimony. Following the statements of those in support of the issue, anyone in attendance who wishes to speak in opposition to the subject matter of the hearing and introduce statements or exhibits may do so upon recognition by the presiding officer.
- i) Questions for Opponents. The presiding officer shall allow members of the Approving Authority, County Counsel, and, upon recognition, any other officer or employee of the County to submit questions to opponents who have testified. Opponents shall be given a reasonable time to respond solely to the questions.
- j) Rebuttal Evidence. The presiding officer shall allow the proponents to offer rebuttal evidence and testimony.
- k) Staff Recommendation. County staff shall present their final recommendations, if any.
- l) Close of Hearing and Deliberation. The presiding officer shall conclude the hearing, and the Approving Authority shall deliberate the matter before them. The Approving Authority shall either make its decision and state its findings, which may incorporate findings proposed by the proponents, opponents, County staff, or advisory committees, or it may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the Approving Authority, though members of the Approving Authority may request specific information from the proponents, opponents, or other officials and members of the audience.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.09 Appeal. A proponent or an opponent shall have the right to appeal a decision of an Approving Authority as provided in state statute or County Code.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

2.65.10 Record of Proceedings.

- a) County staff shall cause the proceedings to be stereographically or electronically recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the Approving Authority.

- b) The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated into the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the County until after any applicable appeal period has expired, at which time, the exhibits may be released upon written demand to the person identified thereon.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 933 on 04/04/24, effective 04/04/24