



**OFFICE OF COUNTY COUNSEL**

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045

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April 28, 2022

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval of Limited Delegation of Signing Authority to the County Administrator to Sign  
Certain Property Use Agreements

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| <b>Purpose/Outcomes</b>                | Approve a limited delegation of authority to the County Administrator to sign certain property use agreements.   |
| <b>Dollar Amount and Fiscal Impact</b> | \$0.00.  |
| <b>Funding Source</b>                  | N/A.   |
| <b>Duration</b>                        | Indefinite.  |
| <b>Previous Board Action</b>           | None.  |
| <b>Strategic Plan Alignment</b>        | 1. <i>How does this item align with your department's Strategic Business Plan goals?</i><br>Build public trust through good government;<br>Ensure safe, healthy and secure communities;  |
| <b>Counsel Review</b>                  | <i>If item is a contract, including IGAs, leases, or other binding agreements, please put in the date of County Counsel Review and the initials of the attorney performing the review.)</i><br>1. <i>Date of Counsel review:</i> N/A<br><i>Initials of County Counsel performing review.</i> ARN |
| <b>Procurement Review</b>              | 1. <i>Was the item processed through Procurement? Yes</i> ___<br><i>No</i> <u>x</u> .<br>2. <i>If no, provide brief explanation. Not a contract; delegation of signing authority</i>   |
| <b>Contact Person</b>                  | Stephen Madkour and Andrew Naylor  |

**Background:**

The Board of County Commissioners has exclusive authority to sign all contracts, contract amendments, contract renewals, and other transactions involving real property.

Frequently, the County will need to use private property for a limited, short term use. While the use varies from department to department, some recent examples are use of a parking lot for mobile vaccine clinics.

These kinds of agreements are not leases, create no property interest, and are typically short term and involve nominal dollar values.

Many of these kinds of agreements have been submitted to the Board for approval given the lack of clarity in the County Code regarding who has authority to sign.

In the interest of efficiency and ensuring these agreements can be quickly put in place as departments program needs arise, Clackamas County Counsel is requesting a limited delegation of authority to the Clackamas County Administrator to sign such agreements. While this Board has complete discretion on whether to grant such a delegation, and the terms on which it is granted, Counsel proposes the following limitations:

- The property use agreement is not a lease (i.e. it does not create a property interest, is not long term, and otherwise does not constitute a transaction that must be approved by this Board);
- The consideration may not exceed \$5,000;
- Both the Clackamas County departments of Risk and County Counsel have reviewed and approved the agreement; and
- The Clackamas County Administrator must provide this Board with a monthly report on the number of such agreements signed using this delegation.

**Recommendation:**

Staff requests this Board approve the limited delegation of signing authority as set forth in the enclosed order.

Respectfully submitted,



Andrew Naylor  
Assistant County Counsel, Senior

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Limited Delegation  
to Sign Property Use Agreements



Board Order No. \_\_\_\_\_  
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**Whereas**, the Clackamas County Board of Commissioners (the “Board”) has authority to sign all contracts, contract amendments, and renewals involving real property;

**Whereas**, multiple County departments have and will continue to need to enter into agreements permitting them to use privately-owned real property for County business (“property use agreements”);

**Whereas**, these property use agreements are not leases, are typically short-term, one-time agreements for use of real property during a specific event, and do not create any real property interest,

**Whereas**, for purposes of administrative efficiency and to allow departments to quickly utilize privately-owned real property for County business, the Clackamas County Counsel’s office requests a delegation of authority to the Clackamas County Administrator to sign property use agreements;

**Whereas**, the Board agrees that it is necessary to delegate limited contract signing authority to the County Administrator to sign property use agreements;

**NOW THEREFORE, it is hereby ORDERED by the CLACKAMAS COUNTY BOARD OF COMMISSIONERS that:**

1. The County Administrator is hereby delegated limited authority to sign property use agreements necessary to allow County departments to use privately-owned real property provided:
  - a. The property use agreement is not a lease;
  - b. The consideration, if any, for use of the privately-owned real property does not exceed \$5,000; and
  - c. The Clackamas County departments of County Counsel and Risk Management have reviewed and approved the property use agreement.

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2. The Clackamas County Administrator shall provide the Clackamas County Board of Commissioners a monthly report on the number of property use agreements signed under this limited delegation of authority.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary