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January 12, 2022

Board of County Commissioners  
Clackamas County

Members of the Board:

Proposed Board Protocols and Guidelines

<b>Purpose/Outcomes</b>	Board discussion on proposed Board protocols, guidelines, and operating procedures.
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	N/A
<b>Duration</b>	30 Minutes
<b>Strategic Plan Alignment</b>	Building public trust through good government
<b>Previous Board Action</b>	The Board has discussed at various intervals the potential need for a written set of Board rules or procedure or operational guidelines.
<b>County Counsel Review</b>	Counsel has reviewed the draft guidelines.
<b>Procurement Review</b>	Not Required
<b>Contact Person</b>	Stephen L. Madkour, County Counsel

**BACKGROUND:**

At present, the Board of County Commissioners does not have a set of board rules to guide the Board in its operations and procedures. Other than state ethics laws, state law does not provide any guidance on the internal operations and processes of County governing bodies. The only County Code provisions that speak to the Board of Commissioners are the very general provisions found at Chapter 2.11.

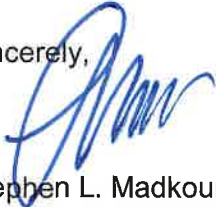
The Clackamas County Counsel has provided the Board with various versions of Board rules of procedure from jurisdictions throughout Oregon. Attached is a draft of proposed rules of procedure. This draft incorporates the comments and input from Chair Smith and Commissioner Savas.

**RECOMMENDATION:**

Staff recommends that the Board consider candidly discussing whether or not the Board believes that there could be value in adopting some type of board rules or guidelines. These guidelines could serve

as Board bylaws detailing internal operating procedures and could range from details on Board procedure, to appointments, to meetings, voting, and public testimony.

Sincerely,



Stephen L. Madkour  
Country Counsel

## Adopting Rules for Board Meetings for the Clackamas County Board of Commissioners

### Section 1: Organization

- A. The Chair presides at Board meetings and has a vote on each matter before the Board.
- B. The Vice-Chair presides when the Chair is absent.
- C. In the absence of both the Chair and Vice-Chair, the Commissioner with the most seniority in office will act as Chair.
- D. The Chair will sign all documents approved at the Board meeting or, with the consent of the Board, delegate signing authority to the County Administrator.

### Section 2: Appointment of Vice-Chair

- A. At the first regular business meeting of each calendar year, the Board will appoint a Vice-Chair. Appointments will be made on an annual basis. If there is a vacancy in the Vice-Chair position, the Board will appoint a Vice-Chair.

### Section 3: Minutes

- A. The Board Clerk will make an audio or written record of all Board meetings.
- B. The audio or written record will comply with the Oregon Public Meetings Law. The records will be accessible to the public during regular office hours.

### Section 4: Meetings

#### A. Regular Meetings

- (1) All meetings are open to the public, except executive sessions.
- (2) All Board meetings are held in the Commissioners' Boardroom and other locations accessible to the public as noted on the agenda.
- (3) The Board meets each Thursday to deliberate on County business and make decisions.
- (4) The Board meets on Tuesdays and other days as necessary for briefings, executive sessions, work sessions and joint meetings. The Chair may cancel Board work sessions or briefings or combine them with regular or special meetings.

(5) When it is in the public interest, the Board by majority vote at any meeting may adjourn to another time or to another location accessible to the public.

#### B. Special Meetings

(1) The Chair may call special and emergency meetings. The meeting notice must include an agenda of items for consideration. Notice for special meetings must be available at least 24 hours before the meeting; notice for emergency meetings, where the Board is responding to an urgent and unexpected issue, will be provided within 30 minutes of the decision to hold an emergency meeting. Each commissioner shall be provided notice at the earliest opportunity.

(2) The Board may take any action at a special meeting as it would otherwise be authorized to do during a regular meeting.

#### C. Executive Sessions

(1) The Board may meet in executive session in accordance with state law and as authorized by County Counsel. At the beginning of each executive session, the statutory authority for the meeting must be stated.

(2) The Chair will direct representatives of the news media and all other attendees not to disclose specified information that is the subject of the executive session.

### Section 5: Notice and Agenda

A. The Board Clerk will maintain an interested parties Board meeting notice list. The list will include the names and addresses of interested persons and organizations, including news media, that have requested notice of Board meetings. The Board Clerk will give notice stating the time and place of Board meetings and the agenda, and post the notice to the Board's internet web site. Agenda packet materials will also be posted to the web site.

(1) Notice will be given at least 72 hours before each regular meeting.

(2) Notice will be given 24 hours before each special meeting and when an agenda has been changed or revised, unless it is an emergency Board meeting as described previously.

B. The Chair, or two other Board members, may place matters on a Board meeting agenda.

C. The Chair sets the agenda and will supervise agenda preparation.

D. The agenda submission deadline is noon on Wednesdays, one week prior to the Board meeting.

#### Section 6: Attendance, Quorum

A. Commissioners will provide verbal, written or electronic mail notification of all anticipated absences from Board meetings to each other and the County Administrator.

B. A quorum consists of three Commissioners.

#### Section 7: Voting

A. After the call for the vote, no further discussion is permitted, but the Chair will permit the maker to withdraw the motion to allow further discussion.

B. Commissioners may not vote by proxy.

C. Commissioners will vote orally. All items will be conducted by roll call vote. The Chair will announce the results of the vote, and the Board Clerk will record each Commissioner's vote.

D. Motions and amendments to motions fail if there is a tie vote.

E. If a potential conflict of interest exists for any Commissioner relating to any matter on the Board agenda, the Commissioner will publicly announce the nature of the potential conflict before participating in the Board discussion of that matter. If a Commissioner, or at the recommendation of County Counsel, has an actual conflict of interest relating to any matter, the Commissioner should recuse him or herself and will not participate or vote on that matter.

F. Regular meeting agendas include a consent agenda for approval of items determined routine by the Chair. The consent agenda may be approved by a single motion, second and vote of the Board. At the request of any Commissioner, a consent agenda item will be removed from the consent agenda and considered on the regular agenda at that same meeting and voted upon separately.

G. Agenda items may be taken out of order at the discretion of the Chair or at the recommendation of the County Administrator.

#### Section 8: Public Testimony

A. The Chair may regulate the length of public participation and limit appearances to presentations of relevant points.

B. To assist persons wishing to testify at Board meetings, the Board Clerk will make public sign-up sheets available in the form of “blue cards”. Persons will be called to testify in the order they are submitted to the Board Clerk, unless otherwise recognized by the Chair.

C. The Chair has authority to keep order and impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with reasonable rules of conduct or who creates a disturbance by disrupting or interfering with government business may be asked or required to leave and upon failure to do so becomes subject to exclusion from the premises.

#### Section 9: Ordinances

A. Proposed ordinances will be prepared or reviewed and approved by the County Counsel.

B. Except for ordinances containing emergency clauses, proposed ordinances will be read at regular Board meetings on two different days at least thirteen days apart.

C. A motion to move a proposed ordinance to its second reading requires the affirmative concurrence of at least three members of the Board. Unless a later date is provided by the Board, upon passage of the motion, the Chair will announce the second reading is scheduled for an upcoming regular meeting, which must be at least thirteen days from passage of the motion.

D. No change or amendment to a proposed ordinance that has been placed on the agenda may be made except by approval of a majority of the Board during the public hearing of the ordinance. If the Board approves a change that materially affects a proposed ordinance, an additional reading of the proposed ordinance may be held.

E. A non-emergency ordinance takes effect ninety days after adoption by the Board unless it prescribes a later effective date or it is referred to County voters.

F. A proposed ordinance to meet an emergency may be introduced, read once and enacted at a single meeting of all Board, provided it is by unanimous vote of all members present, provided they constitute a quorum. If the Board votes in favor of passage at the first reading but the vote is not unanimous, the proposed ordinance must be scheduled for a second reading. At the second reading, the proposed ordinance may be approved as either an emergency or a non-emergency ordinance by majority vote.

G. Following Board adoption, an emergency ordinance takes effect immediately upon signature of the Chair or the date provided in the ordinance.

#### Section 10: Application of Rules

The Board is the governing body for Clackamas County Service District #1, Clackamas County Development Agency, Clackamas County Extension Service & 4-H District, Clackamas County Enhanced Law Enforcement District, Clackamas County Service District #5, North Clackamas Parks and Recreation District, the Surface Water Management Agency of Clackamas County, the Tri-City Service District and the Housing Authority of Clackamas County. The Board also sits as the Board of Health, the Public Contract Review Board and in other capacities. These Rules apply to the meetings in all capacities.

#### Section 11: Miscellaneous

A. If any procedure or situation is not covered by law or these Rules, then the Board may resort to the most recent edition of Robert's Rules of Order Newly Revised for persuasive, but not binding, direction.

B. Copies of these Board Rules will be available at all Board meetings.

#### Section 12: Adoption

This resolution repeals and all previously adopted Board Rules. These Rules take effect immediately upon Board adoption.

Chair Smith requests for addition:

- Letter policy protocols

***Commissioner Savas requests for addition:***

- Respect/decorum
  - The Board has developed, and will periodically update, Board Working Agreements that outline ground rules for meeting conduct and Commissioner decorum, which are attached as an appendix to these rules
  - Those agreements are in force during all public meetings of the Board and should be followed by all members
- Speaking as an individual rather than the Board
  - All written and oral communications by, from, or on behalf of the Board of County Commissioners must be approved by the Board
  - Commissioners may speak in their individual capacity, but must be clear that they are not speaking on behalf of the full Board
- Liaison assignments
  - Made annually at the first Board meeting of the calendar year
  - May be changed at any time by unanimous consent or a majority vote of the Board
  - Multiple Commissioners are typically not assigned to a single liaison role; there may be limited exceptions for complex or high-interest items; under no circumstances will three or more Commissioners be assigned to a single liaison role so as not to create a quorum of the Board
- Censure
  - Procedure (4/5ths vote to approve?)
  - Criteria for what rises to the level of a Board censure