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March 31, 2022

Board of County Commissioners
 Clackamas County

Members of the Board:

Proposed Board Order Adopting Processes, Procedures, and Protocols

Purpose/Outcomes	Board discussion on establishing Board Process, Procedures, and Protocols.
Dollar Amount and Fiscal Impact	None
Funding Source	N/A
Duration	30 Minutes
Strategic Plan Alignment	Building public trust through good government
Previous Board Action	The Board has discussed at various intervals the potential need for a written set of Board rules or procedure or operational guidelines, most recently on January 12, 2022, and later on February 23, 2022.
County Counsel Review	Counsel has prepared and reviewed the draft guidelines.
Procurement Review	Not Required
Contact Person	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 various public entities throughout Oregon. At the policy session on January 12, 2022, the Board was generally receptive to further entertaining proposed rules of procedure. In response to that discussion, the draft document was revised and supplemented and is attached to this staff report.

Attached is a proposed Board Order with an accompanying Exhibit 1 that sets forth Board process, procedures, and protocols. The attached is a redlined version of what was most recently

reviewed by the Board on February 23. This redlined version incorporates some additional language recommended by the Board.

The document essentially describes and memorializes current Board procedures and operations. The document is not intended to restrict or hinder the Board in its operations, but rather to clarify processes and operations. It is intended to be of benefit both to the Board and to County staff engaging with the Board.

RECOMMENDATION:

Staff recommends that the Board adopt the proposed Board Order establishing process, procedures, and protocols as set forth in Exhibit 1. These guidelines would aid the Board and serve in a manner similar to bylaws detailing internal operating procedures and range from details on Board procedure, to appointments, to meetings, voting, and public testimony. Moreover, these protocols would further serve to benefit staff and newly elected members of the Commission in Board procedures.

Sincerely,



Stephen L. Madkour
County Counsel

Attachments

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

In the Matter of Establishing
Processes, Procedures, and Protocols
for Members of the Clackamas
County Board of Commissioners



Order No. _____
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WHEREAS, Clackamas County is a political subdivision of the State of Oregon and the Board of County Commissioners serves as its duly elected governing body;

WHEREAS, the Board of County Commissioners is the policy making body for Clackamas County and also serves in a legislative, administrative, and quasi-judicial capacity;

WHEREAS, the Board of County Commissioner's authority is derived from ORS Chapter 203 and Chapter 2.11 of the County Code and may exercise authority within the county over matters of county concern to the fullest extent allowed by the Constitutions and laws of the United States and the State of Oregon;

WHEREAS, the Board of County Commissioners has two direct reports: the County Administrator and the County Counsel. The role and responsibilities of the County Administrator are set forth in Chapter 2.09 of the County Code and the role and responsibilities of the County Counsel are set forth in Chapter 2.12 of the County Code;

WHEREAS, it is the intent and desire of the Board of County Commissioners to conduct its business in an orderly, timely, professional, equitable, and respectful manner;

WHEREAS, the Board of County Commissioners welcomes and values the polite participation and input from County citizenry;

WHEREAS, the Board of County Commissioners will follow rules of parliamentary procedure to conduct business and maintain order but will not engage those rules to obscure or stymie Board issues or action or to confuse the public;

WHEREAS, the Board of County Commissioners is charged with conducting County governance in a timely, efficient, transparent, and orderly fashion;

WHEREAS, the Board of County Commissioners has endorsed the values of Clackamas County government in the name of SPIRIT: Service, Professionalism, Integrity, Respect, Individual Accountability, and Trust;

WHEREAS, the Board of County Commissioners has endorsed a governance structure with an emphasis on outward vision, strategic leadership, clear distinction of Board and County Administrator roles, collective rather than individual decision making, and proactivity rather than reactivity;

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WHEREAS, the Board of County Commissioners has endorsed the Performance Clackamas County Plan to (1) Honor, utilize, promote and invest in our natural resources; (2) Grow a vibrant economy; (3) Ensure safe, healthy and secure communities; (4) Build a strong infrastructure; and (5) Build public trust through good government.

WHEREAS, these processes, procedures, and protocols are intended to guide the Board of County Commissioners in its meetings and deliberations, and in its interactions with other public and private entities and the public;

WHEREAS, these processes, procedures, and protocols are further intended to aid County staff in their interactions with the Board of County Commissioners;

WHEREAS, these processes, procedures, and protocols are not intended to be strict and rigid and in any way limit the Board of County Commissioner's authority, autonomy, and flexibility in its business operations.

NOW THEREFORE, the Clackamas County Board of Commissioners do hereby Order that this document, attached as Order Exhibit 1, be approved and referred to as processes, procedures, and protocols for the Board of County Commissioners.

This Order supplements all previously adopted Board Processes, Procedures, and Protocols unless they are directly in conflict then this Order controls. This Order takes effect immediately upon Board adoption.

DATED this ____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Processes, Procedures, and Protocols for Members of the Clackamas County Board of Commissioners

Section 1: Organization

- A. The Chair presides at Board meetings and serves as facilitator of all Board Meetings. The Chair has a vote on each matter before the Board.
- B. The Vice-Chair presides when the Chair is absent. In the absence of both the Chair and Vice-Chair, the Commissioner with the most seniority in office will act as Chair.
- C. The Chair sets all questions of order, subject to an appeal to the Board.
- D. All questions and remarks will be directed to the Chair. The Chair will recognize Commissioners, staff, and members of the public that desire to speak.
- E. The Chair will designate a time limit for any public comment, or communication, or deliberation.
- F. The Chair will sign all documents approved at the Board meeting or, with the consent of the Board, delegate signing authority to the Vice Chair or the County Administrator.

Section 2: Appointment of Vice-Chair and Assignments

- 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.
- B. Within the first month of each calendar year, the Board shall consider and vote on assignments of each Commissioner to serve as a representative to various committees. No more than two Commissioners may be appointed to serve as representative to the same committee.

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' Hearing Room 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, Wednesdays, 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) The Chair may order a recess of any meeting at any time and for any reason. 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 as soon as reasonably practicable 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.

B. Notice will be given at least 72 hours before each regular meeting.

C. 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.

~~D. The Chair sets the Board meeting agendas. Two other Commissioners may place matters on a Board meeting agenda.~~ The Chair shall establish the agenda for each meeting of the Board of County Commissioners. Two or more commissioners may call a meeting or place any item on the agenda of a meeting of the Board of County Commissioners over the objection of the Chair.

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

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 6: Attendance, Quorum

A. Commissioners may appear for any meeting either in person, by telephone, or remotely.

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

C. A quorum consists of three Commissioners. A vote of approval of at least three commisioners is necessary for the board to take any action.

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.

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 as recognized by the Chair.

C. The Chair has authority to keep order and impose reasonable time, place, and manner 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 a trespass order or 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 by title only 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, Water Environment Services, 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. This process, procedure, and protocol will apply to the meetings in all capacities.

Section 11: Board Messaging

A. After a quorum of the Board has reached a final decision on any matter before the Board, each Commissioner shall support and respect the decision of the Board. ~~Any Commissioner may express their position or basis for opposing a position taken by a quorum of the Commission, but should not actively attempt to undermine a decision of the Board.~~

B. The Chair may sign a letter on behalf of the Board of Commissioners if a quorum of the Board approves the letter even if the Chair was opposed. The Chair may delegate signing authority to the Vice Chair.

C. The Chair may provide testimony or sign a letter on behalf of the Board without prior Board approval if the testimony or letter repeats an already adopted position of the Board or if it is a merely ministerial function of the Board.

D. Any Board member may write a letter or express an opinion as an individual member of the Commission provided the statement is expressly qualified.

Section 12: Miscellaneous

A. If any procedure or situation is not covered by law or this process, procedure, and protocol, 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 Process, Procedure and Protocol will be available at all Board meetings.

C. These process, procedures, and protocols are intended to aid the Board, County staff, and members of the public in the conduct of County business; it is not intended to be too rigid and formulaic. Deviation from any element of this process, procedure, or protocol shall not be grounds to void any Board action.

Section 13: Adoption

~~These processes, procedures, and protocols~~ Order supplements all previously adopted Board Processes, Procedures, and Protocols unless they are directly in conflict then ~~these~~ Order controls. ~~These processes, procedures, and protocols shall~~ Order takes effect immediately upon Board adoption.

