

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: December 13, 2011 Time: 2:00PM Length: 10 minutes

Presentation Title: Adding a County Surveyor Chapter to the County Code

Department: County Counsel

Presenter: Dave Anderson

POLICY QUESTIONS:

Should a chapter be added to the County Code setting forth the procedure for appointment of the County Surveyor, and the duties of office? Should the appointment of the Surveyor be a task assigned to the County Administrator?

ISSUE & BACKGROUND:

In 1998 the Board of County Commissioners adopted Ordinance No. 16-98, providing that the Board appoints the County Surveyor. Previous to 1998, the office of Surveyor was an elected office. Ordinance No. 16-98 was referred by the Board to the voters and approved. In 2009 the Oregon Legislature changed ORS 204.005(2) to its present form: "...unless a county ordinance provides otherwise, the governing body of a county shall appoint a county surveyor." There currently is no chapter of the County Code which addresses the procedure for appointing and employing a County Surveyor. Other offices such as County Administrator and County Counsel are already addressed in the Code.

QUESTIONS PRESENTED FOR CONSIDERATION:

Should the Board enact an ordinance creating a chapter in the County Code: (1) providing that the County Administrator shall appoint the County Surveyor; (2) setting forth the duties and authority of the County Surveyor, (3) providing that the Surveyor is employed at-will under an employment contract with the County Administrator, and (4) repealing Ordinance No. 16-98?

OPTIONS AVAILABLE

1. Have the County Administrator appoint the County Surveyor.
2. Have the Board of Commissioners appoint the County Surveyor.
3. Have a chapter in the County Code establishing the duties, authority, and at-will employment status of the County Surveyor, or not.

RECOMMENDATIONS

Adopt a new chapter 2.14 in the County Code, and assign the task of appointment of the County surveyor to the County Administrator. Repeal Ordinance 16-98.

SUBMITTED BY:

Dave Anderson, Office of County Counsel

County Counsel Approval _____

County Administrator Approval _____



For information on this issue or copies of attachments, please contact
Dave Anderson at 503-655-8363

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: December 13, 2011 Time: 2:10 pm Length: 10 minutes

Presentation Title: Repeal of Adult Care Homes chapter from the County Code

Department: County Counsel

Presenters: Dave Anderson

POLICY QUESTION

Should the Board repeal the currently-unused provisions of chapter 8.08 of the County Code, pertaining to licensing and regulation of adult care homes?

ISSUE & BACKGROUND

Previous to 2009, the County was the "licensing agency" for adult care homes. Regulations for the County as "licensing agency" are currently found in Chapter 8.08 of the County Code. As of 2009, the Oregon Department of Human Services and the Oregon Health Authority are the "licensing agency". The regulations contained in chapter 8.08 of the County Code are no longer in use.

QUESTION PRESENTED FOR CONSIDERATION

Should County Code Chapter 8.08, Adult Care Homes, be repealed?

OPTIONS AVAILABLE

The Board of County Commissioners can repeal Chapter 8.08, Adult Care Homes, as those regulations are no longer necessary. Or, the Board can leave Chapter 8.08 in the County Code and it will be an unused chapter.

RECOMMENDATIONS

Repeal Chapter 8.08, Adult Care Homes, from the County Code.

SUBMITTED BY:

County Counsel Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact
Anja Mundy at 503-655-8362.

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: December 13, 2011 Time: 2:20 pm Length: 10 minutes

Presentation Title: Amendments to Chapter 2.08 of the County Code

Department: County Counsel

Presenters: Dave Anderson, Rhett Tatum, Jennifer Hughes

POLICY QUESTIONS

(1) Should the Board amend chapter 2.08 the County Code to delete procedures that implemented the now-repealed Ballot Measure 37, and add procedures that supplement the statutory procedures established in Ballot Measure 49 (ORS 195.300 to 195.336)?

(2) Should the Board delegate to the Director of Transportation and Development authority to approve claims and if so when should the Director be required to seek Board approval before authorizing compensation?

ISSUE & BACKGROUND

County Code Chapter 2.08 currently contains obsolete provisions for the implementation of Ballot Measure 37. On November 6, 2007, the voters of Oregon modified Ballot Measure 37 with the passage of Ballot Measure 49, now codified at ORS 195.300 to 195.336. Under limited circumstances, these statutes allow a property owner to make a claim for compensation based on an allegation that a new land use regulation has decreased the value of their property. If their claim is valid the county must either waive the regulation or pay monetary compensation. The County's "chief administrative officer" is responsible for processing the claims unless the Board designates the authority to someone else.

Although Clackamas County has received no new claims since the 2007 adoption of Ballot Measure 49, it is possible that a claim could be filed in the future. The Board may want to assign the responsibility for initial claim determination to the Director of Transportation and Development, who would then likely delegate it to the Planning Director. The attached ordinance would allow the designee to approve claims and waive the regulation, but would require that he or she go to the Board before paying any monetary compensation.

QUESTIONS PRESENTED FOR CONSIDERATION

- (1) Should County Code Chapter 2.08 be amended to delete procedures related to Ballot Measure 37, and add procedures related to Ballot Measure 49?
- (2) Should the amended chapter delegate the authority to review claims to the Director of DTD?
- (3) Should the Director of DTD be authorized to forward valid claims to the Board for a determination as to whether to pay monetary compensation or waive the regulation?


OPTIONS AVAILABLE

- (1) The Board can amend Chapter 2.08 to delete provisions related to Ballot Measure 37 and add by provisions related to Ballot Measure 49. Or, the Board can leave Chapter 2.08 as-is in the County Code, and it will be an unused chapter.
- (2) The Board can require the Director of DTD to seek Board approval before authorizing a waiver or paying monetary compensation, or only when the Director would like to pay monetary compensation.

RECOMMENDATIONS

Amend Chapter 2.08 of the County Code as shown on the attached proposed ordinance.

SUBMITTED BY:

Dave Anderson, Office of County Counsel 
County Counsel Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact
Anja Mundy at 503-655-8362.