



ADMINISTRATIVE POLICIES

SECTION: General Administration		POLICY #: 201
TITLE: Placing Business Before the Board of Commissioners		PROCEDURE #: 201-A
		ORDER #: 18-115
DEPT: Board of Commissioners' Office		PROGRAM: N/A
ADOPTED: 4/84	REVIEWED:	REVISED: 11/18

PURPOSE: The purpose of this policy is to define the public meetings held by the board of commissioners for review and actions of county concern, to set forth rules for bringing issues of county concern to the Board of Commissioners at public meetings, and to ensure that items brought before the board of commissioners are complete, timely, and in an appropriate format.

AUTHORITY: The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

The Marion County Board of Commissioners expresses the governing body's official, organizational position on fundamental issues or specific repetitive situations through formally adopted, written policy statements. The policy statements serve to provide rules for public officials on the conduct of county business.

The Marion County Board of Commissioners' Administrative Policies and Procedures manual outlines the forms and process through which the board takes formal action on administrative policy. It is the official record of county administrative policy.

APPLICABILITY: All county departments, elected officials, and employees.

GENERAL POLICY: This policy establishes the criteria and requirements for placing business before the board of commissioners.

DEFINITIONS:

Board Session: Weekly meeting held by the Board of Commissioners to hear presentations and matters for formal board action.

Executive Session: Defined in ORS 192.610(2) as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters. The board does not take formal action during an executive session. There are limited purposes for an executive session which include employment, employee discipline, labor and real estate negotiations, and consultation with legal counsel

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regarding current or potential litigation. A governing body may also go into executive session to consider records exempt from public inspection.

Formal Board Action: Any time the Board of Commissioners adopts, approves, denies, or accepts something on behalf of Marion County. In general, there are four forms of formal board action: proclamation; resolution; order; and ordinance. Formal board action can only be taken at a public meeting.

Management Update: Provides a process for staff to bring forth timely administrative issues for board discussion and review, to seek board direction, or to inform the board about an item on an upcoming board session agenda. Generally, the board does not take formal action during a management update; however, the board can decide to take formal action if the matter cannot wait until the next regular weekly board session.

Order: A formal direction of the board. Orders are discrete actions or directives from the board on a specific topic. An order is the most common means by which the board takes formal action on a matter. Examples of orders: assignment of Marion County elected officials to boards, committees, and commissions; appointments to committees, councils, and boards; authorizing property tax refunds; granting an exemption allowing the use of an alternative solicitation; and adopting a policy.

Ordinance: The county equivalent of a statute. An ordinance has the force of law within the county. Ordinances are enacted by the Board of Commissioners to legislatively address matters not already covered by existing laws, regulations, or ordinances. The board can enact legislative and administrative ordinances. Typical subjects include zoning, building, and animal control. The process for enacting legislative ordinances is defined in ORS 203.045. Processes for approving administrative ordinances are found in the Marion County Code, Chapter 1.10, Ordinances.

Proclamation: A formal announcement from the Board of Commissioners typically used to designate a specific day or week as being dedicated to or in memorial to a specific person, event, or cause in Marion County. Proclamations are action items on the agenda, and require a presentation during Board Session to introduce and explain the topic to the board and the public at large. Examples of proclamations are: National Service Recognition Day; Child Abuse Prevention Month; Police Recognition Week; Domestic Violence Awareness Month; and National Volunteer Week.

Public Meeting: A public meeting is the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information. Decisions must be made in public, Federal and state law requires that meetings be held in places accessible to individuals with mobility and other impairments. The public meeting definition does not include an on-site inspection of a project or program; attendance of members of a governing body at any national, regional, or state association to which the public body or the members belong; or gatherings of a quorum of a board or commission where no official business is discussed.

Public Notice: Governing bodies must give notice of the time, place, and agenda for any regular, special or emergency meeting. Public notice for regular meetings must be reasonably calculated to give actual notice to interested persons and media who have asked in writing to be notified of meetings and general notice to the public at large.

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Resolution: A formal mandate by the board. Governs a general topic, but is not required to have the same force of law as an ordinance. Some examples of resolutions are: establishing, reducing, increasing, or eliminating a change fund or petty cash fund; adopting budgets; approving a service district budget; approving ratification of collective bargaining agreements; amending the Capital Management Plan for inmates confined at the Marion County Jail; and initiating consideration of amendments to Marion County Code.

Special Meeting: Meetings, outside of regularly schedule meetings, called for any matter that requires review by the Board of Commissioners. The board may take formal board action at special meetings. ORS 192.640(3) requires at least 24 hours' notice for any special meeting. Some examples: budget meetings, land-use meetings, and town hall meetings.

Work Session: Work sessions are for issues requiring discussion longer than 15 minutes. The meetings are scheduled to address county issues, gather and analyze information, and clarify problems. Work sessions are noticed, posted, and open to the public. No official decision is made and no testimony is taken from the public during a work session. Work sessions on topics that are timely, relevant or of concern to the board and to Marion County can be requested by elected officials, department heads, and senior staff.

POLICY GUIDELINES:

1. RESPONSIBILITIES

The Board of Commissioners is responsible for review and approval of matters of county concern under its executive, legislative, and quasi-judicial powers per ORS 203. These issues include agreements, budgets, contracts, grant awards, land use decisions, leases, ordinances, policies, and a myriad other business matters of county concern.

- 1.1. Regular board meetings that require the county to provide public notice include: Management Update; Board Session; Work Session; Executive Session; and special meetings.
- 1.2. The board can take formal action only at a certain types of public meeting.
- 1.3. In addition to ordinances, resolutions, orders, and proclamations, the board takes formal action by signing contracts, or conveying interests in real property by signing deeds.
 - 1.3.1. Some actions may be directed by state statute.
- 1.4. Agendas
 - 1.4.1. The Board of Commissioners' Office is responsible for preparing agendas for management update, board sessions, executive sessions, works sessions, and special meetings.
 - 1.4.1.1. Information and agenda request forms are posted on the county intranet, BOC Meeting Forms page on the Board of Commissioners' webpage.
<http://intra.co.marion.or.us/BOC/Pages/BOC%20Meeting%20Forms.aspx>
 - 1.4.2. After review of submitted agenda items and supporting documentation, the County Administrative Officer (CAO) or designee is responsible for determining the agenda items for Management Update, Board Session, and special meetings.
 - 1.4.2.1. Weekly agenda planning sessions are held to preview submitted materials and prepare agendas for the following week's meetings.
 - 1.4.3. Any commissioner, or the CAO upon notification to the commissioners, may authorize additions to an agenda up until 24 hours before a scheduled meeting.

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- 1.4.3.1. For administrative purposes, the CAO or designee, upon notification to the commissioners, may remove an item or items from an agenda.
- 1.4.3.2. Changes to the agenda can be made up until 24 hours before a scheduled meeting. Items accepted and placed on a board session agenda cannot be changed or removed within the 24 hour period prior to the board session.
- 1.4.3.3. Required changes or removal of an agenda item within the twenty four hour period can only be made by formal action of the board during the scheduled board session.

2. EXCEPTIONS

Exceptions to matters not dictated by statute may only be granted by the board of commissioners or the Chief Administrative Officer.

3. IMPLEMENTATION

The Board of Commissioners' Office is responsible for implementing this policy and assuring compliance by county departments.

4. PERIODIC REVIEW

This policy shall be reviewed by the Board of Commissioners' Office at least every three years, or more often if needed, and updated as necessary.

Adopted: 04/84

Revised: 08/96
01/13
11/18