

## **RULES OF PROCEDURE**

### **WASHINGTON COUNTY BOARD OF COMMISSIONERS**

#### **SECTION 1. ORGANIZATION OF THE BOARD**

The Commissioner elected at large shall be the Chair of the Board. At its first regular meeting in January of each year, the Board shall elect from among its members a Vice Chair to serve at its pleasure. (Charter, Sec. 32). The appointment of the vice chair shall rotate among the district commissioners in the numerical order of the commissioner districts.

#### **SECTION 2. PRESIDING OFFICER**

- A. The Chair of the Board shall be the Presiding Officer at all Board meetings.
- B. The Vice Chair shall be the Presiding Officer in the absence of the Chair.
- C. In the absence of both the Chair and the Vice Chair, the Chair shall appoint a Chair pro tem who shall serve as Presiding Officer and have, at such time, the authority to sign appropriate documents.
- D. The Chair of the Board shall have a vote on each matter before the Board. The Chair may second motions but shall not make motions unless he or she first relinquishes the position of Presiding Officer for the purpose of making such motion.
- E. All decisions of the Presiding Officer shall be subject to review by a majority of Board members present upon motion duly made and seconded, which shall be a privileged motion.
- F. When a matter is called for a vote, the Presiding Officer shall, before a vote is taken, state the motion before the Board in general terms and shall announce the decision of the Board after such vote.
- G. The Chair shall sign all documents memorializing Board action within ten days after approval by the Board. Unless otherwise directed by the Board, the Vice Chair or Chair pro tem may execute such documents if the Chair is unavailable. Use of digitized signatures is allowed under MO 21-11 in accordance with Board approved documents.

#### **SECTION 3. CLERK OF THE BOARD**

- A. The Clerk of the Board, or a qualified alternate designated by the Presiding Officer, shall be present at each meeting of the Board and shall provide for a verbatim record of the

proceedings and a written summary of actions taken at Board meetings. A written summary of the proceedings, rather than a verbatim record, shall be sufficient in the case of executive sessions, emergency meetings, Board retreats or other meetings as determined by the Chair.

- B. The Clerk shall maintain a Journal of Board Proceedings (Completed Board Meeting Packets) that shall be available at reasonable times to the public. (Charter, Sec. 33(a)).

#### **SECTION 4. MEETINGS**

Meetings will be conducted via a Hybrid model allowing for both in person and virtual options for the Board and members of the Public in accordance with State law.

##### A. Regular Meetings

1. Regular meetings of the Board to transact County business shall be held each month as follows:
  - a. On the first Tuesday at 10:00 a.m.
  - b. On the second Tuesday at 10:00 a.m. if necessary, to make decisions that, in the Chair's judgment, cannot reasonably be held to the following Tuesday.
  - c. On the third Tuesday at 10:00 a.m.
  - d. On the fourth Tuesday at 6:30 p.m. (Charter, Sec. 33(f)).
  - e. On the fifth Tuesday at 10:00 a.m., if necessary, as determined by the Chair.
  - f. On each day of the working week, other than Tuesdays, at 10:00 a.m. and 2:00 p.m., if necessary, as determined by the Chair.
  - g. Public hearings coming before the Board at its regular meetings on the first three Tuesdays of each month shall commence not earlier than 10:00 a.m. Public hearings before the Board at its regular meeting on the fourth Tuesday of each month shall commence not earlier than 6:30 p.m.
2. If a regular meeting falls on a legal holiday under the laws of the State of Oregon, such meeting shall be deemed cancelled unless the Chair in advance orders the meeting to be held or the meeting is rescheduled.
3. Changes in the schedule of regular meetings shall be made, by agenda item, at least 20 days before the date of such rescheduled meeting. (Charter, Sec. 33(f)).
4. Actions of the Board are not limited to the posted agenda. (Charter, Sec. 33(e)).

##### B. Work Sessions

The Chair may schedule work sessions, ceremonial events, retreats and other similar informal meetings. The Chair shall designate the location of such meetings and notice shall be provided as set forth in Section 5. A. No Board member shall make any formal motion, nor shall the Board decide any issue or adopt any action by formal vote at a work session. By consensus at such work sessions, however, the Board may provide direction to staff for additional research, analysis, or preparation prior to subsequent Board consideration and possible adoption of any item or action at a formal, scheduled Board meeting convened to transact county business.

1. Unless otherwise directed by the Chair, the Board shall hold a work session every Tuesday of each month at 9:00 a.m. except for the fourth Tuesday at 2:00 p.m.
2. On the fifth Tuesday of each month, the Board may conduct a work session, retreat, or similar informal meeting, commencing at 9:00 a.m. Formal actions may be taken only at 10:00 as provided in subparagraph 1(e) or if a special meeting has been called. The Chair shall designate the location of this meeting and notice shall be provided as set forth in Section 5.
3. All Board meetings, except executive sessions or as otherwise provided by law, shall be open to the public.

C. Special Meetings

1. Special meetings are those at which an action by the Board is to be considered, but at a time other than those regularly scheduled or rescheduled. Special meetings may be called by the Chair or any two Commissioners upon proper notice which shall be mailed or delivered to each Commissioner or to his or her residence at least 72 hours before the hour of such meeting. (Charter, Sec. 33(d) and (g)).
2. Actions of the Board at special meetings on matters not included in the notice of the meeting shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice. (Charter, Sec. 33(e)).

D. Executive Sessions

1. No video, telephonic or other remote access shall be permitted for executive sessions. Only Commissioners and authorized staff may attend. Members of the media may attend when allowed by state law. All attendees must appear in person.
2. All information conveyed at an executive session shall be considered confidential. No person shall disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced.
3. The attorney client privilege belongs to the county and not to any individual commissioner or employee. Waiver of the privilege by disclosure is expressly forbidden. Only the Board, by unanimous vote, may waive the privilege on behalf of the county to authorize the release of privileged confidential information.

**SECTION 5. NOTICE AND AGENDA**

- A. Except in the case of an actual emergency, notice stating the time and place of all meetings and containing an agenda of all scheduled actions to be considered shall be posted at least 72 hours prior to the start of the meeting at the location of the meeting, at the principal administrative office of the County, and in the County courthouse with copies available to interested persons. (Charter, Sec. 33(d)).
- B. The order of business at all meetings shall be determined by the agenda unless modified by the Presiding Officer.
- C. Any member of the Board, the County Administrator and Clean Water Services Chief Executive Officer, shall have the right to have an item placed on the agenda at any meeting by written notice to the Chair, County Administrator or Clean Water Services

Chief Executive Officer.

- D. Those County and Clean Water Services items on the agenda that are considered routine by the County Administrator or Clean Water Services Chief Executive Officer respectively, shall be marked for the Consent Agenda to be acted on according to the written recommendation by a single motion and vote at a place specified on the agenda. However, any Board member desiring may have that item removed from the Consent Agenda and acted on separately at the time in the regular agenda specified by the Presiding Officer. Those items acted upon under the heading "Consent Agenda" shall appear in the Minutes in the normal manner as individual items. The following matters shall not be placed on the Consent Agenda: adoption of budgets, adoption of goals and objectives and public hearings. The Board may by consensus publicly make modifications such as correction of scrivener's errors or addition of information regarding bid openings without removing the item from the Consent Agenda.

#### **SECTION 6. COMPULSORY ATTENDANCE OF COMMISSIONERS**

The Board may direct the Sheriff to compel attendance of Commissioners at regular Board meetings. (Charter, Sec. (33)).

#### **SECTION 7. ATTENDANCE, QUORUM AND VOTING**

- A. Except as otherwise provided in the Charter to address an emergency (Charter, Sec. 35), attendance of three of five Commissioners shall be necessary to transact business and approval of at least three Commissioners in attendance is required for any action. (Charter, Sec. 33(b)).
- B. Each Board member is deemed to have notice of all prior proceedings.
- C. Voting shall be expressed by voice vote when called for by the Presiding Officer. Board members not voting negatively nor specifically abstaining shall be counted as voting affirmatively. The Clerk of the Board shall record negative and abstaining votes.

#### **SECTION 8. MOTIONS AND RESOLUTIONS AND ORDERS**

- A. A motion, second or call for the question may be withdrawn by the maker thereof at any time prior to commencement of the vote.
- B. Except for a motion to adopt an ordinance, if a tie vote results from a member's absence or abstention, any member may call for a second vote on the matter by motion prior to any other item being taken up. If not, or if the vote on the second vote is a tie, the item shall be continued to the next regular meeting of the Board or special meeting to which notice of such items has been duly given. Failure to secure a majority vote at this meeting shall mean that the motion dies unless further continued or tabled by majority vote. A motion to continue an item other than indefinitely shall specify the date or event to which the matter is continued.

A list of continued items, showing the date at which an item was continued, the date to which an item is continued or the event upon which continuance is based, shall be recorded

and kept by the Clerk and made available to the public.

- C. A motion to reconsider an item may be made by any member of the Board regardless of his or her vote on that item. Such motion shall be made not later than the next regular meeting following the original action of the Board. If the motion is made after the conclusion of the meeting in which the original action was taken, all persons of record appearing before the Board upon such item shall be notified of the date and time of the meeting at which the item to be reconsidered shall be acted upon again. A vote to approve or reject an ordinance may not be reconsidered.
- D. Unless otherwise provided in the Resolution and Order, a Resolution and Order shall become effective upon the signature of the Presiding Officer or ten days following Board action, whichever occurs first. In the event the Board adopts a motion to reconsider a Resolution and Order item pursuant to Section 8.C., the effective date of that Resolution and Order shall be suspended pending final disposition of that item.

## **SECTION 9. COMMUNICATIONS FROM THE PUBLIC**

- A. Oral communications at regular meetings:
  - 1. The Board shall provide an opportunity for communications from the public:
    - a. At the start of the meeting, comments are limited to 2 minutes per person and a maximum of 10 minutes total. No comments are allowed on items on the agenda scheduled for a public hearing.
    - b. At the conclusion of all regular business, limited to 5 minutes per person and a maximum of 30 minutes total. This period may include communications on agenda items for which no period for public testimony was provided.
    - c. Notwithstanding the foregoing, the Presiding Officer may limit the time and number of persons appearing in the interest of facilitating the orderly business of the Board, unless a majority of the Board rules otherwise.
  - 2. Except for the public comment period provided in subparagraph b above, testimony on non-public hearing items shall be permitted only by invitation from the Presiding Officer and on such terms as contained in the invitation. Unless the Presiding Officer directs otherwise, testimony is limited to 2 minutes.

### **B. Public Hearings**

Unless the Board by motion declares otherwise, public testimony shall be provided as follows:

- 1. Ordinances:
  - a. At the initial public hearing and the initial public hearings on any engrossed ordinance: 2 minutes per individual and 5 minutes per group recognized by the Presiding Officer (e.g. CPO's, established business and homeowner's associations).
  - b. At any subsequent hearing: 2 minutes per individual and 5 minutes for groups.
- 2. Quasi-judicial or administrative hearings:
  - a. Proponent of the action or applicant: 12 minutes
  - b. Supporter(s): 3 minutes per person or organizations in support

- c. Opponent(s): 12 minutes total for recognized organizations (e.g. CPO, business or homeowner’s associations) which shall be divided as directed by the Presiding Officer if more than one organization seeks to testify, and 3 minutes per person.
  - d. Rebuttal: 3 minutes by the proponent or applicant.
3. Regular Public Hearings
    - a. Two (2) minutes per individual and five (5) minutes for groups
  4. The Presiding Officer may require that testimony be provided under oath and permit staff to inquire of the person testifying.

C. Rules Governing Communications with the Board

1. Generally, the time clock will be stopped during Board comments or responses to Board questions to provide the speaker the full time allotted. Time limits shall not be accumulated, reserved or saved from one person or group to another.
2. A person seeking to address the Board must do so from the spot designated after first gaining recognition of the Presiding Officer and must state his or her name and for testimony at public hearings, write down their address. The Presiding Officer may terminate any unduly repetitive, irrelevant or disruptive testimony.
3. Documents should be provided to the Clerk for distribution to the Board. Unless bulky or oversized, 10 copies should be provided. Documents introduced generally cannot be returned.
4. Persons desiring to use Presentations must consult with the Clerk in advance of the meeting. The Clerk of the Board reserves the right to deny or limit the use of such presentations unless the Presiding Officer invites the use of such presentations.
5. Board announcements shall be restricted to Board members exclusively.

D. Work session

Work sessions, retreats and other such meetings are limited to discussions among members of the Board and staff, excepting only those persons invited by the Chair to appear and participate.

**SECTION 10. (RESERVED FOR EXPANSION)**

**SECTION 11. APPOINTMENTS TO BOARDS, COMMITTEES AND OTHER GROUPS**

The Board may appoint advisory committees, boards and other groups to exercise authority delegated by the Board or established by statute or ordinance, or to investigate, report and advise the Board on any matter of county concern. Unless provided otherwise by the Board or by statute or ordinance: (Charter, Sec. 42).

- A. Appointments shall be made so that wherever possible the commission strives to appointment members representing all districts and the Board should follow all Oregon Revised Statutes (ORS) when making appointments. The Chair, with the concurrence of the Board, may exercise the right of privileged appointment to specific Task Forces created by the Board. Appointees serve at the pleasure of the appointing Commissioner.
- B. Appointments shall be two years for advisory group members unless another term is specified by statute or ordinance. Terms shall be staggered so that approximately one-half the terms will expire each year. Members shall be limited to two full terms. Exceptions to this limitation will be at the discretion of the Board.
- C. Members shall be residents of Washington County, unless otherwise specified.
- D. Vacancies shall be filled by placement on a regular meeting agenda. The County Administrator shall advertise, receive and transmit to the Board applications for such position as are received from the public for such time as deemed appropriate. Following receipt of applications, the Board may select from such list a designee to fill such vacancy by majority vote. If no name is acceptable to the Board, the matter shall be continued until a designee is selected.
- E. The County Administrator or designee shall be responsible for providing to the Board a current list of members of committees, boards and commissions including their names, district, length of terms, reports of proceedings, recommendations and other matters deemed pertinent by the Board.
- F. The Board may appoint a Commissioner to serve as liaison to any advisory group.
- G. The Board may appoint such ad hoc advisory groups, task forces and committees as it deems necessary and, in the manner, and on such terms as it deems appropriate.

**SECTION 12. BOARD VACANCIES**

The Board shall, within 60 days of the effective date of a vacancy as provided for in Charter, Section 30, appoint a qualified replacement to serve for the remainder of the term unless the vacancy occurs more than 30 days before the last day for non-partisan candidates to file for election at the first primary election of the original term, in which case the appointee shall serve until a successor is elected to fill the remainder of the term and is sworn into office. The person appointed to fill the vacancy shall be a resident of the same district as was his or her predecessor. (Charter, Sec. 30(d)).

**SECTION 13. COUNTY SERVICE DISTRICTS**

Unless otherwise provided for by the Board acting in its capacity as the governing body of a County Service District, the Rules of Procedure adopted herein shall be applicable to the conduct of proceedings of the Board of Commissioners of Washington County acting as the Board of Directors of a County Service District.

**SECTION 14. (RESERVED FOR EXPANSION)**

## **SECTION 15. ORDER AT MEETINGS**

The Presiding Officer shall preserve order and decorum at all meetings of the Board and decide questions of order subject to appeal to a majority vote of the Board. The Sheriff or other law enforcement personnel by order of the Presiding Officer may eject a person or persons creating a disturbance or otherwise obstructing the orderly process of County business from the meeting.

## **SECTION 16. ORDINANCES**

- A. An ordinance shall be initiated by order of the Board directing counsel to prepare and file the ordinance for first reading. The ordinance shall be filed in the Recording Division of the Department of Assessment and Taxation prior to first reading.
- B. On introduction, copies of the proposed ordinance shall be available to members of the Board and to all persons who so desire. At the meeting at which it is introduced, the proposed ordinance shall be publicly read. Except for land use ordinances governed by Chapter X of the Charter, the ordinance shall be scheduled for a second reading, first public hearing by majority vote. By unanimous consent of the Board, the proposed ordinance may be read by title only. After the motion is read, the Board will consider any potential amendment and then a motion to continue for second reading and a public hearing on a specified date.
- C. The adoption of any amendment affecting the substance of the proposed ordinance shall require the filing of an engrossed ordinance and an additional public reading and hearing of the ordinance as amended prior to enactment. Except as provided in Chapter X of the Charter, no ordinance shall be enacted prior to the fourteenth day after its introduction. All ordinances must be enacted or rejected in a regular meeting of the Board by a roll call vote. (Charter, Sec. 50 (c)).
- D. On enactment, the Chair and Recording Secretary/Clerk to the Board shall sign the ordinance and indicate the date of its enactment. If a motion to adopt a proposed ordinance fails to achieve a majority of three affirmative votes, the ordinance shall be considered as rejected unless a commissioner immediately moves to reconsider the motion. The vote on reconsideration shall be held as the next item of business. If the motion passes, any commissioner may, as the next order of business, move to enact, amend, continue or reject the proposed ordinance. A proposed ordinance that has been rejected, tabled, or continued indefinitely by the Board shall not be eligible for reconsideration but may be reintroduced as provided in this Section and the Charter. (Charter, Sec. 50(d)).
- E. A proposed ordinance necessary to address a declared emergency constituting an imminent threat of serious harm may be introduced and enacted at an emergency or special meeting and may be enacted upon introduction in one reading and public hearing, provided that it is introduced and approved unanimously by the Board, or in the event that the emergency precludes one or more commissioners from voting, a unanimous



approval of those present.

#### **SECTION 17. (RESERVED FOR EXPANSION)**

#### **SECTION 18. PROGRAM AUDITS OF THE COUNTY AUDITOR**

- A. Any Commissioner may propose in writing that the Board request that the elected County Auditor conduct an audit of a specific county program, function or activity. The proposal shall be considered by the full Board at a regularly scheduled meeting and shall contain, at a minimum, a statement detailing the purpose and scope of the requested auditor, a listing of specific questions to be addressed, and a specific or suggested completion date, if appropriate. An affirmative vote of a majority of the Board shall be required to transmit the audit request to the County Auditor for consideration and possible action.
- B. The Auditor shall provide a copy of any program audit to the County Administrator 60 days prior to any presentation to the Board to allow the County Administrator to provide the response required by Charter Section 46. The County Administrator's response shall be made available to the Board and the public together with the Auditor's report prior to presentation to the Board.
- C. The Board shall receive the results of a Board requested program audit at a regularly scheduled meeting.
- D. Within thirty (30) days of formal receipt of any such audit pursuant to this Section, the Board or its designee shall meet with the County Auditor, the County Administrator, and such other personnel as the Board may desire, to identify and discuss the policy implications and recommendations contained in the audit.
- E. The County Administrator shall coordinate the administrative implementation of any measure adopted by the Board with respect to the audit. The Administrator shall furnish the Board with a written status report on the recommendations in the audit not later than six (6) months from the date the Board formally receives the audit. Such status report shall include information relative to any measures adopted by the Board with respect to the audit.

#### **SECTION 19. PUBLICATION OF RULES**

- A. These Rules of Procedure shall be filed with the Recording Division of the County Department of Assessment and Taxation and shall be available to the public on the County's website.
- B. A copy of these Rules shall be available at all regular and special meetings of the Board.
- C. A copy of these Rules shall be provided to each Commissioner.
- D. A copy of these Rules shall be posted within or near the entrance to the Board hearing room and reference may be made to them in all required notices of proceedings conducted in accordance with this section.

**SECTION 20. PARTICIPATION ASSISTANCE**

- A. The County will make available Alternative Listening Devices, qualified sign language interpreters, video or audio tapes, transcripts including bold typeface or Braille or such other accommodations as is reasonable so as to permit persons with disabilities to observe or participate in the meetings of the Board, including work sessions. Requests must be made in advance and generally no later than 5:00 p.m. on the day prior to the meeting.
- B. The County will endeavor to arrange for qualified bilingual interpreters for meetings, or to translate notices, minutes and other such materials. Requests must be made as much in advance as possible and, in general, no later than two business days prior to the meeting.

**SECTION 21. AMENDMENT, SUSPENSION AND EFFECTIVENESS OF RULES**

- A. Any Rule of Procedure, not required by law or the Charter of the County, may be amended, suspended, temporarily suspended or repealed at any time by majority vote of the Board.
- B. Inadvertent failure of the Board to comply with any rule not otherwise required by law shall not be the basis for contesting any action of the Board. In no event shall failure to comply with the Rules of Procedure, modify or void any action unless the objecting party demonstrates actual prejudice arising from the failure to comply.

7/24/12

3/16/21

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