

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-01-09-03

IN THE MATTER OF ESTABLISHING
BOARD OF COMMISSIONERS MEETING
ROLES AND RULES OF CONDUCT

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

WHEREAS, the Board wishes to be transparent in its expectations for its own conduct during its public meetings and its expectations regarding the conduct of staff and members of the public during public meetings; and

WHEREAS, there are certain basic rights of due process and an opportunity to address issues with equity, fairness, and equal protection under the law; and

WHEREAS, the Board places a high value on the input of our citizenry and believes that public comment is an important element of any successful public meeting; and

WHEREAS, certain parliamentary procedures have been found to be useful in order to assure that the communication and process of government are fair, reasonable, and just; and

WHEREAS, the County has a duty to proceed with the business of government in a timely, efficient, and orderly fashion; and

WHEREAS, the Board desires to establish norms and procedures in order to accomplish these goals; and

WHEREAS, the Charter of Lane County in Chapter III, Section 13, Meetings, specifies: "*The board of county commissioners shall adopt rules for the government of its members and meetings*"; and

WHEREAS, the Rules adopted in the order will be in effect upon their adoption by the Board of Commissioners until such time as they are amended, added to, deleted or replaced; and

WHEREAS, these rules are to be observed, in addition to, and may not be contradictory to, the Lane County Charter, the United States Constitution, the Oregon Constitution or any other applicable provision of Oregon law

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. THE BOARD WILL ACT IN THE PUBLIC INTEREST

- A. Commissioners and staff recognize that stewardship of the public interest is the primary concern;

- B. Commissioners work for the common good of the people of Lane County;
- C. Commissioners will ensure fair and equal treatment of all persons, claims and transactions before the Board;
- D. Commissioners will make the public feel welcome;
- E. Commissioners will not be partial, prejudiced, or disrespectful toward the public;
- F. Commissioners will treat members of the public equally and refer to citizens by surnames;
- G. Commissioners will make no promises to the public on behalf of the Board;
- H. Commissioners will not engage in disrespectful discourse with members of the public; and,
- I. Commissioners will listen courteously and attentively to all public comments before the Board and the information presented by staff.

2. LANE COUNTY VALUES

- A. Integrity;
- B. Respect;
- C. Open and Accountable;
- D. Public Engagement;
- E. Pursuit of Excellence;
- F. Diversity;
- G. Stewardship; and,
- H. Empathy.

3. THE ROLE OF THE BOARD OF COMMISSIONERS

- A. The Board of Commissioners is the policy making body of Lane County.
- B. Commissioners have no authority when acting as individuals. Authority to make decisions and/or create policy for the County resides solely with the majority vote of the Board of Commissioners. Board of Commissioners decisions which are not unanimous are still the official policy of the County.
- C. The current edition of Robert's Rules of Order Revised shall be used as a general guide for conduct of Board meetings, except in those cases where specific provisions contrary to Robert's Rules shall be necessary and approved by the Board.
- D. The Board agrees to be clear and simple in its procedures and considerations of decisions before it. The Board will avoid invoking the finer points of parliamentary rules to obscure issues and arouse citizen suspicion at public meetings.
- E. The Board may act in its administrative capacity, legislative capacity and quasi-judicial capacity only when appropriate and required by the matter under consideration.

4. COMMISSIONER ROLES

- A. Chair of the Board of County Commissioners.

The Chair's position is as a leader among equals.

The Chair is the presiding officer and facilitator at all Board meetings. In the Chair's absence, the Vice Chair is the presiding officer. Whenever the Chair and Vice Chair are both absent, the most senior Commissioner is designated and appointed as the Acting Chair for the meeting. The Chair may appoint a Sergeant at Arms.

During Board discussions, deliberations and proceedings, the Chair has been designated with the primary responsibility to ensure that the Commissioners, staff and members of the public adhere to the norms and procedures established in this document.

The Chair decides all questions of order, subject to an appeal to the Board.

All questions and remarks will be addressed to the Chair.

The Chair will recognize the Commissioners, staff, and citizens desiring to speak.

The Chair will designate a time limit for public comment. Upon expiration of that time, the Chair will inform the citizen that his or her time has expired and promptly move on to the next speaker or issue on the agenda.

A member of the public wishing to address an item may do so during Public Comment. Any remarks or questions received during public comment regarding personnel or administration of the County should be referred to the County Administrator by the Chair.

Members of the public desiring to address the Board will first be recognized by the Chair and then state their name and district for the record.

Every Commissioner desiring to speak should first address the Chair and await recognition to obtain the floor. No persons other than members of the Board and the person having the floor will enter into any discussion, either directly or through a member of the Board without the permission of the Chair.

The Chair will allow other Commissioners to speak first on items before the Board and will then state his/her summary.

The Chair, subject to the appeal of the full Board, will have the authority to streamline the business of the Board by either seeking clarification of motions which appear to be out of order or by ruling any such motions out of order. In so ruling, the Chair will be courteous and fair and should presume that the moving party is acting in good faith.

No motion will be debated, except by the maker, until it has been seconded and announced by the Chair.

Prior to a vote, the Chair will restate who motioned and who seconded the motion. The Chair will also restate the motion or have the maker of the motion restate it to assure clarity of the issue.

The vote on every motion will be taken and entered in the meeting minutes. Any other questions before Board will not require a recorded vote unless requested by a Commissioner. A Commissioner's explanation of his or her vote shall not be in order during a roll call.

A motion fails in the event of a tie vote.

B. Commissioners

While the Board is in session the Commissioners and County staff will preserve strict order and decorum. No Commissioner shall delay or interrupt the proceedings of the Board or interrupt any member while speaking.

Commissioners should publicly share substantive information, which they may have received from sources outside the public decision-making process that is relevant to a matter under consideration by the Board.

When a quorum is present, a majority of the Board present and voting shall decide a motion. A Commissioner must be present to vote (a Commissioner who phones into a meeting is considered present and may vote).

Duty to Vote: Unless confronted with an actual conflict of interest, every member present when a question is taken will vote. For the purposes of this section, an abstention is counted as a vote.

Conflicts of Interest:

Commissioners will comply with all Oregon statutes and decisions of the Oregon Government Ethics Commission. All terms used regarding ethics shall have the definitions provided by Oregon law and the Oregon Government Ethics Commission.

In every case in which a Commissioner is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Commissioner, after disclosing the nature of the conflict, will refrain from participation in both the discussion and the vote on the issue.

An actual conflict of interest is any action, decision, or recommendation that could grant a private pecuniary benefit to the Commissioner or help the Commissioner avoid a private pecuniary detriment. This same standard applies to relatives of the Commissioner or any business with which the Commissioner or Commissioner's relative is associated.

A potential conflict of interest is defined as any action, decision, or recommendation which will have a private pecuniary benefit on the Commissioner or allow the Commissioner to avoid a private pecuniary detriment. This standard also applies to relatives of the Commissioner or any business with which the Commissioner or Commissioner's relative is associated.

Commissioners may respond to public comment during remonstrance. If necessary, response to public comment may be referred to the County Administrator for response at a subsequent time.

Any Commissioner may request that an item be postponed to another meeting or pulled from the consent calendar for discussion.

A Commissioner who votes on the prevailing side of a motion may move for reconsideration of any vote. This motion must occur during the meeting or at the very next scheduled Board meeting.

Commissioners shall not publicly criticize an individual employee. Any criticism of staff shall be directed to the County Administrator.

Commissioners will not get involved in personnel or legal issues except during an executive session where personnel issues may be discussed. This includes, but is not limited to, labor negotiations, pay and classification issues, and all other forms of personnel matters. The single exception is the Board's annual or other

performance review of the County Administrator, County Counsel and County Performance Auditor, which may include hiring, firing, changing compensation or benefits, disciplining, and other forms of personnel matters related to these three positions. To the extent that such issues are raised by the public during a meeting the issue should be referred to the County Administrator or County Counsel.

If a Commissioner has a concern about a County department, service, staff action, or employee, he or she should discuss the concern with the County Administrator.

Commissioners have the responsibility to ensure that ethical standards are understood and met by every Commissioner, and that the public can have full confidence in the integrity of government. Commissioners will abide by the requirements of Oregon law and the decisions of the Oregon Government Ethics Commission regarding the ethics of public officials.

The Chair and the Commissioners have the responsibility to intervene when actions of members are in violation of the standard norms and procedures.

C. County Administrator

Commissioners should refer people with questions or complaints raised during a meeting to the County Administrator, explaining that if they are not satisfied with the results of that meeting, they should ask to be put on a Board meeting agenda or present their issue during the public input portion at a future Board meeting.

Every Commissioner may address questions directly to the County Administrator, who may either answer the inquiry or designate a staff member to do so. Commissioners are encouraged to present their questions to the County Administrator prior to the meeting when possible.

The Board, through a majority vote, directs the County Administrator to implement Board policy decisions through the administrative functions of the County.

All requests from Commissioners dealing with policy issues and those requests which may be construed as direction go through the County Administrator.

The County Administrator or delegate is to attend all Board meetings in order to provide information to and receive guidance from the Board.

The County Administrator or delegate calls roll for voting when procedurally necessary.

5. COUNTY STAFF

- A. Staff will respond to questions from the public during Board meetings when requested to do so by the Chair.
- B. Staff will not debate issues with the public or the Board.
- C. Staff will remain objective on issues. Staff should not be an advocate for issues unless so directed by Commissioners. Rather, they should promote or assist the efforts of the Board.

6. DECORUM AND ORDER

- A. The Chair will preserve decorum and decide all points of order, subject to appeal to the Board.

- B. The Board will make every effort to create and promote an atmosphere in meetings that encourages members of the public to speak without fear of intimidation or retaliation. In an effort to promote a safe atmosphere for all, clapping, stamping feet, whistles, yells, signs, and overt demonstration will not be permitted during Board meetings.
- C. The Commissioners will help the Chair preserve decorum during Board meetings and will not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Chair or these Board Rules. Commissioners will, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, will not engage in personal attack, will not impugn the motives of any speaker, and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- D. Employees of the County and other persons attending Board meetings will observe the same rules of procedure, decorum, and good conduct applicable to the members of the Board.
- E. The Chair may call for a short recess during a Board meeting when deemed necessary. If a speaker becomes abusive, boisterous, or discourteous an immediate declaration may be made by the Chair that the Board is in recess. If a recess is deemed necessary, the board meeting will not reconvene without a uniformed law enforcement presence. Upon reconvening the meeting, if the prior speaker attempts to resume, he or she can either be informed that his or her three-minute speaking opportunity has expired or be allowed to complete the balance of the three-minute speaking opportunity.

7. ADMINISTRATION

- A. The Board will review and revise this document annually, or as needed.

ADOPTED this 9th day of January, 2018.

APPROVED AS TO FORM

Date

1/4/18

LANE COUNTY OFFICE OF LEGAL COUNSEL

Jay Popovich

Chair

Lane County Board of Commissioners