

TITLE 4

BOARDS, COMMISSIONS AND COMMITTEES

CHAPTER 400

BOARD, COMMISSION, AND COMMITTEE CODE

5. Regional bodies to which the Board of Commissioners makes appointments

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400.005 Title; short title

This Chapter, LCC 400.005 to LCC 400.800, shall be known and may be cited as the “Linn County Board, Commission, and Committee Code” or simply as the “Board, Commission, and Committee Code.”

[Adopted 98-002 §2(A) eff 2/11/98; amd 98-526 §10 eff 12/16/98]

400.100 Definitions

As used in this Chapter the term:

(A) “**Advisory body**” is a body that has authority to make recommendations on policy or administration.

(B) “**Board, commission, or committee**” means public bodies that are created by, or public bodies whose creation is approved by, the Linn County Board of Commissioners. Such public bodies may be governing bodies. The term, as used in this Chapter, does not include intergovernmental entities or regional bodies. A board, commission, or committee may or may not be a governing body. The term committee includes a subcommittee.

(C) “**Board of Commissioners**” or “**Board**,” for purposes of this Chapter, means the Linn County Board of Commissioners. The Board is a governing body.

(D) “**Decision-making body**” is a body that has authority to make decisions on policy or administration.

(E) “**Governing body**” is a body of two or more members of a public body that has the authority to make decision for or recommendations to a public body. The term also includes intergovernmental entities for which appointments have been made by the Linn County Board of Commissioners.

(1) An advisory body that has authority to make recommendations to a public body on policy or administration is a governing body for purposes of ORS 192.610 to 192.690.

(2) A decision-making body that has authority to make decisions for a public body on policy or administration is a governing body for purposes of ORS 192.610 to 192.690.

(F) “**Intergovernmental entity**” means a public body created by an intergovernmental agreement pursuant to ORS 190.010, and governed by a board or commission appointed by, responsible to and acting on behalf of the units of local government that are parties to the agreement. The creation of the intergovernmental entity must be ratified by an ordinance adopted by the Board of Commissioners prior to the effective date of the agreement. An intergovernmental entity is composed of appointees from two or more units of local government.

(G) “**Non-governing body**” means a body that does not have authority to make a decision for or a recommendation to a public body, but does have authority to make a recommendation to a single individual when such individual has authority to act on the recommendation. The term does not include a public body that has authority to make a recommendation to an individual who does not have authority to act on the recommendation, and must pass the recommendation on unchanged to a public body. ORS 192.610 to 192.690 does not apply to a non-governing body. A non-governing body may be a board, commission, or committee.

(H) “**Public body**” means any County board, commission, committee, or advisory group thereof created by or pursuant to the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.

(I) “**Regional body**” means a public body that is not an intergovernmental entity to which the Board of Commissioners has made appointments to represent the Board of Commissioners and to which at least one other unit of government has appointed members.

(J) “**Special committee**” means a board, commission, or committee that is not a standing committee.

(K) “**Standing committee**” means a board, commission, or committee created with a provision that upon expiration of a member that member will be either reappointed or another appointed in that person’s stead. The standing committee has permanent status until it is dissolved by the Board of Commissioners.

[Adopted 98-002 §2(B) eff 2/11/98; amd 99-058 §2 eff 3/3/99]

400.110 Applicability

(A) This Chapter shall apply to all boards, commissions and committees that are appointed solely by the Board of Commissioners (Board) or for which Linn County is legally responsible, unless, and to the extent, such application would cause County to be in violation of state or federal law. In the event the Board has adopted, by ordinance, a rule of conduct for a specific board, commission, or committee that conflicts with a provision of this Chapter, the rule relating to specific committee shall prevail over the general provisions of this Chapter.

(B) This Chapter shall not apply to members of intergovernmental entities and regional bodies appointed by the Board of Commissioners unless this Chapter specifically provides that a provision applies to such entity or body.

(C) This Chapter shall not apply to boards, commissions, and committees created by elected officials other than the Board of Commissioners.

[Adopted 98-002 §2(C) eff 2/11/98; amd 99-058 §2 eff 3/3/99]

400.200 Establishment of a board, commission, or committee

(A) The Board of Commissioners may create at any time a board, commission, or committee to perform any public act or function authorized by law.

(B) The Board of Commissioners shall establish by order the number of appointments and a quorum for each board, commission, and committee the Board of Commissioners establishes.

(C) The Board of Commissioners shall establish the term for each appointee, if such term is not established by other law.

(D) The term may be for the purpose of transacting limited business. The board, commission, or committee shall in that instance not be a standing committee. Such a board, commission, or committee shall be a special committee.

[Adopted 98-002 §2(D) eff 2/11/98; amd 98-526 §10 eff 12/16/98; amd 99-058 §2 eff 3/3/99]

400.210 Appointments to an intergovernmental entity or regional body

(A) The Board of Commissioners may appoint members to an intergovernmental entity or regional body for which it is a participating member.

(B) The Board of Commissioners shall establish by order the number of appointments for each intergovernmental entity or regional body the Board of Commissioners in which the Board of Commissioners participates.

(C) The Board of Commissioners shall establish the term for each appointee, if such term is not established by other law or agreement.

(D) Appointments; generally

(1) The Board of Commissioners may select and appoint members of a public body. The Board may establish procedures for member selection and appointment to supplement the provisions of this code section.

(2) Applications for appointment to a public body shall be filed with the Board of Commissioners. The Board of Commissioners may limit the times when it will accept applications. The Board shall review applications submitted and may refer applications to a public body for screening and recommendations.

(3) All persons appointed to serve on a public body shall serve on such a public body at the pleasure of the Board of Commissioners.

(4) Appointments shall be made for such terms as designated by the Board of Commissioners, subject to removal by the Board of Commissioners, without cause, at any time.

(5) No person may serve on a public body unless that person has been appointed by the Board of Commissioners to so serve.

[Adopted 98-002 §2(E) and (F) eff 2/11/98; amd 98-526 §10 eff 12/16/98]

400.220 Presiding officer

(A) Except as otherwise provided by federal or state law, the Board of Commissioners shall designate as presiding officer one member of each board, commission and committee, the members of which are appointed by the Board of Commissioners. A board, commission, or committee may make recommendations to the Board of Commissioners concerning the selection of a presiding officer and such recommendation shall be considered by the Board of Commissioners prior to selection of a presiding officer.

(B) A presiding officer is eligible for redesignation at the expiration of their terms. If a chair becomes vacant, the Board of Commissioners shall appoint another person to fill the unexpired term.

(C) Nothing in this subsection prevents a board, commission, or committee from selecting other officers as necessary to expedite its proceedings.

(D) The presiding officer shall serve as the chairperson of the board, commission, or committee.

[Adopted 98-002 §2(G) eff 2/11/98; amd 99-058 §2 eff 3/3/99]

400.230 Schedule for designation of presiding officer

The Board of Commissioners shall designate a presiding officer for each board, commission, or committee established by the Board of Commissioners to serve for a term beginning when the Board of Commissioners makes its designation at a regular meeting and ending when the successor is appointed and qualified.

[Adopted 98-002 §2(H) eff 2/11/98]

400.240 Bylaws

(A) Bylaws may be drafted, reviewed and recommended to the Board of Commissioners by any board, commission, or committee. Bylaws

may also be prepared by the Board of Commissioners.

(B) The Board of Commissioners shall have the sole authority to adopt, amend or repeal bylaws for boards, commissions and committees. Bylaws shall be adopted by an order of the Board of Commissioners.

(C) Bylaws shall govern the conduct of the board, commission, or committee but shall not, in any way, bind the Board of County Commissioners. Bylaws may contain more stringent requirements or procedures than those specified in this Chapter.

[Adopted 98-002 §2(I) eff 2/11/98; amd 98-526 §10 eff 12/16/98]

400.250 Functions

(A) *Boards, commissions, and committees.* The functions and activities of a board, commission, or committee shall be strictly limited to those functions delegated to the board, commission, or committee by the Board of County Commissioners.

(B) *Intergovernmental entities and regional bodies.* The functions and activities of the appointees to an intergovernmental entity or regional body shall be strictly limited to those functions and activities delegated to the intergovernmental entity or regional body by the Board of County Commissioners.

(C) A person appointed to serve on a public body who fails to carry out the function and activities delegated as described in paragraph (1) or (2) or whose conduct is not included in the delegation may be removed from membership on the board, commission, or committee by the Board of Commissioners.

(D) An board, commission, or committee that fails to carry out the function and activities delegated as described in paragraph (1) or (2) or whose conduct is not included in the delegation may be dissolved or dissolved and reorganized by the Board of Commissioners.

[Adopted 98-002 §2(J) eff 2/11/98]

400.260 Public meetings and records law

(A) *Meetings.* The presiding officer of a board, commission, or committee may convene a

meeting of that board, commission, or committee by giving notice thereof to each member at least 72 hours in advance of the time specified for the proposed meeting.

(B) *Governing bodies.* A board, commission, or committee that is a governing body shall conduct its business in public, in full compliance with the Oregon Public Meetings Law, currently codified as ORS 192.610 through 192.710. All minutes and records of a board, commission, or committee that is a governing body are public records which, unless exempted by ORS Chapter 192, must be made available to the public as required by the Oregon Public Records Law, currently codified as ORS 192.410 through 192.595.

(C) *Non-governing bodies.* A board, commission, or committee that is a non-governing body is not required to comply with the provisions of ORS 192.610 to 192.710. All minutes and records of a board, commission, or committee that is a non-governing body are public records which, unless exempted by ORS Chapter 192, must be made available to the public as required by the Oregon Public Records Law, currently codified as ORS 192.410 through 192.595.

[Adopted 98-002 §2(K) eff 2/11/98; amd 99-058 §2 eff 3/3/99]

400.270 Conflicts of interest

Voting members of a board, commission, or committee shall not participate in any proceeding or action required by this Chapter except as allowed in ORS Chapter 244.

[Adopted 98-002 §2(L) eff 2/11/98; amd 98-526 §10 eff 12/16/98; amd 99-058 §2 eff 3/3/99; amd 99-129A §2 eff 6/8/99]

400.275 Ex parte contact

(A) No decision or action of a board, commission, or committee shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

(1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

(2) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

(B) A communication between county staff, including County Counsel, and the board, commission, or committee shall not be considered an ex parte contact.

(C) Subsection (A) of this section does not apply to ex parte contact with a hearings officer approved under ORS 215.406 (1).

[Adopted 83-522 §4.2 eff 1/25/84; amd 99-058 §2 eff 3/3/99; amd 99-129A §2 eff 6/8/99]

400.280 Quorum

(A) A quorum is required before a public body, or any of its members may discuss, make a recommendation, or decide any matter relating to the public body's business.

(B) Unless otherwise required by law, by-laws approved by the Board of Commissioners, or agreement to which the Board of Commissioners is a party, a quorum shall be a majority of the persons then appointed by the Board of Commissioners to serve on the board, commission, or committee, excluding vacant positions.

(C) Unless otherwise required by law or by-laws approved by the Board of Commissioners, all actions or recommendations of an board, commission, or committee must be approved by a majority of the members of the entire board, commission, or committee appointed to the body at the time of the vote.

(D) Members must be physically present at the meeting in order to be entitled to vote.

[Adopted 98-002 §2(M) eff 2/11/98]

400.300 Removal; grounds, procedures

(A) *Removal.* Removal of a member of a public body may be made or approved by the Board of Commissioners, without cause, at any time.

(B) *Opportunity to address Board of Commissioners.* Whenever practicable, the Board of Commissioners shall provide the member being

removed from public body with an opportunity to address the Board of Commissioners concerning that member's removal prior to removal.

(C) Absences.

(1) Except as otherwise provided by federal or state law, any member of a public body appointed by the Board of Commissioners who fails to attend two consecutive meetings or three meetings during any period of one year or less, whether regular, adjourned or special, shall forfeit membership unless the member is prevented from attending by the serious illness of the member or the family of the member, or for any other cause that, in the judgment of the Board of Commissioners, constitutes a valid reason for failing to attend.

(2) The presiding officer of each board, commission, or committee shall promptly report to the Board of Commissioners the name of any member failing to attend two consecutive meetings or three meetings during any period of one year or less. This information may also be reported to the Board of Commissioners by County staff members or committee members. Nothing contained in this subsection prevents the County from acting to remove a member if no report of absences has been made to the Board.

(3) Before the Board of Commissioners decides that a position has been vacated by a member for failing to attend meetings, the Board of Commissioners shall give reasonable opportunity to the member to justify the absences.

(4) Upon declaring a position vacant as provided in this section, the Board of Commissioners may appoint a successor to serve the unexpired portion of the term for that position as soon as practicable.

[Adopted 98-002 §2(N) eff 2/11/98]

400.350 Vacancies

The Board of Commissioners reserves the right to appoint or not appoint a person to fill any position vacated by a member of a board, commission, or committee.

[Adopted 98-002 §2(O) eff 2/11/98]

400.400 Forms

Only forms designated, prepared or approved by the Board of Commissioners shall be used in the administration of this Chapter.

[Adopted 98-002 §2(P) eff 2/11/98]

400.500 Membership

The Board of Commissioners shall set the maximum number of members for each board, commission, or committee.

[Adopted 98-002 §2(Q) eff 2/11/98]

400.550 Compensation

Unless expressly provided for in the order or ordinance creating the board, commission, or committee, no voting member of any board, commission, or committee shall receive compensation, but any member is entitled to be reimbursed for duly authorized expenses.

[Adopted 83-522 §2.6 eff 1/25/84; amd 99-058 §2 eff 3/3/99]

400.600 Intergovernmental entities and regional bodies

(A) Intergovernmental entities are subject to this Chapter to the extent that this Chapter does not conflict with state law or the intergovernmental agreement creating such entity or the ordinance ratifying such agreement or the by-laws adopted by the entity and ratified by the Board of Commissioners.

(B) Regional bodies are subject to this Chapter to the extent that this Chapter does not conflict with state law or the by-laws adopted by the body and ratified by the Board of Commissioners.

[Adopted 98-002 §2(R) eff 2/11/98]

400.700 The Board as members of a public body

The Board of Commissioners as a body or any members thereof may be members of any other public body.

[Adopted 98-002 §2(S) eff 2/11/98]

400.800 Public bodies on which the Board sits

The public bodies on which appointees of the Board of Commissioners sit are set forth in this subsection.

(A) The statutorily mandated boards, commissions, and committees and their maximum number of members and appointees made by the Board of Commissioners are set forth in Appendix 1 following this Chapter.

(B) The public bodies, their names, status, and membership numbers set forth in Appendix 1 may at any time be changed in any manner by order of the Board of Commissioners. From time to time this subsection may be amended by ordinance to reflect those changes.

[Adopted 98-002 §2(T) eff 2/11/98]

Statutory References and Other Authorities: ORS Chapters 190, 192, 203

Legislative History of Chapter 400:

Adopted 98-002 eff 2/11/98

Amendments to 98-002:

#1 98-526 eff 12/16/98

#2 99-058 §3 eff 3/3/99

#3 99-129A §2 eff 6/8/99

Appendix to Ordinance 98-022

1. Boards, commission, and committees that may be mandated by statute					
Name of public body	Dated Created	Authority (ORS)	By-laws	Maximum number of members	Number appointed by the Board of Commissioners
Board of Property Tax Appeals				6	
Board of Review				5	
Budget Committee		ORS 294.336		6	
Commission on Children and Families				23	
Compensation Board				5	
Fair Board		ORS 565.210		3	
Food Service Advisory Committee				7	
Local Alcohol & Drug Planning Committee				9	
Local Public Safety Coordinating Council				19	
Planning Commission		ORS 215.020		9	
Solid Waste Advisory Committee				7	
Special Transportation Advisory Committee		ORS 391.820		9	

2. Boards, commission, and committees that are not mandated by statute					
Name of public body	Dated Created	Authority (ORS)	By-laws	Maximum number of members	Number appointed by the Board of Commissioners
Bicycle Advisory Committee				10	
Building Code Appeals Board (special committee)				5	
Employee Health Benefits Committee				6	
Financial Users Committee				9	
Geographic Information System Committee				12	
Health Advisory Committee				9	
Historic Resources Commission				7	
Historical Museum Advisory Commission				10	
Investment Fund Committee				5	
Labor Management Committee				10	
Law Library Committee				6	
Linn County Regional Airport Policy Advisory Committee				6	
Mental Health & Developmental Disabilities Advisory Board				11	
Parks Commission				11	
Voluntary Watershed Council (formerly North Santiam Watershed Forum)	12/2/95	541.388 (1)	Yes	13	

3. Intergovernmental entities that may be mandated by statute					
Name of public body	Dated Created & IGA #	Authority (ORS)	Ordinance (Code)	Maximum number of members	Appointments by the Board of Commissioners
Jobs Plus Advisory Council				6	
Linn-Benton Housing Authority				4	
Regional Workforce Quality Committee					

4. Intergovernmental entities that not mandated by statute					
Benton, Lane, Lincoln, Linn Regional Strategies Board				5	
Community Services Consortium Community Action Advisory Council				6	
Community Services Consortium Employment and Training Local Advisory Council				5	
Community Services Consortium Board					
Linn-Benton Domestic Relations Mediation Commission					
Linn Regional Fueling Facility Board					
Oregon Cascade West Council of Governments					
Valley Inter-Agency Narcotics Team (VALIANT)				9	2

5. Regional bodies to which the Board of Commissioners makes appointments					
Association of O & C Counties					
Cascades Pacific Resource, Conservation & Development Area					
Cascades West Financial Services Corporation					
Council of Forest Trust Land Counties					
Emergency Telephone Agency					
Oregon Consortium					
District 4 Private Industry Council					