

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 517**

4 _____
5
6 **Establishing the Position of County Administrator and declaring an emergency.**
7 _____
8

9 WHEREAS Lincoln County, after careful consideration of the roles and responsibilities
10 of the County Management Team made up of County Elected Officials and Department
11 Directors, has determined that the position of County Administrator should be established and
12 filled to exercise administrative authority over specific areas of County operations as
13 determined by the Board of Commissioners; and
14

15 WHEREAS upcoming retirements of long-time personnel, who have performed
16 numerous administrative duties for the County, necessitates the creation of the position to begin
17 the next fiscal year to continue effectively administering County operations; therefore, it is
18 necessary for this Ordinance to be adopted by July 1, 2021, and an emergency is declared to
19 exist to allow adoption of this Ordinance; and
20

21 WHEREAS this position shall exercise the duties and have the responsibilities as set
22 forth in this Ordinance. Those duties and responsibilities shall be reviewed no later than 24
23 months after adoption of this Ordinance to see if any changes in those duties and
24 responsibilities are warranted.
25

26 **NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

27
28 **SECTION 1.**

29 Section 2 of this Ordinance is added to and made a part of LCC Chapter 7, General
30 Administration, by adding LCC 7.205 through 7.245, County Administrator.
31

32 **SECTION 2.**

33 **COUNTY ADMINISTRATOR**

34
35 **7.205 Purpose of LCC 7.205 to 7.245**

36 **The Board finds and determines that the interests of the County will be best**
37 **served by creating and delegating certain administrative authority of the Board to a**

1 County Administrator who will be responsible to the Board for the administration of the
2 duties specified by this Ordinance.

3
4 **7.210 Definitions for LCC 7.205 to 7.245**

5 The following terms used in this Chapter shall have the meanings set forth below:

6 (1) "Elected Official" means and includes the following Lincoln County elected
7 officials: the Board of Commissioners, the Sheriff, the Clerk, the Assessor, and the
8 Treasurer. "Elected Official" also means and includes the District Attorney, a state
9 elected official.

10 (2) "Department Directors" means the directors of the following Departments:
11 County Counsel, Health and Human Services, Transportation Service District,
12 Community Justice, Surveyor, Planning and Development, Public Works, Information
13 Technology, Finance, and Personnel. The Board may periodically adjust the Department
14 Directors' designations, and any changes shall not require an amendment of this Chapter.
15 The new County Administrator shall also be a Department Director.

16 (3) "Liaison Commissioner" means the member of the Board assigned by the
17 Board to one or more County departments or offices, committees, or agencies for
18 purposes of being informed about issues pertinent to the department, office, committee or
19 agency, and not for administrative purposes. It is the responsibility of the Liaison
20 Commissioner to communicate information to the Board.

21 (4) "Management Team" means all Department Directors and Elected Officials.

22
23 **7.215 Position of County Administrator Created**

24 The position of County Administrator is hereby created. The County
25 Administrator shall act as the head of administration for the County and is delegated
26 by the Board of Commissioners, acting as district governing body, the same authority
27 for all County service districts established under ORS Chapter 451. The position
28 shall be a director of the department of County Administration.

29
30 **7.220 Appointment, Removal**

31 (1) The County Administrator shall be appointed by an Order of the Board
32 for an indefinite term. The County Administrator is an at-will employee and may be
33 removed at the pleasure of the Board, consistent with any applicable employment
34 agreement and this Chapter.

35 (2) The County Administrator may be tentatively removed by a majority vote of
36 the Board Commissioners at a meeting held in conformance with Oregon's Public
37 Meetings Laws. Upon such a majority vote, the Board shall adopt a Preliminary Order
38 setting forth the reasons for the County Administrator's removal. The County
39 Administrator may reply, in writing, and may request an opportunity to be heard at a
40 meeting of the Board, which shall be an executive session unless the County

1 Administrator requests the matter be conducted in open session. After such hearing of
2 the Board, if one is requested, and after full consideration, the Board may adopt a Final
3 Order of removal. By the Preliminary Order, the Board may suspend the County
4 Administrator from duty, but shall, during the term of such suspension, cause the County
5 Administrator to be paid any salary and fringe benefit amounts due the County
6 Administrator as the result of the duly executed employment agreement in effect at the
7 time of the Preliminary Order; provided, however, that no such payment shall be made if
8 the County Administrator's removal is for any reason involving moral turpitude, lack of
9 integrity or other terms as may be found in the employment agreement.

10 (3) Nothing contained in this section shall be construed to prohibit the Board and
11 the County Administrator from negotiating and entering into a separation agreement.
12

13 **7.225 Vacancy, Absence or Disability.**

14 (1) When a permanent vacancy occurs in the position of County
15 Administrator, the Board shall designate an Acting County Administrator until such
16 time as a new County Administrator is appointed. The Acting County Administrator
17 shall have all powers and duties conferred on the County Administrator by this
18 Chapter.

19 (2) At the request of the County Administrator, or on its own motion, the
20 Board may designate a person in writing to temporarily assume the administrative
21 position of the County to exercise and perform the County Administrator's powers
22 and duties during the County Administrator's temporary absence or disability.
23

24
25 **7.230 Authority**

26 (1) The County Administrator, as the chief administrator, shall be
27 responsible to the Board of Commissioners for the overall administration and
28 management of the County and its service districts. The County Administrator shall
29 exercise no authority over the actions of Elected Officials or the County Counsel. The
30 County Counsel shall report directly to the Board. The County Administrator shall
31 have authority over departmental budgets through the County budget process, and
32 shall otherwise coordinate services, projects and activities of departmental directors
33 and elected officials who have responsibilities for their respective services and
34 functions.

35 (2) The Board of Commissioners hereby delegates to the County
36 Administrator broad authority to perform the County Administrator's job functions.
37 The County Administrator is responsible to the Board for the manner of the County
38 Administrator's administration. The Board reserves to itself all of its legislative and

1 judicial or quasi-judicial authority, unless otherwise delegated by the LCC or other
2 action of the Board.

3 (3) The County Administrator shall have the specific authority to perform all
4 day-to-day functions necessary for the administration and management of County
5 affairs and the affairs of County service districts including coordination with
6 Departmental Directors and Elected Officials. Such authority includes, but is not
7 limited to, the following:

8 (a) Direct and coordinate the overall management of County government in
9 accordance with policies set by the Board and applicable laws.

10 (b) Provide the proper administration of all codes, ordinances, orders and
11 resolutions of the Board, all contracts entered by the County, and provide for the
12 enforcement of all policies, rules, procedures, orders and regulations duly adopted by
13 the Board.

14 (c) At the direction and in coordination with members of the Board, select,
15 appoint and dismiss Department Directors, except Elected Officials and County
16 Counsel, in accordance with federal and state laws and guidelines, applicable
17 contracts and personnel policies adopted by the Board; and advise the Board of the
18 reasons and process used in any selections, appointments or dismissals. All final
19 employment decisions for the Department Directors shall be made by the Board.
20 Prior to initiating any disciplinary action leading to dismissal, the County
21 Administrator shall consult with County Counsel and the Personnel Director.

22 (d) Coordinate the work of all offices, departments and agencies, and devise
23 ways and means whereby efficiency and economy may be secured in the operation of
24 all offices, departments and agencies.

25 (e) Prepare and submit to the Board and Budget Committee an annual budget
26 prepared with the Finance Director and Management Team, and a long-range capital
27 improvement and expenditure program, along with a financial plan for raising
28 revenue.

29 (f) Working with Public Works and the Facilities division, direct the use,
30 maintenance and custody of all County property, buildings, works and improvements
31 according to policies promulgated by the Board.

32
33 **7.235 Interaction with County Administrator, Employees**

34 In the exercise of their authority as members of the governing body of the
35 County, Board members may individually, or as a group in a public meeting, discuss
36 fully and freely with the County Administrator any matter pertaining to County
37 affairs or the interest of the County. Individual Board members may also consult
38 with and seek assistance from the County Administrator on their role as Liaison
39 Commissioner. Nothing in this section shall be construed to prohibit a Board

1 member as an elected official, consistent with law and County policy, from
2 performing the Board member's role in making inquiries of County employees
3 within departments or offices, or members of committees or agencies to which they
4 are assigned concerning day-to-day conduct of County affairs or otherwise with
5 Department Directors or other Elected Officials. The Board may consult with
6 County Counsel at any time.

7

8 **7.240 Review of Position Duties**

9 While the Board of Commissioners reserves all rights to evaluate the
10 performance of the County Administrator and take such actions as are consistent
11 with this Chapter, it is understood that this is the first formal Administrator position
12 in the County's history, and periodic evaluations of the duties and responsibilities of
13 the position are needed to ensure the purposes identified herein are being met.
14 Therefore, the Board of Commissioners and County Administrator, in consultation
15 with County Counsel and the Management Team, shall no later than 24 months after
16 adoption of these provisions, conduct the first thorough analysis of the roles,
17 responsibilities, duties and effectiveness of this position to allow the Board to
18 determine if changes to this Ordinance are warranted, including delegation of
19 greater or lesser authority to the County Administrator, and necessary changes as
20 determined by the Board can thereafter be adopted. Nothing in this section
21 precludes any Board initiated changes earlier than 24 months, nor is this intended to
22 replace annual or more frequent evaluations of the performance of the holder of the
23 position.

24

25 **7.245 Severability Clause**

26 Any judgment or declaration by any court of competent jurisdiction that any
27 portion of this Chapter is unconstitutional or invalid shall not invalidate any other
28 portion of this Chapter.

29

30 **SECTION 4.**

31 **Effective date; emergency clause**

32 This Ordinance was first read on _____ and a second reading was made on
33 _____. To carry out the intent of this Ordinance to put into place the position by the
34 beginning of the next fiscal year, an emergency is declared to exist, and the Ordinance
35 shall take effect July _____, 2021.

36

37

38

Note: Matter in **boldfaced** type in an amended section is new; matter in [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 **SECTION 5.**

2 The Board of Commissioners in enacting this Ordinance is concomitantly sitting
3 and acting as the Governing Body of all Lincoln County Countywide Service Districts
4 (ORS Chapter 451 Districts) including the Lincoln County Extension Service District, the
5 Lincoln County Transportation Service District, the Lincoln County Animal Services
6 District, and Lincoln County Solid Waste Services District.

Dated this 6th day of July, 2021

LINCOLN COUNTY BOARD OF COMMISSIONERS¹



Doug Hunt, Chair




Claire Hall, Commissioner



Kaety Jacobson, Commissioner

ATTESTED TO:



Kristi Peter, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

¹ And acting as the Governing Body of all Lincoln County Countywide Service Districts (ORS Chapter 451 Districts) including the Lincoln County Extension Service District, the Lincoln County Transportation Service District, the Lincoln County Animal Services District, and Lincoln County Solid Waste Services District.

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