



**OFFICE OF COUNTY COUNSEL**

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December 3, 2015

Board of County Commissioner  
Clackamas County

Members of the Board:

**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
Assistants

Second Reading of Ordinance No. 07-2015 Amending Chapter 2.09,  
County Administrator, of the Clackamas County Code

<b>Purpose/Outcomes</b>	Amend County Code - Chapter 2.09 County Administrator
<b>Dollar Amount and Fiscal Impact</b>	No fiscal impact
<b>Funding Source</b>	Not applicable
<b>Safety Impact</b>	The amendments are recommended to further the safe and efficient use of county resources and operations.
<b>Duration</b>	Indefinite; ordinances are effective ninety days after second reading.
<b>Previous Board Action</b>	The Board met in an October 20, 2015 policy session on this matter and decided to proceed to a public hearing and a first reading of the proposed ordinance. The first reading took place on Nov. 12, 2015.
<b>Contact Person</b>	Stephen L. Madkour, County Counsel

**BACKGROUND:**

County Counsel is responsible for maintaining and updating the County Code. A Code Update Committee meets monthly to prioritize code amendments and draft new code provisions. The current code amendments concern revisions to County Code Chapter 2.09.

**Chapter 2.09** - The amendments to Chapter 2.09 expand and clarify the authority of the County Administrator. In addition to some general housekeeping revisions, substantive changes include: The Board delegating to the County Administrator contract signing authority for any contract previously approved by the Board of County Commissioners. This delegation of authority shall apply both to the contract and any contract amendments; and the authority to draft and promulgate administrative rules and establish and implement operational policies. Additionally, the County Administrator's authority over county facilities has been expanded.

The code updates are intended to clarify and refine this chapter of the County Code. The proposed amendments to Chapter 2.09 concerning the authority of the County Administrator are intended to provide the Administrator with clear authority and latitude necessary to effectively manage county operations

These amendments are proposed by the Code Update Committee, which is comprised of a cross section of county staff and a commissioner representative.

**RECOMMENDATION:**

Staff recommends the Board of County Commissioners read the proposed ordinance by title only and proceed to adoption.

Respectfully submitted,

Stephen L. Madkour  
County Counsel

**ORDINANCE NO. 07-2015**

**An Ordinance Amending Chapter 2.09, County Administrator, of the  
Clackamas County Code**

WHEREAS, the Board would like to expand and clarify the authority of the County Administrator;

WHEREAS, the Board finds it beneficial to delegate contract signing authority to the County Administrator for contracts that have previously been approved by the Board; and

WHEREAS, the Board finds that the County Administrator should have the authority to implement administrative rules and operational policies; and

WHEREAS, the Board delegates authority over County facilities to the County Administrator; now, therefore;

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapter 2.09 of the Clackamas County Code is hereby amended as shown in Exhibit A attached hereto.

ADOPTED this 3rd day of December, 2015.

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary

## **CHAPTER 2.09**

### **2.09 COUNTY ADMINISTRATOR**

#### **2.09.010 Office of County Administrator Created**

The Office of County Administrator is created and the person holding that office shall act as the head of administration for the County and, if delegated by the district board, its service districts. [Added by Ord. 11-2002, 8/22/02]

#### **2.09.020 Appointment**

The County Administrator shall be appointed by and serve at the pleasure of the Board of County Commissioners. The relationship between the County and the County Administrator shall be as set forth in this Chapter and any employment agreement between the County and the County Administrator not inconsistent with this Chapter. [Added by Ord. 11-2002, 8/22/02]

#### **2.09.030 Qualifications**

The County Administrator shall be appointed by the Board of County Commissioners solely on the basis of his or her executive and administrative qualifications and experience and need not be a resident of the County or the State prior to his or her appointment. After the time of his or her appointment the County Administrator shall reside outside the County only by express permission of the Board. He or she shall receive a salary fixed by the Board commensurate with the responsibilities of the office. [Added by Ord. 11-2002, 8/22/02]

#### **2.09.040 Vacancy**

When a permanent vacancy occurs in the Office of County Administrator, the Board of County Commissioners shall designate an Acting County Administrator until such time as a County Administrator is appointed. Such person, while he or she is the Acting County Administrator, shall have all powers and duties conferred by this Chapter on the County Administrator. [Added by Ord. 11-2002, 8/22/02]

#### **2.09.050 Absence or Disability**

The County Administrator may designate an administrative officer of the County to exercise and perform his or her powers and duties conferred by the Chapter during his or her temporary absence or disability. [Added by Ord. 11-2002, 8/22/02]

#### **2.09.060 Authority**

- A. A.—The County Administrator shall be the Chief Administrative Officer of the County and all County service districts, if that authority is delegated by the board of the district. The County Administrator shall be responsible to the Board of County Commissioners for the administration and management of the County and its service districts and shall have control and supervision of all administrative departments, divisions, offices, districts and agencies subject to his or her jurisdiction, except County Counsel, or as otherwise provided by law.
- B. The County Administrator shall exercise no authority over the actions of elected County officials while they are performing the duties of their offices.
- CB. The Board of County Commissioners hereby delegates to the County Administrator broad authority to perform his or her job functions. The County Administrator is responsible to the Board for the manner of his or her administration. The Board reserves to itself all of its legislative and judicial or quasi-judicial authority, unless expressly delegated.
- D The Board of County Commissioners hereby delegates to the County Administrator contract signing authority for any contract previously approved by the Board of County Commissioners.
- E. The Board of County Commissioners hereby delegates to the County Administrator the authority to draft and promulgate administrative rules and establish and implement operational policies.
- FC. It shall be within the specific authority of the County Administrator to perform all day-to-day functions necessary for the administration and management of County affairs and the affairs of County service districts, if delegated. Such authority includes but is not limited to the following:
1. Provide for the proper administration of all ordinances, orders and resolutions of the County and its service districts, all contracts and franchises entered into by the County and service districts, and provide for the enforcement of all policies, rules, procedures, orders and regulations ~~adopted by the Board.~~
  2. Keep the Board informed of pertinent matters related to the administration and management of the County and its service districts.
  3. Serve as the Budget Officer for the County and its service districts and in that role prepare and submit to the Board and Budget Committee an annual budget and a long range capital improvement and expenditure program. Administer the provisions of the budget as adopted by the Board.
  4. Prepare and submit to the Board an annual report on the finances and administrative activities of the County and its service districts for the preceding fiscal year, together with recommendations for the betterment of the public service.
  5. Select, appoint, supervise, discipline or dismiss all County Administration staff and all employees designated as appropriate for unclassified status under Section 2.05.040(3)(B)(11), except the Office of County Counsel and any elected officers. The County Administrator has the authority to sign employment contracts for such designated unclassified employees, consistent with other employment contracts. The County Administrator shall consult the Board on these matters.

6. Manage and administer the County and service districts personnel programs. Prepare and recommend to the Board employee compensation plans.
7. Coordinate the work and facilities of all offices, departments and agencies, both elective and appointive, and devise ways and means whereby efficiency and economy may be secured in the operation of all offices, departments, districts and agencies.
8. Formulate and present to the Board plans for the implementation for goals adopted by the Board.
9. Administer the risk management program for the County and its service districts.
10. Direct the use, operation, maintenance, control and custody of all County and district property, buildings, works and improvements.  
~~according to any policies adopted by the Board.~~
11. Furnish the Board with information, proposals and recommendations concerning the operation of County departments, districts, boards and commissions.
12. Unless excused by the Board, attend regular meetings of the Board, participate in the discussions and make recommendations for action by the Board.
133. Conduct such other activities and assignments as may be required by the Board.

[Added by Ord. 11-2002, 8/22/02; Amended by Ord. 01-2009, 2/5/09]

#### **2.09.070 Delegation of Authority**

The County Administrator may delegate any authority granted by this Chapter to County department heads or other County or district staff, in a manner consistent with the provisions of the County Code.

[Added by Ord. 11-2002, 8/22/02]

#### **2.09.080 Term**

The County Administrator shall be appointed for an indefinite term. The County Administrator is an at-will employee and may be removed at the pleasure of the Board, consistent with any applicable employment agreement.

[Added by Ord. 11-2002, 8/22/02]

#### **2.09.090 Interaction with County Administrator, Employees**

In the exercise of their authority as members of the governing body of the County, Board members may individually, or as a group in a public meeting, discuss fully and freely with the County Administrator any matter pertaining to County affairs or the interests of the County. Board members may not direct any County employee, other than the County Administrator or County Counsel, in the performance of their duties. This section shall not be construed to prohibit a Board member from pursuing their role as ombudsman in making inquires of County employees concerning the day to day conduct of County affairs.

[Added by Ord. 11-2002, 8/22/02; Amended by Ord. 01-2009, 2/5/09]