



ADMINISTRATIVE POLICIES

SECTION	General Provisions		POLICY	101
TITLE	Administrative Policies and Procedures Authorization		PROCEDURE	
			ORDER	18-076
DEPT	Board of Commissioners		DIVISION	N/A
ADOPTED	5/12	REVIEWED:	REVISED	08/18

PURPOSE:

The purpose of this policy is to establish the authority by which the Marion County Board of Commissioners institutes administrative policies and procedures to govern and manage the business of the county. Administrative policies are applied countywide, establish principles that mandate or constrain actions, ensure compliance with applicable state and federal laws and regulations, and are approved by the Marion County Board of Commissioners.

AUTHORITY:

The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

Oregon Revised Statutes

203.010 General powers of county as body politic and corporate. *Each county is a body politic and corporate for the following purposes:(1) To sue and be sued;(2) To purchase and hold for the use of the county lands lying within its own limits and any personal estate;(3) To make all necessary contracts; and (4) To do all other necessary acts in relation to the property and concerns of the county.*

203.035 Power of county governing body or electors over matters of county concern.

(1) Subject to subsection (3) of this section, the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.075.

(2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state.

(3) An ordinance adopted by a county governing body that changes the number or mode of selection of elective county officers shall not take effect

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unless the ordinance is submitted to and approved by the electors of the county at a primary election, general election or election held on the first Tuesday after the first Monday in November of an odd-numbered year. However, an ordinance adopted under this section may not change the mode of selection of a county assessor.

(4) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power. [1973 c.282 §2; 1981 c.140 §1; 1985 c.756 §1; 1995 c.712 § 87; 2007 c.155 §12]

203.111 County governing body; legislative authority; quorum. *Unless otherwise provided by county charter, a county court shall be the governing body and shall exercise general legislative authority over all matters of county concern and shall consist of the county judge and two county commissioners and a majority of those persons shall constitute a quorum. [1981 c.140 §3 (enacted in lieu of 203.110)]*

203.230 Abolishing office of county judge and establishing board of county commissioners in noncharter county; referral of order; operative date.

(1) The county court of any county which has not adopted a county charter pursuant to ORS 203.710 to 203.770, and in which the county judge has no judicial function, may order the office of county judge abolished and create in lieu thereof a third county commissioner. The order shall transfer all powers and duties of the county court and county judge to the board of county commissioners and, unless referred to the people, shall be effective on the date specified therein. The order made under this subsection may be referred to the people of the county for their approval or rejection and, if approved, shall become operative on the date specified in the order referred. The people of the county shall vote on such order at a primary election or general election.

The Marion County Board of Commissioners expresses the governing body's official, organizational position on fundamental issues or specific repetitive situations through formally adopted, written policy statements. The policy statements serve to provide rules for public officials on the conduct of county business.

The Marion County Board of Commissioners' Administrative Policies and Procedures manual outlines the forms and process through which the board takes formal action on administrative policy. It is the official record of county administrative policy.

APPLICABILITY:

All county departments, elected officials, employees, and volunteers.

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GENERAL POLICY: Administrative policies set the rules of operation for Marion County governance. Policies address specific expectations and consequences. Administrative procedures specify how the policies will be implemented and who is responsible for policy implementation. It is the policy of the Marion County Board of Commissioners to have an Administrative Policies and Procedures manual that governs the functioning of the county organization, and to have a process for keeping the manual up-to-date.

DEFINITIONS:

Administrative Policy: A formal statement adopted by the Board of Commissioners characterized by the following:

1. Is adopted by board order;
2. Is applied county-wide;
3. Establishes principles that mandate or constrain actions;
4. Ensures compliance with applicable state and federal laws and regulations;
5. Sets specific expectations and consequences;
6. Communicates policy roles and responsibilities;
7. Achieves general consistency and uniformity in the handling of county business; and
8. Changes infrequently and sets a course for the foreseeable future.

Administrative Procedure: A formal process, reviewed and approved by the Board of Commissioners identifying how an administrative policy is implemented and specifying responsibility for policy implementation. A board order is not required for approval of procedures.

Departmental Policies and Procedures: Policies and procedures prepared by individual county offices or departments to regulate and guide specific operational activities that are unique to the office or department.

POLICY GUIDELINES:

1. RESPONSIBILITIES

- 1.1 The Marion County Board of Commissioners is responsible and has the final authority for adopting, rejecting, or waiving administrative policies and procedures, and any other rules and regulations for the management and operation of Marion County government.
- 1.2 Elected officials and department heads are responsible for:
 - 1.2.1 Implementing and enforcing Marion County Administrative Policies and Procedures within their respective departments; and
 - 1.2.2 Recommending new administrative policies and procedures, and revisions to existing policies or procedures.
- 1.3 County departments may develop and implement departmental policies and procedures to regulate and guide the operational activities of their respective departments and offices.

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2. EXCEPTIONS

- 2.1 Department policies may be more restrictive than Marion County Administrative Policies and Procedures, but not less restrictive.
- 2.2 Departmental policies and procedures must not conflict with Marion County Administrative Policies and Procedures approved by the Board of Commissioners.

3. IMPLEMENTATION

- 3.1 Elected officials and department heads are expected to be knowledgeable of, and shall be responsible for, implementing the administrative policies and procedures within their respective departments.
- 3.2 This policy shall be implemented consistent with the authorities, responsibilities, and exceptions noted above.
- 3.3 Observance of administrative policies and procedures is mandatory for all county personnel.
- 3.4 Violation may result in disciplinary action.

4. POLICY REVIEW

This policy shall be reviewed by the Board of Commissioners' Office at least every three years, or more often if needed, and updated as necessary.

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