

# TITLE 10

## SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

### SUBTITLE 3 — POLICIES

#### POLICY 11

#### SUBMISSION OF ITEMS FOR THE BOARD AGENDA

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#### **11.020 Purpose**

(A) The purposes of this policy are:

(1) to establish policies and procedures for review and action by the Board on matters submitted by elected officials and department heads;

(2) to comply with the notice requirements of Oregon’s Public Meeting Law; and

(3) to provide order and structure to the meetings of the Board of Commissioners.

(B) In order to accomplish these purposes, it is necessary that written agenda items, including all supporting documentation, be properly prepared and processed prior to being scheduled for review and action in Board meetings.

[Adopted 86-649 eff 12/10/86; amd 98-050 eff 9/29/98]

#### **11.050 Definitions**

As used in this policy, the term:

(A) “**Agenda item**” means a request made by an elected official or department head that the Board review a matter for action.

(B) “**Agenda Summary**” means a memo from the submitter to the Board describing the agenda item(s). The memo must include the Resolution & Order Number and Title and must be submitted on the department’s letterhead (see Appendix 1). Each item should be listed in numerical order by the Resolution & Order number (e.g. 2018-001; 2018-002; etc).

(C) “**Board**” means the Linn County Board of Commissioners.

(D) “**Cover order**” means a formal document which is:

(1) prepared by the County Attorney or under direction of the County Attorney;

(2) signed by the Board when an agenda item is approved; and

(3) recorded in the Commissioners’ Journal in the County Clerk’s Office. A cover order is required for any document that requires Board approval and signature. The term includes orders, resolutions, and ordinances.

(E) “**Legal Service Request**” or “**LSR**” means a written request on a form approved by the County Attorney seeking review of a matter or approval as to legal sufficiency by the County Attorney. A completed LSR must accompany every request for legal service tendered to the County Attorney (see Appendix 2).

[Adopted 86-649 eff 12/10/86; amd 98-050 eff 9/29/98; amd 18-267 eff 8/28/18]

### **11.100 Statement of policy**

In order to allow for expeditious review, consideration, and action on every item submitted to the Board, an employee may submit an agenda item to be reviewed by the Board for action only as set forth in this policy.

[Adopted 86-649 eff 12/10/86; amd 98-050 eff 9/29/98]

### **11.200 Procedure for scheduling agenda items with the board**

(A) If an item, such as a contract, an agreement, order, resolution, or ordinance, etc., requires approval as to form by the County Attorney, the submitter shall submit the item to the County Attorney for approval pursuant to Section 11.300 before complying with this section.

(B) All items to be placed on Board Meeting Agendas must be submitted to the Commissioner’s Office as set forth in this section.

(C) The item and all materials supporting the item (cover order, original documents, if any, and agenda summary) must be submitted to the Senior Commissioners’ Administrative Assistant **no later than 5:00 p.m. on the Thursday preceding the next Board Meeting.**

(D) An exception to the 5:00 p.m. deadline required by subsection (C) of this section may be approved by the Chairperson, other commissioner, Administrative Officer, or the Commissioners’ Senior Administrative Assistant in that order.

(E) The submitter will be contacted if there are questions about the agenda item(s).

[Adopted 86-649 eff 12/10/86; amd 98-050 eff 9/29/98; amd 18-267 eff 8/28/18]

### **11.300 Procedure for scheduling agenda items with the Board that require review by the County Attorney**

(A) All items which require prior review by the County Attorney shall be submitted to the County Attorney as described in this section.

(B) *Requirements for County Attorney review of a proposed agenda item.*

(1) All proposed agenda items shall be accompanied with a completed LSR.

(2) Except as provided in paragraphs (3) and (4), the County Attorney will not assign an order number to any agenda item before the item has been reviewed and determined to be ready for Board action.

(3) the County Attorney will issue an order number if the Chairperson of the Board, in consultation with the County Attorney, gives the submitter prior approval for expedited review. Following such approval for expedited review, the submitter may schedule with the Board the agenda item along with its order number.

(4) the County Attorney may issue an order number for a document prior to that document being reviewed by the County Attorney if the document must bear an order number. An example of a document that must bear an order number is a contract.

(5) Unless there is a justification based on a contractual or statutory time limitation that requires a departure from the order of review set forth in subsection (C), and such basis is brought to the attention of the County Attorney on the LSR that accompanies the agenda item, the County Attorney will review agenda items on a first-in, first-out basis.

(C) *Procedure for legal review and approval of agenda items.*

(1) Submit the agenda item and LSR to the County Attorney.

(2) Following review and approval as to readiness for Board consideration, the County Attorney will assign an order number to the agenda item. Approval by the County Attorney shall be indicated by signature on the cover order under the “approved as to form” text.

(3) After the County Attorney has reviewed the agenda item, the County Attorney shall return the agenda item to the submitter. It shall not be the responsibility of the County Attorney to schedule items with the Board.

(4) The submitter, following review and approval by the County Attorney, may then schedule the agenda item for Board action pursuant to Section 11.200.

(5) If an agenda item has been scheduled with the Board following the procedure set forth in paragraph (4) above, and the item has been returned to the County Attorney for further review or revisions, following that review or revision, the County Attorney may send the item directly to the Board for consideration or rescheduling.

(6) A department or office having a memoranda of understanding with the County Attorney regarding pre-approved forms, may submit agenda items containing such pre-approved forms immediately after obtaining an order number from the County Attorney, completing an agenda summary, and scheduling the matter with the Board.

[Adopted 86-649 eff 12/10/86; amd 98-050 eff 9/29/98; amd 18-267 eff 8/28/18]

#### **11.400 Approval, preparation, and distribution of Board agenda**

(A) Items will be scheduled by the Senior Commissioners' Administrative Assistant and draft agendas will be compiled and distributed on Friday each week.

(B) Before the draft agenda is finalized, the chairperson, the vice-chairperson, other commissioner, or the Administrative Officer, in that order, will determine:

(1) which items will appear on the Board meeting agenda, and

(2) which elected official and/or department head, or other staff should attend.

(C) Final draft agendas will be prepared and distributed after 3:00 p.m. on Fridays of each work week. Agenda Summarys will be distributed to the Board each Friday for their review prior to the Board meeting. If any changes need to be

made to the agenda, a revised agenda may be prepared and distributed on Monday.

(D) Agendas will be posted on the County public webpage; emailed to a distribution list and posted on the designated bulletin Board outside of the Board's meeting room each Friday after 3:00 p.m.

(E) Agendas will be placed on a table in the hallway before the meetings begin.

(F) Agendas prepared pursuant to the provisions of this section are not final until approved by the Board in a properly convened Board meeting, and may be amended by the Board at that time.

[Adopted 86-649 eff 12/10/86; amd 98-050 eff 9/29/98; amd 18-267 eff 8/28/18]

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#### **References and Authorities:**

##### **Legislative History of Policy 11:**

Adopted 86-649 eff 12/10/86

Amendments to 86-649:

#1 98-050 eff 9/29/98

#2 18-267 eff 8/28/18

#### **Attachments:**

(1) Appendix 1 – Agenda Summary

(2) Appendix 2 – Legal Service Request

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## Appendix 1 – Agenda Summary

[ DEPARTMENT’S LETTERHEAD ]

TO: Board of Commissioners  
FROM: [Elected Official/Department Head]  
DATE: [Date of Board meeting]  
RE: [List the Resolution & Order(s) in numeric order]

The following items are scheduled to be heard on [Date set for Board meeting].

Resolution & Order 2018-001 [Provide a paragraph explaining the purpose of the proposed action (e.g. contract, intergovernmental agreement, land use decision, etc.) and any additional information the Board would need to make a decision.]

Financial Impact: [if any]

Staff Recommendation:

[repeat for each Resolution & Order]

*Note: The original Agenda Summary should be submitted to the Senior Commissioners’ Administrative Assistant along with (7) seven copies*

[Adopted 18-267 eff 8/28/18]

## Appendix 2 – Legal Service Request

(For Illustrative Purposes Only: Most Current version available at  
the Linn County Employee Web or from the County Attorney)

### LEGAL SERVICE REQUEST

This Space to be Completed by Requestor

Requestor: \_\_\_\_\_ Date: \_\_\_\_\_  
 Dept/Office: \_\_\_\_\_ Ext: \_\_\_\_\_ Real Property involved? If yes \_\_\_\_\_  
 Dept. Head/Official Review: \_\_\_\_\_ (Property Manager)

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This space is reserved for Board [Pursuant to Policy 11.300(B)(3)]

Expedited Review Approved on: \_\_\_\_\_ For: \_\_\_\_\_ By: \_\_\_\_\_  
 (Date) (Board Agenda Date) (Commissioner)

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This space is reserved for Legal Counsel

LSR#: \_\_\_\_\_ File#: \_\_\_\_\_  New?  
 Access  Close LSR  Close File  Scan File  
 Order #: \_\_\_\_\_ Priority: \_\_\_\_\_  
 Board Agenda Date (if any): \_\_\_\_\_ Date Completed: \_\_\_\_\_  
 Attorney Assigned:  attorney  attorney Dept: \_\_\_\_\_ Type: \_\_\_\_\_ Sub Type: \_\_\_\_\_

1. QUESTION TO BE ANSWERED OR LEGAL SERVICE NEEDED: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. IS THIS A  NEW CONTRACT OR AN  AMENDMENT/RENEWAL TO AN EXISTING CONTRACT?
- a. Order # of the contract being amended/renewed: \_\_\_\_\_ Copy attached? No  Yes
- b. If a renewal or amendment, briefly describe above the changes.
3. IS THE LSR SUBJECT TO A TIME LIMITED IMPOSED BY LAW OR CONTRACT? No  Yes  When? \_\_\_\_\_
4. LIST DOCUMENT ATTACHED (IF ANY): (1) \_\_\_\_\_  
 (2) \_\_\_\_\_  
 (3) \_\_\_\_\_

(Use Additional Pages if Necessary - Do Not Use Back)

(This Section Reserved for Legal Counsel)

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