

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Establishing a)
Procedure for Exclusion from)
County Owned Property and) ORDINANCE NO. 2016-5
From Contacting the County by)
Telephonic and Electronic Means)

The Columbia County Board of Commissioners hereby ordains as follows:

Section 1. Title.

 This Ordinance shall be known as Ordinance No. 2016-5 "In the Matter of Establishing a Procedure for Exclusion from County Owned Property and From Contacting the County by Telephonic and Electronic Means".

Section 2. Authority.

 This Ordinance is adopted pursuant to ORS 192.050 and ORS 166.090.

Section 3. Purpose.

 The purpose of this Ordinance is to adopt an exclusion process ensuring a safe environment for public employees and visitors while protecting due process rights.

Section 4. Application

 This Ordinance shall apply to all property owned or leased by Columbia County, Oregon.

Section 5. Adoption.

 The Board of Commissioners hereby adopts the "Columbia County Exclusion Ordinance" which is attached hereto as Exhibit "A", and is incorporated herein by this reference.

Section 6. Severability.

 If for any reason any court of competent jurisdiction holds any portion of this Ordinance, including Exhibit "A" to be invalid, such portion or portions shall be deemed a separate, distinct and independent portion, and any such holding shall not affect the validity of the remaining portions hereof.

Section 7. Scrivener's Error.

A scrivener's error in any portion of this Ordinance or its attachments may be corrected by order of the Board of County Commissioners.

Dated this 14th day of December, 2016.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Henry Heimuller, Commissioner

By: Not available
Earl Fisher, Commissioner

Approved as to form

By: [Signature]
County Counsel

Attest
By: [Signature]
Jan Greenhalgh, Recording Secretary

First Reading: 11-30-16
Second Reading: 12-14-16
Effective Date: 3-14-17

Exhibit "A"

COLUMBIA COUNTY EXCLUSION ORDINANCE

Section 1. Exclusion from County Owned Property

A person is subject to immediate exclusion from a County owned building or property if that person is observed to be engaged in any of the following types of conduct:

- A. Disorderly;
- B. Riotous or violent or threatening;
- C. Unreasonably loud or disruptive;
- D. Disruption of lawful meetings, events or work;
- E. Obstruction of access to government services;
- F. Abusive language or conduct;
- G. Visible intoxication;
- H. Violation of Federal or Oregon laws, County rules or policies intended to maintain a safe, orderly and efficient work environment in public buildings, including Workplace Violence; Harrassment/Discrimination, and Bullying rules;
- I. Conduct that is otherwise disruptive to the efficient functioning of government affairs;
- J. Destruction of County property.

Section 2. Exclusion for Extended Period

A. A person in violation of Section 1 of this Ordinance may be excluded for a period of up to 6 months. During the exclusion period, the person may enter a specific County property with prior notice to the County, only to conduct necessary official business during normal business hours.

B. A person who harasses County personnel as described in ORS 166.065(c) by making an electronic threat may be excluded from making contact with the County or County personnel by electronic means for a period of up to 6 months. During the exclusion period, the person may contact County offices by electronic means only to conduct necessary official business, and only to the extent that the official business cannot otherwise be conducted without the use of electronic means. "Electronic threat" means a threat conveyed by electronic mail,

the Internet, a telephone text message or any other transmission of information by wire, radio, optical cable, cellular system, electromagnetic system or other similar means.

C. A person who harasses or annoys County personnel by telephone as described in ORS 166.090 may be excluded from contacting County personnel by telephone for a period up to six months. During the exclusion period the person may contact County offices by telephone only to conduct necessary official business, and only to the extent that the official business cannot otherwise be conducted without the use of a telephone.

D. For purposes of this Ordinance, conducting necessary official business includes voting, paying Court fines, paying taxes, and prearranged verifiable meetings with public employees or officials.

Section 3. Exclusion Orders.

Before a person is excluded from property, or excluded from contacting personnel by telephone or by electronic means, pursuant to Section 2, the following procedure will apply:

A. An Exclusion Order shall be issued to the person. An Exclusion Order shall be in writing and shall state the basis for the order, an expiration date, and appeal information. Exclusion shall be limited to locations or communication means necessary to maintain a safe and productive work environment for public employees and visitors. The Order shall be served personally or mailed to the person by certified mail if a mailing address is available.

B. An Exclusion Order will be recorded and kept on file by the issuing Department during the term of the exclusion.

C. The exclusion will remain in effect for the specified period unless it is modified or rescinded due to an appeal.

D. If a person who receives an Exclusion Order remains or returns to the excluded property or makes contact by electronic or telephonic means in violation of an Exclusion Order, that person may be subject to arrest on criminal trespass or harassment charges.

Section 4. Authorized Officials

A. For the purpose of this Ordinance, the person in charge of County owned property, buildings, and electronic devices and accounts (e.g. Facebook, Twitter, Website) is the Board of County Commissioners, or designee.

B. The Board of County Commissioners, Columbia County Sheriff, and District Attorney have the authority to forbid persons from communicating with County telephone numbers for purposes of ORS 166.090.

Section 5. Appeal

A. Any exclusion from County property and any prohibition against contacting the County by telephonic or electronic means issued under Section 2, above, may be appealed by filing a notice of appeal within five business days after being served with the notice of exclusion or notice forbidding telephone contact. If a person accepts certified mailing, the date of acceptance of the mailing will be the date of service. Appeals shall be mailed to the Office of County Counsel, 230 Strand Street, St. Helens, Oregon, 97051, and will be considered timely only if postmarked or received within the five day period.

B. The Office of County Counsel will arrange for a hearing on the issue in front of an impartial hearings officer as soon as practicable. The hearings officer may be a County employee provided that the employee has no personal involvement with the decision to exclude. The review shall be informal.

C. The hearings officer shall consider any evidence and argument that the hearings officer considers relevant to whether the exclusion or prohibition is consistent with this Ordinance, ORS 166.065, ORS 166.090, or any other applicable law. This may include affidavits or declarations from involved persons. The decision of the hearings officer shall be issued within 10 business days of the hearing. The exclusion or prohibition shall remain in place pending appeal. The decision of the hearings officer is exclusively subject to appeal by Writ of Review, (ORS Chapter 34). The appellant shall pay all costs on appeal, including costs for preparation of a transcript.