

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of a Censure)
Conduct of Court Boice) ORDER NO. 20987
Ultra Vires; Disclaimer; Notice of)
Personal Responsibility)

WHEREAS, an individual elected official has no legal authority to bind the County to a position where that official has not been duly designated; and

WHEREAS, the Board of Curry County Commissioners has not delegated to Commissioner Court Boice any authority over the day-to-day operations of the County Parks Division, nor the day-to-day operations of Boice Cope Park, nor the contracts for Park Hosts in general and specifically with respect to the Meakins; and

WHEREAS, the Board of County Commissioners has not delegated to Commissioner Court Boice any authority to enforce OSHA rules or County personnel rules other than in his role of one commissioner who hears and decides matters involving termination of a county employee after recommendation from the Director of Operations and after hearing the County employee's side of the matter; and

WHEREAS, the Board of County Commissioners has delegated the Director of Operations the authority to enforce all County rules and regulations and draft rules and policies; and

WHEREAS, an individual commissioner only has one vote to determine the discharge of any at-will employee.


NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDERS

1. Commissioner Court Boice has acted outside of his authority and told Park Hosts Meakins at Boice Cope Park that they could move their trailer after the Parks Coordinator and Director of Operations had told them they could not move their trailer; and Commissioner Boice has told Meakins that they can remain on the County property if told to leave by the Director of Operations and Parks Coordinator; such conduct being ultra vires outside of an individual Commissioner's authority, and

2. Commissioner Court Boice has acted ultra vires outside his authority by attempting to enforce County rules regarding day-to-day employee conduct, not in the context of a termination decision; and
3. The Board of Commissioners declares that Commissioner Boice's conduct described herein and similar is not the action of the County, and he is acting alone; and
4. In the event the described and similar actions of Commissioner Boice subject the County to litigation, the Board of Commissioners reserves the right to deny him a defense, and require him to defend the matter at his own expense; and
5. All persons who are subject to the above-described or similar conduct of Commissioner Boice, and the same or similar conduct in the future, are put on notice that Commissioner Boice's conduct is not an official act of Curry County; and
6. This ORDER constitutes official Censure of Commissioner Court Boice for his conduct herein and similar. The Board of Commissioners disapproves of such conduct described herein and demand Commissioner Boice constrain his actions to those limited to him by state law and Curry County Ordinance, Order, Rule and Regulation.

DATED this 18th day of November, 2020.

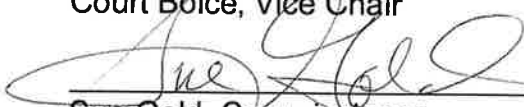
CURRY COUNTY BOARD OF COMMISSIONERS



Christopher Paasch, Chair

(Opposed)

Court Boice, Vice Chair



Sue Gold, Commissioner

Approved as to Form:



John Hutt
Legal Counsel