

INITIATIVE PETITION

CHIEF PETITIONER:

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AMENDMENT TO CHARTER FOR JACKSON COUNTY, OREGON

Sections 9, 10, 11, 12 and 13, and Section 14, Subsection (4) of Chapter III, "Board of County Commissioners"; Section 17 of Chapter V, "Administration"; Section 24, of Chapter VI, "Personnel"; and Section 30 of Chapter VIII, "Transitional Provisions"; of the Jackson County Charter of Jackson County, Oregon are amended to be as follows:

CHAPTER III
BOARD OF DISTRICT REPRESENTATIVES

Section 9. BOARD OF DISTRICT REPRESENTATIVES. The governing body of the County is the Board of seven (7) District Representatives, each of whom shall be nominated [on a non-partisan basis] and elected for Jackson County at large, but shall reside in a district as provided in this charter, as amended.

(1) Within thirty (30) calendar days after certification of this charter amendment by the voters, the County Clerk shall divide Jackson County, Oregon, into seven (7) districts for the purpose of election of District Representatives, in a manner providing for substantially equal population in each district based on the most recent state census. In apportioning the districts the County Clerk shall give consideration to existing precincts and maintaining historic and traditional communities. The County Clerk shall make a recommendation on the established districts to the Board of County Commissioners for public hearing. The Board of County Commissioners, following public hearing, and concurrent with the adoption of the seven (7) districts, shall determine by lot a designated number, one through seven, for each Representative district. One Representative shall be elected from each of the seven (7) districts in the following regular election, and thereafter each Representative shall be elected from a district, at a general election for a four-year term subject to the special terms of office for District Representatives initially, as provided in Section 10, below. The districts shall be created by ordinance so as to assure equal protection of the laws and the ordinance shall be immediately effective upon adoption.

(2) Names of all candidates for the office of District Representative shall be presented for nomination by individual nominating petitions, containing the signatures of not less than fifty (50) registered voters in the County, or by declaration of

candidacy and payment of such fee as may be prescribed by state law. All such nominating petitions and declarations of candidacy must be filed according to state election laws with the Jackson County Clerk before the election at which the office of District Representative is to be filled. The election of a candidate so nominated shall be held in the manner prescribed by state law for electing candidates to County offices, unless otherwise provided by this charter, as amended.

(3) If the state census of 2000, or any such census thereafter, indicates that a disparity of population among the seven (7) districts has become so great as to deny any person the equal protection of the laws, the County Clerk, within ninety (90) days of the certification of final census results, shall file a reapportionment plan with the Board of District Representatives for public hearing and shall have such plan published in a newspaper of general circulation within the County. Following public hearing, the County Board of District Representatives shall order such plans as appropriate to be enacted or amended for the next regular election.

(4) Any qualified voter of any district who is aggrieved by the initial establishment of, or the subsequent adjustment or the failure to adjust, boundaries of a district pursuant hereto on the basis that the person is denied the equal protection of the laws, is entitled to petition the Board of District Representatives for a public hearing. Based on findings established at the public hearing, the Board of District Representatives may order such plans to be enacted or amended as appropriate for the next regular election.

(5) No District Representative shall lose qualification for service during the currently elected term because of an adjustment of the boundaries of a district. At the close of the term to which a District Representative is elected, he or she must meet all terms provided in this charter to seek reelection.

(a) Any candidate for the office of District Representative must be and remain a resident of the County, and of his or her district, for a period of one (1) year prior to the election in which such person is a candidate; and

(b) If elected, such candidate while holding office as a District Representative at all times shall remain a resident of the County, and of his or her district.

(c) No District Representative shall hold any other remunerative elective public office or be employed by Jackson County.

(6) The office of District Representative shall become vacant upon the member's:

- (a) death;
- (b) resignation;
- (c) loss of eligibility for election;
- (d) conviction of a misdemeanor or felony by a court of competent jurisdiction while in office; or
- (e) upon the absence of said incumbent from the County or from the duties of office for sixty (60) consecutive days

without the consent of the Board of District Representatives.

(7) In the event of a vacancy, the Board of District Representatives shall appoint a qualified successor by majority vote, with the decision of the chairperson breaking any deadlock.

Section 10. TERMS OF OFFICE.

(1) The term of office of a District Representative begins at 8:30 a.m. of the first Monday in January immediately following the election of the District Representative to office, unless the first Monday is a legal holiday, in which case the term of office begins the next day following such legal holiday. Each term of office continues for four (4) years and until the succeeding District Representative is elected and qualified for office. As an exception to the foregoing, at the first election of District Representatives, those District Representatives representing Districts 2, 4, and 6 shall be elected for two (2) year terms and those District Representatives representing Districts 1, 3, 5 and 7 shall be elected for four (4) year terms.

(2) The office of the three (3) County Commissioners which exists as of the date of approval by the voters of this charter amendment shall remain in effect, with all duties, compensation and powers, until the newly elected Board of District Representatives shall take office.

Section 11. BOARD OFFICERS.

(1) The Board chairperson and vice-chairperson shall be elected by the Board of District Representatives at its first regular meeting of the new calendar year and thereafter at its first regular meeting of each calendar year and shall serve in office until the first regular Board meeting of the next calendar year. This election shall be the first item of business at the first regular meeting, and the presiding officer at the first meeting, until such election, shall be that incumbent District Representative present at the meeting elected by the highest number of votes.

(2) The chairperson shall preside over Board meetings, preserve order at Board meetings, enforce the rules of the Board and perform whatever additional functions the Board prescribes consistent with this Charter.

(3) The vice-chairperson shall exercise the powers of the chairperson in the absence of the chairperson or in the event of the inability of the chairperson to perform the duties of office.

Section 12. QUORUM. Four (4) District Representatives shall constitute a quorum for the transaction of Board business. No action of the Board of District Representatives shall be valid or binding unless adopted by the affirmative vote of four (4) or more members.

Section 13. MEETINGS.

(1) By ordinance the Board of District Representatives shall prescribe rules governing its meetings, procedures and members as such.

(2) Regular meetings of the Board shall be biweekly in the County at a public place at times and places designated in the rules of the Board.

(3) Special meetings, emergency sessions, and executive sessions may be held upon the call of the chairperson or of two (2) District Representatives. Notices of such meeting shall be provided in the rules of the Board. Notice of a special meeting shall be given to the District Representatives and the general public at least 72 hours prior to the commencement of such meeting. An emergency session may be held only in case of a public emergency affecting life, health, or property, and the notice of the session shall be appropriate to the circumstances. Notice of an executive session shall state the specific provision of law authorizing the executive session.

(4) An agenda of all actions to be considered at regular and special meetings shall be posted and remain posted in a conspicuous place in the County courthouse at least 72 hours immediately preceding regular meetings and 24 hours preceding special meetings. Copies of all notices, agenda, ordinances, orders and resolutions to be considered under the agenda shall be available at the courthouse to interested persons throughout the time that the notices and agenda are required to be posted. The Board may take action on an item not on the agenda if the Board members present concur that an emergency as defined in subsection (3) above requires the action.

(5) All Board meetings shall be public, except as state law provides to the contrary. Written minutes shall be kept of all proceedings of the Board in accordance with the state law on public meetings.

(6) Voting shall be by roll call, including the chairperson, and the "ayes" and "nays" shall be recorded in the minutes. No action of the Board shall be valid or binding unless adopted by the affirmative vote of four (4) or more members. Four members shall constitute a quorum.

(7) No quorum of the Board shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by state law.

(8) Each District Representative shall hold a minimum of two (2) town hall meetings per year in his or her district on matters of public concern.

Section 14. ORDINANCES.

(4) To meet a public emergency affecting life, health, or property, the affirmative vote of four (4) members of the Board of District Representatives may adopt an emergency ordinance, provided that:

(a) Such ordinance does not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money;

(b) Such ordinance be published upon adoption as provided in subsection (5) of this section; and

(c) Such ordinance, including any amendments made therein after its adoption, shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted.

from Jo Charter

Salary for Boc

**CHAPTER V
ADMINISTRATION**

Section 17. ADMINISTRATIVE RESPONSIBILITY. The Board of District Representatives is responsible to the people of the County for the proper administration of the affairs of the County. The Board shall appoint a County Administrator who shall exercise the administrative powers of the County under the supervision of the Board and who shall be responsible for the carrying out of the policies of the Board.

**CHAPTER VI
PERSONNEL**

Section 24. COMPENSATION.

(1) The compensation and the job related expenses of personnel in the service of the County shall be fixed annually by the budget committee.

(2) The office of District Representative shall be part-time and the District Representatives shall serve without salary. Compensation for the District Representatives shall be set by the County budget committee, who shall establish compensation at no less than one hundred dollars (\$100) a month and no more than two hundred dollars (\$200) per month for all District Representatives, which shall serve as reimbursement for in-county expenses. No fringe benefits, such as payments toward a retirement fund, health insurance, dental insurance, deferred compensation, or the like, except as required by state or federal law, shall be paid any District Representative. The County shall reimburse District Representatives for actual and necessary expenses incurred while on County business outside the County, with proper documentation and prior approval by the Board.

**CHAPTER VIII
TRANSITIONAL PROVISIONS**

Section 30. CONTINUITY.

(4) This charter amendment shall take effect upon its approval by the voters. The election of the first seven (7) District Representatives to fill the seven (7) District Representatives' positions, as provided by this amendment, shall be held at the next regular election after adoption of this charter amendment. No County Commissioner holding office at the time of the election of District Representatives shall have the right arising from their office to be a candidate for the office of District Representative and shall be required to qualify pursuant to this charter amendment. Section 30, subsections (1), (2), (3) and (5) of the charter shall continue in full force and effect and apply to this charter amendment. All other provisions of the charter, except as amended by this charter amendment, shall remain in full force and effect provided, however, that those provisions of the charter which are amended hereby, and

APPOINTIVE

Sheriff - elected by all 7 home rule counties

Assessor - elected by 4 (including Jackson and Josephine)
 appointed by 3

Surveyor } elected by 2 (Jackson and Josephine)
Treasurer } - appointed by 5
Clerk }

Those offices which require expertise in a professional field, are not required to make policy decisions and are not politically sensitive should be appointive rather than elective.

Popular election is not a very dependable process for choosing among candidates on the basis of professional or technical competence.

There is potential for popular but unqualified candidates to achieve offices which require technical expertise.

Popular election may produce a set of administrators who, because of their independence, can not be brought together into a coordinated, efficient administrative team.

In practice, it may be difficult for the Board to hold other elected officials accountable in 2 major areas: a) budget and spending; b) hiring and firing of personnel.

For appointive positions there should be a job description and a professional citizen interview and selection committee. (Jackson County Government Study Report, LWV update '85)

ELECTIVE

There are written job descriptions/qualifications in place.

With broad powers granted under ORS 203.035, county governing bodies have extensive authority over other elected officials. (See Everymember 1987, III D)

Elective officials may place constraints on management by commissioners and/or the administrator.

Constituents value having elected representatives in key positions in government.

The county clerk relates to the public with regard to elections, licenses, titles, etc. (Possibility of splitting into two offices: elections; archives and vital statistics?)

It would be difficult to change the position of sheriff from an elective to an appointive one.

ADVANTAGES OF BOARD OF DISTRICT REPRESENTATIVES

- Each Commissioner currently receives a minimum of \$42,289 annually plus benefits. The total cost to the taxpayers for the three present commissioners is approximately \$165,000. The cost for all 7 District Representatives would be no more than \$16,800 annually. A savings of over \$151,000.
- Management and efficiency of county operations would be improved.
- County would be more responsive to its citizens.
- Accountability is considered by the citizens an important aspect of government. This form of government would accomplish this goal.
- There would be continuous management for the county.
- There is a lack of fiscal responsibility in present system. County is in debt and there is no meaningful reserve fund.
- With political power concentrated in seven person Board instead of three elected commissioners, more citizens have an opportunity to be elected to a position with significant influence over the future of their community.
- Seven District Representatives elected at large but must reside in the district from which elected (Sec. 9).
- District Representatives are part-time and serve without salary. They will receive compensation of no less than \$100 and no more than \$200 per month for reimbursement of in-county expenses. Will receive no benefits (Section 24[2]).
- First election even numbered district representative will serve 2 year terms and odd numbered district representatives will serve 4 year terms. Thereafter the terms will be 4 years (Sec. 10[1]).
- Requires a quorum of four District Representatives to conduct business. No action will be binding or valid unless there are four aye votes (Section 12).

When is this from?