

HOME RULE CHARTER OF JACKSON COUNTY, OREGON

Editor's note--The Home Rule Charter of Jackson County, Oregon, was approved by the voters at the 1978 primary election and became effective on January 8, 1979. Dates appearing in parentheses following a section heading in the Table of Contents or following a section in the text indicate that the section was amended on the date given.

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HOME RULE CHARTER OF JACKSON COUNTY, OREGON

Proposed By

JACKSON COUNTY CHARTER COMMITTEE

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HOME RULE CHARTER OF JACKSON COUNTY, OREGON

PREAMBLE

We, the people of Jackson County, Oregon, in order to avail ourselves of self-determination in County affairs, to the fullest extent now or hereafter granted or allowed by the Constitutions and laws of the United States and the State of Oregon, by this Charter confer upon the County the following powers, subject it to the following restrictions and prescribe for it the following procedures and governmental structure:

**Chapter 1
NAME, NATURE, BOUNDARIES, COUNTY SEAT AND FORM OF
GOVERNMENT**

Section 1. NAME. The name of the county as it operates under this Charter continues to be Jackson County.

Section 2. NATURE AND LEGAL CAPACITY. Under this Charter the County continues to be an agency of the State and a body politic and corporate.

Section 3. BOUNDARIES. The boundaries of the County as it operates under this Charter are the boundaries now or hereafter prescribed for the County by the laws of the State.

Section 4. COUNTY SEAT. The County seat of the County continues to be in the City of Medford.

Section 5. FORM OF GOVERNMENT. The governmental structure of the County consists of

- (1) A Board of three Commissioners, who
 - (a) Constitute the legislative and principal policy-making agency of the County; and
 - (b) Oversee the administration of the affairs of the County;

- (2) A Sheriff, Assessor, Treasurer, Clerk and Surveyor, all of whom shall have the powers and duties presently prescribed, or as may hereafter be prescribed, for them under State law; and
- (3) Whatever other County administrative and advisory offices and agencies and whatever administrative positions are continued or established by or under this Charter.

Chapter II POWERS

Section 6. GENERAL GRANT OF POWERS. The people of Jackson County, exercising the power to govern themselves provided by Section 10, Article VI, of the Oregon Constitution and enabling legislation enacted pursuant thereto, hereby grant the County authority over matters of County concern to the fullest extent now or hereafter granted or allowed by the Constitution or a law of the United States or of Oregon, as fully as though each power comprised in that authority were specified in this Charter.

Section 7. CONSTRUCTION OF POWERS. The Charter shall be liberally construed to the end that, within the limits imposed by the Charter or the Constitution or a law of the United States or of Oregon, the County shall have all powers necessary or convenient for the conduct of its affairs, including all powers that counties may now or hereafter assume under the home rule provisions of the Constitution and laws of Oregon. The powers are continuing powers. In this Charter no mention of a specific power is exclusive or restricts the authority that the County would have if the specific power were not mentioned.

Section 8. WHERE POWERS VESTED. Except as this Charter provides to the contrary and subject to the initiative and referendum powers residing in the people of the County,

- (1) The legislative power of the County is vested in, and is exercisable only by, the Board of County Commissioners, and
- (2) All other powers of the County not vested by this Charter elsewhere are vested in the Board of County Commissioners and are exercisable only by it or by persons acting under its authority.

Chapter III BOARD OF COUNTY COMMISSIONERS

Section 9. BOARD OF COUNTY COMMISSIONERS. The governing body of the County is the Board of three County Commissioners, who shall be nominated and elected from the County at large.

Section 10. TERMS OF OFFICE. Except Commissioners appointed to fill vacancies on the Board of County Commissioners, the term of office of a County Commissioner begins the first Monday after the first January 1 after the Commissioner is elected to the office and continues four years and until the succeeding Commissioner qualifies for the office.

Section 11. BOARD CHAIRMAN. At its first regular meeting each year, the Board of County Commissioners shall designate one of its members Board Chairman and one of its members Vice-Chairman for the year. The Chairman shall

- (1) Preside over Board meetings;
- (2) Preserve order at the meetings;
- (3) Enforce the rules of the Board; and
- (4) Have whatever additional functions the Board prescribes consistently with this Charter.

The Vice-Chairman shall preside over meetings of the Board in the absence of the Chairman and shall have such other powers and duties as may be prescribed by Board rules.

Section 12. QUORUM. A majority of the Board constitutes a quorum for the transaction of Board business.

Section 13. MEETINGS.

- (1) By general ordinance the Board of County Commissioners shall prescribe rules governing its meetings, procedures and members as such.
- (2) Regular meetings of the Board shall be held weekly in the County 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 Chairman or of two Commissioners. Notices of such meetings shall be as provided in the rules of the Board. Notice of a special meeting shall be given to the Commissioners and the general public at least twenty-four hours prior to the commencement of such meeting. Emergency sessions may be held only in case of an actual emergency and the notice thereof 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 action to be considered at regular and special meetings shall be posted in a conspicuous place in the County Courthouse at least twenty-four hours immediately preceding regular meetings and six hours preceding special meetings. Copies of all notices and agenda and of ordinances, orders and resolutions to be considered thereunder shall be available at the Court-house to interested persons throughout the time that said 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 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 Chairman, and the ayes and nays shall be recorded in the minutes. Except as this Charter provides to the contrary, the concurrence of two members of the Board shall be necessary to decide any question before the Board.

Section 14. ORDINANCES.

- (1) An ordinance may embrace but one subject and matters properly connected therewith. The title of the ordinance shall express the subject.
- (2) The ordaining clause of an ordinance shall read:
 - (a) In case of adoption by the Board of County Commissioners alone. "The Board of County Commissioners of Jackson County ordains as follows:"
 - (b) In case of adoption or ratification by the voters of the County, "The People of Jackson County ordain as follows:"
- (3) Except as this section provides to the contrary, before an ordinance is adopted, it shall be read fully and distinctly in open meeting of the Board on two days at least thirteen days apart. The second reading of an ordinance shall be a public hearing.
- (4) Except as subsection (5) of this section allows to the contrary, an ordinance necessary to meet an emergency may, upon being read first in full and then by title, be adopted at a single meeting of the Board by unanimous vote of all its members present. This subsection shall not be used by the Board in adopting an ordinance that provides exemptions from, or that imposes, a tax, assessment or charge for the purpose of raising revenue. An emergency ordinance shall be deemed automatically repealed 120 days from the date of its enactment.

- (5) Any reading required by subsection (3) or (4) of this section may be by title only:
 - (a) If no member of the Board present at the meeting requests that the ordinance be read in full; or
 - (b) If, not later than one week before the first reading of the ordinance, a copy of it is provided each member, copies of it are available in the office of the Board of Commissioners, and notice of the availability is given by written notice posted at the Courthouse.
- (6) An ordinance adopted after being read by title only may have no legal effect if any section incorporating a substantial change in the ordinance as introduced is not read fully and distinctly in open meeting of the Board prior to the adoption of the ordinance.
- (7) Upon adoption of an ordinance by the Board, the Chairman of the Board and the person who serves as Recording Secretary of the Board at the session at which the Board approves the ordinance shall sign the ordinance and indicate the date of its adoption.
- (8) An ordinance adopted in accordance with this section, if not an emergency ordinance, shall take effect on the sixtieth day after the date of its adoption, unless it prescribes a later effective date or is referred to the voters of the County. If an ordinance is referred to the voters, it shall take effect only upon the approval of a majority of those voting on the proposed ordinance. An emergency ordinance may take effect immediately upon the date of its adoption.
- (9) Any ordinance adopted by the Board and imposing, or providing an exemption from, taxation shall receive the approval of the voters of the County before taking effect.

Chapter IV FINANCE

Section 15. LOCAL BUDGET LAW. Budgets shall be made and approved in accordance with the local budget law of the State of Oregon, provided, however, that supplemental budgets shall be approved by the County Budget Committee prior to public hearing on the same.

Section 16. OPERATING BUDGET AND CAPITAL PROGRAM PROJECTION. The Board of County Commissioners shall be responsible for the preparation and presentation of a five-year projection of the operating budget and capital program to accompany the proposed annual budget in its presentation to the County Budget Committee. This projection and the proposed budget shall be presented in a form which compares them to such projection made in the five

years immediately preceding the year of submission. The projections shall be considered as informational and not binding upon the future actions of the Board.

Chapter V ADMINISTRATION

Section 17. ADMINISTRATIVE RESPONSIBILITY. The Board of County Commissioners is responsible to the people of the County for the proper administration of the affairs of the County. The Board itself may carry on and may delegate administrative functions consistently with this Charter.

Section 18. ADMINISTRATIVE PERSONNEL. The Board of County Commissioners may appoint administrative and advisory personnel of the County to offices and positions established by the Board or by its authority.

Section 19. ADMINISTRATIVE STRUCTURE. The structure of the administrative branch of the County government shall be prescribed consistently with this Charter by the Board of County Commissioners or by its authority. Consistent with the provisions of this Charter, the Board may establish, reorganize, unify and abolish administrative departments and prescribe their functions and the functions of offices and positions within the departments.

Section 20. ELECTIVE ADMINISTRATIVE OFFICERS.

- (1) The elective administrative officers of the County shall include, in addition to the County Commissioners, the Sheriff, the Assessor, the Clerk and the Surveyor.
- (2) The Sheriff, the Assessor, the Clerk and the Surveyor shall have the powers and duties, and shall serve for the terms of office, presently prescribed, or as may hereafter be prescribed, for them under State law.

(Amended by vote of the people on November 2, 1999.)

Chapter VI PERSONNEL

Section 21. QUALIFICATIONS.

- (1) An elective officer of the County:
 - (a) Shall be a legal voter of the State, and
 - (b) Shall have resided in the County one year immediately before assuming office.

- (2) In addition to the foregoing qualifications, the Sheriff, Assessor, Clerk and Surveyor shall have those qualifications as are now prescribed, or may hereafter be prescribed, for them under State law. (Amended by vote of the people on November 2, 1999.)
- (3) Appointive personnel of the County shall have whatever qualifications the Board of County Commissioners prescribes or authorizes.

Section 22. VACANCIES IN OFFICE. A County office shall be deemed vacant:

- (1) For any cause prescribed by State law for county offices, or
- (2) Upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his or her term of office to begin.

The Board may prescribe additional causes of vacancies in appointive offices.

Section 23. FILLING OF VACANCIES.

- (1) The Board shall, in the manner provided now or hereafter by the laws of the State of Oregon, appoint any person otherwise qualified to a vacant elective County office to serve until the person elected at the next general election takes office. The person then elected shall serve the balance of the unexpired term.
- (2) A vacancy in an appointive office of the County shall be filled by the Board or pursuant to its authority.

Section 24. COMPENSATION. The compensation of personnel in the service of the County shall be fixed by the Board of County Commissioners, except that elected officials' salaries shall be fixed annually by the Budget Committee.

Section 25. PERSONNEL ADMINISTRATION.

- (1) The Board shall provide for the establishment and administration of a system of personnel administration for the County. All County offices and positions shall be designated as classified service or unclassified service. This system shall provide means to recruit, select, develop and maintain the classified service, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, discipline, discharge and other related activities. All appointments and promotions in the classified service shall be made without regard to sex, race, religion or political affiliation, and shall be based on merit and fitness.

- (2) The unclassified service shall include elective offices, the heads of County departments, members of County boards and commissions, and such other offices and positions as may be designated by the personnel system ordinance. The classified service shall include all offices and positions in the government of the County not included in the unclassified service.
- (3) Classified and unclassified personnel, except as provided hereafter, have the same collective bargaining and employment relations right, privileges, benefits and responsibilities as do employees of the State of Oregon covered by State collective bargaining laws for public employees and any applicable Federal collective bargaining laws. The term "unclassified personnel," for purposes of this subsection, does not include elected officers, heads of County departments or members of County boards or commissions.

Chapter VII ELECTIONS

Section 26. NOMINATION AND ELECTION OF COUNTY OFFICERS. The nomination and election of candidates for elective County offices shall be in the manner now or hereafter prescribed by the laws of the State for nominating and electing county officers in general.

Section 27. RECALL. An elective officer of the County may be recalled in the manner, and with the effect, now or hereafter prescribed by the Constitution and laws of the State.

Section 28. ELECTIONS ON COUNTY PROPOSITIONS. Except as this Charter or County ordinances enacted pursuant to it provide to the contrary:

- (1) An election on a proposition concerning the County shall be conducted as prescribed by State law governing voting on such propositions, provided, however, that such an election may be held at a regular primary or general election or a special election called by the Board. A special election may not be held sooner than ninety days after the filing of the initiative or referendum petition, or after the measure has been referred to the voters by the Board.
- (2) An initiative measure and a referendum may be proposed by the signatures of qualified County voters of a number equal to the following percentages of the total number of votes cast in the County for all candidates for Governor at the regular gubernatorial election next preceding the filing of the petition:
 - (a) Initiative petitions, six percent;
 - (b) Referendum petitions, four percent.

- (3) An initiative petition shall include the full text of the proposed measure, which may embrace one subject only and matters properly connected therewith.
- (4) An initiative petition may not be filed with the County Clerk less than ninety days before any primary or general election at which the proposed measure is to be voted upon.
- (5) A referendum petition upon an ordinance may not be filed with the County Clerk more than sixty days after the passage of the ordinance.
- (6) An initiative measure takes effect on the date of its adoption. A referendum delays the effective date of an ordinance until the date of an election at which it is approved by the people.

Section 29. CHARTER AMENDMENTS AND REPEAL.

- (1) This Charter may be amended or repealed by the voters of the County at:
 - (a) A regular primary or general election; or
 - (b) A special election called by the Board.

A special election may not be held sooner than ninety days after the filing of the initiative petition or after the proposed amendment or proposal to repeal has been referred to the voters by the Board.

- (2) An initiative petition to submit a Charter amendment or repeal to the voters may not be filed with the County Clerk less than ninety days before any primary or general election at which the proposed measure is to be voted upon.
- (3) Any amendment or repeal of the Charter which the Board intends to propose shall be referred to the voters of the County. The procedure for amendment of this Charter by the initiative is as prescribed by this Charter or by the authority of this Charter for the initiative and referendum.
- (4) The procedure for repeal of this Charter by the initiative is as prescribed by this Charter or by the authority of this Charter for the initiative and referendum, except that the number of signatures required on a petition to repeal this Charter is equal to at least eight percent of the total number of votes cast in the County for all candidates for Governor at the regular gubernatorial election next preceding the filing of the initiative.

Chapter VIII
TRANSITIONAL PROVISIONS

Section 30. CONTINUITY.

- (1) The taking effect of this Charter causes no break in the existence or legal status of the County.
- (2) All rights, claims, causes of action, contracts and legal and administrative proceedings of the County that exist just before the Charter takes full effect continue unimpaired by the Charter after it takes full effect. Each shall then be in the charge of the office or agency designated by the Charter or by its authority to have charge of it.
- (3) All County legislation, orders, rules and regulations that are in force just before this Charter takes full effect remain in force after that time, insofar as consistent with the Charter, without change until amended or repealed.
- (4) A County Commissioner who is in office when this Charter takes full effect may continue in office for the term for which then elected.
- (5) The Sheriff, Assessor, Treasurer, County Clerk and Surveyor in office when this Charter takes effect may each continue in office for the term for which then elected.

Section 31. EFFECTIVE DATE. This Charter shall take effect January 8, 1979.

APPROVED January 30, 1978, by the Jackson County Home Rule Charter Committee for submission to the voters at the 1978 primary election pursuant to ORS 203.710-203.790.

/s/ Frank J. Van Dyke
Frank J. VanDyke, Chairman

/s/ Chet Guches
Chet Guches, Secretary