

HOME RULE CHARTER FOR THE GOVERNMENT OF JOSEPHINE COUNTY

PREAMBLE

We the people of Josephine 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 to the following restrictions, and prescribe for it the following procedures and governmental structure.

CHAPTER I

PRELIMINARIES

- Section 1. NAME. The name of the county as it operates under this Charter continues to be Josephine County.
- Section 2. NATURE AND LEGAL CAPACITY. Under this Charter the County continues to be an agency of the state under home rule and a body politic and corporate.
- Section 3. BOUNDARIES. Under this Charter the boundaries of the County are its boundaries as prescribed by state law at the time this charter takes effect or as modified in accordance with state law after that time.
- Section 4. COUNTY SEAT. The county seat of the County government continues to be in the City of Grants Pass.
- Section 5. NONPARTISAN. All elective County offices shall be nonpartisan and shall remain so in all subsequent performance of the duties and responsibilities of the office. Petitions, declarations of candidacy or ballot listings shall contain no reference to any political party or to any political affiliation of the candidate.

CHAPTER II

POWERS

- Section 1. GENERAL GRANT OF POWERS.

Except as this Charter provides to the contrary, the County has authority over matters of County concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each power comprised in that authority were specified in this Charter.

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Section 2. CONSTRUCTION OF POWERS.

This Charter shall be liberally construed, to the end that, within the limits imposed by the Charter or the constitution or laws of the United States or the State of Oregon, the County has 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, and no enumeration of powers shall be construed to be exclusive or to restrict the authority that the County would have if the particular power were not mentioned.

Section 3. 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 1. BOARD OF FIVE COUNTY COMMISSIONERS

- (1) The Board of County Commissioners, hereinafter called "the Board," shall consist of five Commissioners, one of whom shall be elected at large and four who shall be elected for districts. Each member's vote shall be equally weighted.
- (2) Candidates for the office of District Commissioner shall be nominated from the numbered district in which the candidate resides. Residency must be consistent with the requirements of this Charter.
- (3) There shall be one Commissioner position for each of four districts. The following districts shall be established from which the

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Commissioners shall be elected or appointed to fill a vacancy:
District 1; District 2; District 3; District 4.

- (4) Voters from even-numbered districts shall elect one District Commissioner each at the November general election in presidential election years.
- (5) All voters shall elect the At-Large Commissioner at the November general election in presidential election years.
- (6) Voters from odd-numbered districts shall elect one District Commissioner each at the November general election in non-presidential election years.
- (7) A primary election shall be held on the date of the biennial primary election for the year in which each Board position is elected. The two candidates for each Board position receiving the highest number of votes shall be nominated for placement on the general election ballot. If only one or two candidates qualify for the primary election ballot, then that candidate or those candidates will automatically advance to the general election. If one candidate receives a majority of the votes cast for that office at the primary election, then that candidate alone is certified as elected.
- (8) At the general election, the candidate for each Board position who receives the highest number of votes cast shall be certified as elected.
- (9) Only registered voters may vote, and voters may cast a vote for a District Commissioner and an At-Large Commissioner, but no voter may cast more than one vote for each candidate.
- (10) In addition to any other qualifications for office established by this Charter, the following shall be qualifications for the office of County Commissioner.
 - (a) Any candidate for the office of Commissioner must be and remain a resident of the district that they will represent for twenty-four (24) months immediately preceding the nominating election date or appointment date. No appointive officer or County employee may serve on the Board.
 - (b) If elected, such person, while holding office as a Commission, shall remain at all times a resident of their district.

Section 2 REDISTRICTING

- (1) Following the release of the decennial census of the United States, the County Elections Officer shall review the population densities of each district and, within 120 days of the release of the census, shall present to the Board a map detailing any necessary modification of boundaries.

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- (2) The Board shall, within 45 days of the submission of the revised map, alter the boundaries of the Commissioner districts by ordinance so that the total population is allocated nearly equally between the four districts. Each district shall consist of contiguous territory and shall be as compact as possible.
- (3) Notwithstanding any other provision of this Charter, no boundary creation, position re-designation or boundary change shall disqualify a Commissioner from completing the term of office to which that Commissioner was elected or appointed.

Section 3. TERMS OF OFFICE

Except Commissioners appointed to vacancies on the Board of County Commissioners, the term of office of a County Commissioner begins on the second 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.

Commissioners shall serve no more than three consecutive terms in office. Terms are considered consecutive unless they are at least four (4) years apart.

Section 4. BOARD CHAIR.

At its second regular meeting each year, the Board of County Commissioners shall designate one of its members Board Chair and one of its members Vice Chair for the year. If three members of the Board cannot agree on the designation of a Chair, the member of the Board who has served on the Board for the longest continuous period of time shall act as Chair. The Chair shall:

- (1) preside over the Board meetings,
- (2) preserve order at the meetings,
- (3) enforce the rules of the Board, and
- (4) have whatever additional functions the Board prescribes via ordinance and consistent with this charter.

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

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Section 5. QUORUM.

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

Section 6. MEETINGS.

By ordinance, the Board of County Commissioners shall prescribe rules governing its meetings, procedures, and members. All Board meetings shall be public and conducted in accordance with state law. Recorded minutes shall be kept of all proceedings of the Board in accordance with state law on public meetings and shall be posted on the County's electronic media. Voting shall be by roll call, including the Chair, and the ayes and nays shall be recorded in the minutes. The concurrence of at least three members of the Board is necessary to decide any question before the Board.

- (1) Regular Board Meetings. Regular business meetings shall be held at least twice monthly. Notice is given 48 hours before a scheduled meeting stating the time, place and tentative agenda with supporting documents as available. Notice is posted at the Commissioners' Office in a conspicuous place as well as on the County electronic media, and/or other news media.
- (2) Other Board Meetings. May be held upon the call of any Commissioner. Notice is given 48 hours before a scheduled meeting stating the time, place, and tentative agenda with supporting documents. Notice is posted at the Commissioners' Office in a conspicuous place as well as on the County electronic media, and/or other news media.
- (3) Executive Sessions. Notice of an executive session shall state the specific provision of law authorizing the executive session. Executive session means any meeting, or part of a meeting, of a governing body which is closed to certain persons for deliberation on certain matters. Authorized members of the press may attend executive sessions but may not disclose specified information. Minutes of executive sessions may be limited to material the disclosure of which is consistent with state law.
- (4) Emergency Sessions. Definition: The existence of a clear and present danger or threat to life or property of the people of Josephine County resulting from a disaster, either natural or man-made, including, but not limited to, earthquake, conflagration, flood, war, plague, pestilence, or riot; an occurrence that would be obvious as

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an emergency to any reasonable or prudent person.

- (5) An emergency session of the Board may be held upon the call of any Commissioner, shall be open to the public, and allow for public comment. A meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 48 hours' notice.
- (6) All Commissioner meetings are to be made accessible to the public by electronic media or call-in and recordings of meetings posted to the Commissioners' website in a timely manner.

Section 7. COMPENSATION AND COMMISSION EXPENSES

County Commissioners shall serve without salary and without benefits. As recognition for the service rendered by the County Commissioners, each shall serve with a stipend equal to 15 percent of the Circuit County Judge salary.

Section 8. 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 Josephine County ordains as follows:"
 - (b) in case of adoption or ratification by the voters of the County, "The People of Josephine 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 13-days apart. All readings of an ordinance shall be public hearings. If any changes are made during a reading, that reading will be continued to a date no less than 13 days following the reading.
- (4) Except as subsection (5) of this section allows to the contrary, an

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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 imposes or provides exemptions from 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 shall be read in full, unless:
 - (a) the Board votes to read by title only; and
 - (b) not later than one week before the reading of the ordinance, a copy of it is provided each member, copies of it are available in the office of the Board of County Commissioners, notice of the availability is posted at the Commissioners' office in a conspicuous place as well as on the County electronic media and/or other news media.
- (6) An ordinance adopted after being read by title only may have no legal effect if any section incorporating a change in the ordinance as introduced is not read fully in open meeting of the Board prior to the adoption of the ordinance.
- (7) Within three days after the Board adopts an ordinance, the person who presides and the person who serves as recording secretary at the meeting at which the ordinance is adopted shall sign the ordinance and indicate its date of adoption.
- (8) An ordinance adopted in accordance with this section, if not an emergency ordinance, shall take effect on the 90th 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 imposing, increasing, or providing an exemption from taxation shall receive the approval of the voters of the county before taking effect.

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CHAPTER IV

FINANCE

Section 1: LOCAL BUDGET LAW

Budgets and supplemental budgets shall be made and approved in accordance with the Local Budget Law of the state.

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year. Total outlays shall include all outlays of the County except for those made for repayment of debt obligations and liabilities. Total receipts shall include all receipts of the County except for those derived from, or dedicated to the repayment of, bonded borrowing.

DEBT RELIEF: On the basis of home rule, Josephine County is hereby authorized to be a debtor that is eligible to petition for debt relief before a court of competent jurisdiction.

Section 2. 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 projections made in the five years preceding the year of submission. The projection shall be considered as informational and not binding upon the future action of the Board.

Section 3. VOTER APPROVAL REQUIREMENT FOR CAPITAL PROGRAMS OR PROJECTS.

The Board shall not enter into any capital program or project agreement of any kind with any financial agent, agency, or individual without prior approval of Josephine County voters at a regular election.

A capital program or project shall include, but not be limited to, real estate or construction projects, whether by the issuance of bonds or by lease purchase agreement or other type of agreement, and remodeling and furnishing.

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CHAPTER V

ADMINISTRATION

Section 1. APPOINTIVE OFFICER.

The one appointive officer of the County is the County Manager. The Board shall appoint and may remove the County Manager by a majority vote of all incumbent members of the Board.

Section 2. COUNTY MANAGER.

(1) Appointment and Removal. The County Manager shall be appointed by the Board of Commissioner on the basis of executive and administrative qualifications and experience.

Applicants for the position of County Manager shall be solicited widely and shall be screened by the usual personnel procedure. The Board of Commissioners shall select a panel competent to evaluate the qualification of the candidates. The panel shall interview the screened candidates and submit to the Board of Commissioners a list of from five to seven of the best qualified candidates. The Board shall make its selection from this list.

The County Manager is evaluated by the Board, serves at its pleasure and may be removed by an affirmative vote of a majority of its members.

(2) Vacancy. In the event of a vacancy or disability, the Board of Commissioners shall immediately appoint a qualified acting County Manager until the Board either determines that the Manager is able to resume the duties of the office or appoints a new County Manager.

(3) Compensation. The County Manager's compensation shall be commensurate with the responsibilities of a chief administrative office. The Manager may not engage in any other business or occupation.

(4) Duties. The County Manager is responsible to the Board of Commissioners for the proper and efficient administration of the County government. The Manager shall:

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- a. Coordinate the work of all offices and departments, both elective and appointive, and devise ways and means to achieve efficiency and economy in all County operations.
- b. Appoint, suspend or remove, subject to confirmation by the Board of Commissioners, the County Counsel, the County Surveyor and all department heads, except those for whose election or appointment this Charter makes other provisions. Appointments shall be on the basis of related experience, executive and administrative qualifications as determined by screening and selection procedures comparable to those used for classified management personnel.
- c. Formulate and present to the Board plans to implement policies and accomplish goals established by the Board.
- d. Assist the Finance Director in preparing an annual budget for all departments and agencies for which the Board is responsible or which requests County funds.
- e. Have responsibility for the administration of the budget after its adoption by the Board.
- f. Provide for in-depth analysis and review of all County programs on a regular basis in a manner that the Board may make policy decisions.
- g. Provide and implement systems of adequate checks and controls to safeguard County money and property.
- h. Work with all other government entities, federal, state, regional and local, in the best interest of the entire County.

The County Manager shall have other powers and shall perform such other duties as are consistent with this Charter.

- (5) Board Meetings. The County Manager may attend any meeting of the Board of Commissioners, except that attendance at a meeting at which the Manager's evaluation or removal is considered shall be at the Board's discretion.

The County Manager may participate in the deliberations of the Board but may not vote.

Section 3. ADMINISTRATIVE DEPARTMENTS.

The County departments existing at the inception of this charter shall continue until reorganized, unified, abolished, or new departments are established.

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Section 4. ELECTIVE ADMINISTRATIVE OFFICERS.

- (1) The elective administrative officers of the county are the Commissioners, Sheriff, the Assessor, the Treasurer, and the Clerk.
- (2) Unless expressly provided herein to the contrary, the regular term for all elected officers is four years.
- (3) All elective administrative officers shall be nonpartisan in filing for office, election to office and subsequent performance of the duties and responsibilities of the office.

CHAPTER VI

PERSONNEL

Section 1. QUALIFICATIONS.

- (1) An elective officer of the county:
 - (a) shall be a legal voter of the county and
 - (b) shall have resided in the county twenty-four (24) months immediately before assuming office and maintain that residency during their term in office.
- (2) In addition to the foregoing qualifications, the Sheriff, Assessor, Treasurer, and Clerk, shall have those qualifications as prescribed under this charter and state law.
- (3) Appointive personnel of the county shall have whatever qualifications the Board of County Commissioners prescribes or authorizes.

Section 2. NOMINATION AND ELECTION OF COUNTY OFFICERS.

Nomination of a candidate for an elective County office shall be as prescribed under state law. Election of a candidate so nominated shall be in the manner prescribed by state law for electing candidates to county offices.

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Section 3. 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 4. VACANCIES IN OFFICE.

A County office shall be deemed vacant:

- (1) for any cause prescribed by state law for county offices,
- (2) death,
- (3) resignation,
- (4) taking up residence as per state law outside their representative area,
- (5) conviction of a felony,

- (6) failure to meet the eligibility requirements of the office specified in state law or this Charter.

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

Section 5. FILLING OF VACANCIES.

- (1) The Board shall publish notice of a vacancy to be filled by appointment. Notice is posted at the Commissioners' Office in a conspicuous place as well as on the County electronic media, and/or other news media. This notice shall request qualified individuals to apply to serve until the person elected at the next general election takes office by filing an application with the Board of Commissioners. The Board shall appoint a qualified person to the vacancy from the applications received. The Board shall fill a vacancy within 45-days after the occurrence of the vacancy.

If the Board does not have a quorum because of vacancies on the Board, the power to appoint, to fill such vacancy, is thereby

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transferred to a Temporary Board composed of the other elective administrative officers.

- (2) A vacancy in an appointive office of the County shall be filled by the Board or pursuant to its authority.

Section 6. COMPENSATION.

The compensation and job-related expenses of personnel in the service of the County excluding County Commissioners, shall be fixed annually by the Budget Committee as required by state law.

Section 7. PERSONNEL ADMINISTRATION

The Board shall provide for the establishment and administration of a system of personnel administration for the County.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Section 1. INITIATIVE AND REFERENDUM.

Except as County ordinance prescribes to the contrary, the manner of exercising the initiative and referendum with reference to a County proposition, shall be the manner prescribed by the constitution and laws of the state for doing so.

Section 2. ELECTIONS ON COUNTY PROPOSITIONS.

Except as this Charter or County ordinance enacted pursuant to it provides 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 90 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

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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 must be filed with the County Clerk not less than 90 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 more than 90-days after enactment 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 the ordinance is approved by the people.

Section 3. CHARTER AMENDMENT AND REPEAL.

- (1) In accordance with state law, an initiative measure to amend, revise or repeal this Charter shall be placed on the ballot at:
 - (a) the next available County election date,
 - (b) a regular primary general election date, whichever comes first.
- (2) An initiative petition to submit a Charter Amendment or Repeal to the voters must be filed with the County Clerk not less than 90-days before any County election date or any primary or general election at which the proposed measure is to be voted upon.
- (3) This Charter shall be amended, revised or repealed only through the use of the initiative process (as defined in Chapter VII of this Charter) and no County ordinance shall prescribe to the contrary.
- (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

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required on a petition to repeal this Charter is equal to at least 8 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.

Section 4. SEVERABILITY

If any provision of this Charter, including its amendments, is or becomes illegal, invalid or unenforceable, that shall not affect the legality, validity or enforceability of any other provision of this Charter.

Section 5. ADHERENCE TO STATE AND FEDERAL LAW

The people of Josephine County respect and support the Constitution including all amendments current and future, of the United States and the State of Oregon.

CHAPTER VIII

TRANSITIONAL PROVISIONS

Section 1. 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 administrative proceedings of the County that exist just before the Charter takes effect continue unimpaired by the charter after it takes 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 or any amendment of this Charter takes effect may continue in office for the term for which then elected or appointed and will continue to receive compensation and benefits for that term. The current Position 1

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Commissioner will continue as the At-Large Commissioner until the end of the original elected term followed by a 2-year At-Large Commissioner election in 2026 to align with presidential election.

- (5) District Commissioners 2 and 4 will be elected to 4-year terms in 2024. District Commissioners 1 and 3 will be elected to 2-year terms in 2024 then followed by full 4-year terms in 2026.
- (6) The County Counsel and the Surveyor in office when this Charter takes effect may continue in office for the term for which they were elected.

Section 2. EFFECTIVE DATE.

This Charter shall take effect on 30 days following approval by the Josephine County voters.