

HOME RULE CHARTER FOR THE GOVERNMENT OF CLATSOP COUNTY

PREAMBLE

The citizens of Clatsop County adopt this charter to provide for the exercise of authority over matters of county concern to the fullest extent permissible under the constitution and laws of the United States of America and the State of Oregon. (Ord. 06-04 Exh. A)

CHAPTER I

NAME, NATURE, BOUNDARIES, COUNTY SEAT

Section 1 Name.

The name of the county as it operates under this charter shall continue to be Clatsop County. (Ord. 06-04 Exh. A)

Section 2 Nature and Legal Capacity.

From the time that this charter takes effect, the County shall continue to be:

- (A) an agency of the state; and
- (B) a body politic and corporate. (Ord. 06-04 Exh. A)

Section 3 Boundaries.

The Boundaries of the County as it operates under this charter shall be the boundaries now or hereafter prescribed for the County by the laws of the state. (Ord. 06-04 Exh. A)

Section 4 County Seat.

The seat of the government of the County as it operates under this charter shall be in the city of Astoria. (Ord. 06-04 Exh. A)

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. (Ord. 06-04 Exh. A)

CHAPTER II

POWERS

Section 1 General Grant of Powers.

Except as this charter provides to the contrary, the County shall have authority over matters of County concern to the fullest extent granted or allowed by the laws of the United States and the State of Oregon, as fully as if each power comprised in that general authority were specifically granted by the charter. (Ord. 06-04 Exh. A)

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Section 2 Construction of Powers.

The charter shall be liberally construed to the end that, within the limits imposed by the charter and by the laws of the United States and of the state, the County shall have all powers necessary or convenient for the conduct of its affairs, including all powers that counties may assume under the statutes of the state and under the provisions of the state constitution concerning county home rule. The powers shall be construed to be continuing powers. In this charter no mention of a particular power or enumeration of similar powers shall be construed to be exclusive or to restrict authority that the County would have if the particular powers were not mentioned or the similar powers not enumerated. (Ord. 06-04 Exh. A)

CHAPTER III BOARD OF COUNTY COMMISSIONERS

Section 1 Membership and Election.

- (A) The Board of County Commissioners, hereinafter called "the Board," shall consist of five county commissioners.
- (B) Candidates for the office of commissioner shall be nominated from a numbered district in which the candidate resides.
- (C) The Board shall be elected as follows:
 - (1) The following districts shall be established from which the commissioners shall be elected:

District 1	District 2
District 3	District 4
District 5	

- (2) Voters from even-numbered districts shall elect one commissioner each at the November general election in presidential election years.
- (3) Voters from odd-numbered districts shall elect one commissioner each at the November general election in non-presidential election years.
- (4) A nominating election shall be held on the date of the biennial primary election for the year in which each district shall elect a commissioner. The two candidates for each district receiving the highest number of votes for office shall be nominated for placement on the general election ballot. If one candidate receives a majority of the votes cast for that office at the nominating election, then that candidate is certified as elected.
- (5) At the general election the candidate for each Board position that receives the highest number of votes cast shall be certified as elected.
- (6) To be eligible to hold the position of county commissioner, a person must be a qualified elector at the time of election or appointment, according to the state Constitution, and must have resided within the district that he or she will represent for twelve (12) months immediately preceding the nominating election date or appointment date. No appointive officer or County employee may serve on the Board.
- (7) Following the release of the decennial census of the United States, the Elections Officer of the County shall initiate review of the population densities of each district and, within 120 days of the

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release of the census, shall present to the Board a map detailing any necessary modification of boundaries.

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 five districts; each of contiguous territory and as compact as possible.

Revised district boundaries shall take effect at least six months prior to the next nominating election.

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. (Ord. 06-04 Exh. A)

Section 2. Term of Office.

- (A) The term of office of an elected County Commissioner is four years and begins on or after January 1 of the year following election upon administration of the oath of office.
- (B) Commissioners serve until the succeeding Commissioner has taken the oath of office or the Board has declared a vacancy. (Ord. 06-04 Exh. A)

Section 3. Vacancies.

- (A) A vacancy of office on the Board shall occur and be declared for any of the following reasons:
 - (1) death,
 - (2) resignation,
 - (3) incapacity to act,
 - (4) taking up residence outside his or her district,
 - (5) conviction of a felony,
 - (6) absence from three consecutive regularly scheduled Board meetings without the consent of the Board,
 - (7) failure to meet the eligibility requirements in Section 1, or
 - (8) refusal to take the Oath of Office.
- (B) The Board shall appoint a person qualified to be elected under Section 1 to fill the unexpired term of the vacated position within 45 days of the Board's declaration of a vacancy.
- (C) Except as this charter provides to the contrary, a candidate for election to the Board shall be nominated by filing with the election officer either:
 - (1) a petition for nomination signed by at least 50 electors residing in the election district for the office, or
 - (2) declaration of candidacy accompanied by a filing fee of \$20.00 and by filing the petition for nomination or declaration of candidacy with the election office in accordance with the state law for the nomination of nonpartisan County offices. (Ord. 06-04 Exh. A)

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Section 4. Organization of the Board.

- (A) The chairperson shall:
 - (1) preside over the meetings of the Board;
 - (2) have a voice and a vote on all questions before it; and
 - (3) have authority to:
 - (a) preserve order at Board meetings;
 - (b) determine the order of the Board business under the rules of the Board; and
 - (c) call special meetings and executive sessions of the Board as needed.
- (B) At its first regular meeting of each year, the Board shall designate one of its members as its chairperson and one as its vice-chairperson. The vice-chairperson shall assume the duties of the chairperson when that officer is absent. (Ord. 06-04 Exh. A)

Section 5 Meetings.

- (A) The Board shall adopt rules governing its meetings.
- (B) The Board may prescribe one or more modes of compelling the attendance of commissioners at Board meetings by ordinance.
- (C) The Board shall generally meet twice each month in regular session in a public place in the County. At least one of these meetings shall be after 5 p.m.
- (D) The Board may hold special meetings on the call of the chairperson or a majority of the commissioners in office, provided notice is delivered to each commissioner not less than twenty-four (24) hours before the meeting.
- (E) Emergency meetings and telephone meetings may be held as provided by the Oregon Open Meeting Law in effect at the time.
- (F) No commissioner present at a Board meeting shall abstain from voting without first disclosing the reason for the abstention. (Ord. 06-04 Exh. A)

Section 6 Quorum.

- (A) A majority of the Board shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.
- (B) No action of the Board shall be valid or binding unless adopted by an affirmative vote of at least three members. (Ord. 06-04 Exh. A)

Section 7 Compensation and Commission Expenses.

County commissioners shall serve without salary. As recognition for the service rendered by the county commissioners, each shall serve with a stipend to be set by the lay members of the Budget Committee. The County shall reimburse Board members for all actual and necessary expenses incurred on County business while outside the county. (Ord. 06-04 Exh. A)

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Section 8 Ordinances.

- (A) The enacting clause of an ordinance adopted by the Board and not referred to the voters shall read: "The Board of Commissioners of Clatsop County ordains as follows:"
- (B) Except as this section provides to the contrary, before an ordinance is enacted, it shall be read aloud by title only at two separate meetings of the Commission at least thirteen (13) days apart. Copies of such ordinances, and copies of substantive amendments thereto, shall be made available to commissioners and the public before introduction pursuant to rules adopted by the Commission.
- (C) Upon enactment of an ordinance by the Board, the Chairperson 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 enactment. Except as provided herein, an ordinance adopted under this provision shall become effective on the 30th day after being adopted.
- (D) The Board may, in an emergency, by the unanimous vote of the members present, allow both readings and adoption of an ordinance to occur during the same meeting:
 - (1) if a copy of the ordinance is provided for each member of the Board when the ordinance is introduced; and
 - (2) if the emergency is clearly stated in the ordinance.An ordinance adopted by the Board for the purpose of meeting an emergency shall take effect immediately upon being adopted.
- (E) An ordinance initiated and approved by the voters shall take effect immediately. (Ord. 06-04 Exh. A)

CHAPTER IV ADMINISTRATION

Section 1 Appointive Officers.

Appointive officers of the County are a County Manager and a County Counsel, each of whom the Board shall appoint and may remove by majority vote of all incumbent members of the Board. (Ord. 06-04 Exh. A)

Section 2 County Manager.

- (A) The County Manager shall:
 - (1) be chosen by the Board without regard to political affiliation and solely with reference to executive and administrative qualifications;
 - (2) be the head of the administrative branch of County government;
 - (3) be responsible to the Board for the administration of the County;
 - (4) be responsible for carrying out the policies established by the Board; and
 - (5) be responsible for the employment and termination of all County employees, for all departments of the County.
- (B) Term. The County Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Board. If a vacancy occurs in the office of County Manager, the Board shall immediately initiate proceedings to appoint a successor. When the County Manager is unable to perform the duties of

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the office, or the office becomes vacant, the Board shall appoint an interim County Manager who shall possess the powers and duties of the office. (Ord. 06-04 Exh. A)

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. (Ord. 06-04 Exh. A)

Section 4 County Sheriff.

- (A) The Sheriff of Clatsop County shall be the Chief Law Enforcement Officer and Conservator of the Peace of the County and shall be an elected official residing within the County.
- (B) The Sheriff of Clatsop County shall be responsible for:
 - (1) The enforcement of State law and County ordinances, except as determined otherwise by the Board.
 - (2) The handling of criminal and civil processes as prescribed by State law and County ordinance.
 - (3) Performing the duties and responsibilities as set forth in ORS Chapter 206 and any later amendments thereto and the Clatsop County Code of Regulations.
 - (4) The employment or termination of deputies and other personnel of the department in conformance with the County's Personnel Policies.
 - (5) Establishing a basic standard of law enforcement within the County.
- (C) A candidate for Sheriff shall:
 - (1) possess the minimum standards required of a Sheriff under State law;
 - (2) be a minimum of 25 years of age;
 - (3) be bondable; and
 - (4) possess or obtain not later than one year after taking office, an Intermediate Police Certification from the Department of Public Safety Standards and Training. A copy of the certification shall be filed with the County Clerk. The Board shall declare the office of Sheriff vacant if the person serving as Sheriff does not have an Intermediate Police Certification within one year after taking office.
- (D) In the event of a vacancy in the office of Sheriff, the next most senior ranking officer shall serve as Sheriff until the Board appoints a qualified successor. The vacancy shall be filled by the appointee until the next general election. The position shall then be filled by election for the remainder of the term.
- (E) The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure.
- (F) The manner of election and term of office shall be as provided in ORS Chapters 249 and 204 and any later amendments thereto. (Ord. 06-04 Exh. A)

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CHAPTER V GENERAL PROVISIONS

Section 1 Expenses and Capital Budgets.

Budgets shall be made and approved in accordance with the local budget laws of the State of Oregon. (Ord. 06-04 Exh. A)

Section 2 Audits and Public Contracts.

Audits shall be made and public contracts carried out and approved in accordance with the laws of the State of Oregon. (Ord. 06-04 Exh. A)

Section 3 Special Service Districts.

Special Service Districts shall be created and administered in accordance with the laws of the State of Oregon. (Ord. 06-04 Exh. A)

Section 4 Improvements.

The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, or, to the extent not so governed, by the applicable state laws. A remonstrance by the owners of two-thirds of the property to be specifically assessed for a proposed public improvement shall suspend action regarding the improvement for six months. For the purpose of this section, "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the custodian of County records, the said purchaser shall be deemed the "owner." (Ord. 06-04 Exh. A)

Section 5 Special Assessment.

The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance. (Ord. 06-04 Exh. A)

CHAPTER VI MISCELLANEOUS PROVISIONS

Section 1. Effective Date.

The effective date of this charter shall be sixty (60) days after approval by the Clatsop County voters. (Ord. 06-04 Exh. A)

Section 2. Initiative and Referendum.

Except as a County ordinance prescribes to the contrary, the manner of exercising the initiative and referendum with reference to a County proposition shall be in the manner prescribed by the constitution and laws of the state for doing so. (Ord. 06-04 Exh. A)

Section 3 Charter Amendment, Revision and Repeal.

(A) This charter may be amended, revised or repealed by the voters of the County at:

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- (1) a biennial primary or general election or
 - (2) a special election called by the Board.
- (B) A completed initiative petition to submit a charter amendment, revision or repeal to the voters shall be filed with the department of records and elections at least 90 days before the election at which the measure is to come before the voters.
- (1) The number of signatures of registered voters required on a petition to amend or revise this charter shall be 8 percent of the total number of voters of the County who voted for the position of governor of the state in the last general election at which this office was filled for a four-year term.
 - (2) The number of signatures of registered voters required on a petition to repeal this charter shall be 15 percent of the total number of voters of the County who voted for the position of governor of the state in the last general election at which this office was filled for a four-year term.
- (C) An ordinance to refer a charter amendment, revision or repeal to the voters shall be enacted at least 60 days before the election at which the measure is to come before the voters. (Ord. 06-04 Exh. A)

Section 4 Personnel Policy.

The Board shall establish by ordinance a personnel system for all County employees. (Ord. 06-04 Exh. A)

Section 5 Nondiscrimination.

The appointment and tenure of County personnel shall be in accordance with all state and federal laws pertaining to nondiscrimination. (Ord. 06-04 Exh. A)

Section 6 Severability.

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby. (Ord. 06-04 Exh. A)

Section 7 Continuity.

- (A) The taking effect of this charter causes no break in the existence or legal status of the County.
- (B) All rights, claims, causes of action, contracts, and legal and administrative proceedings of the County that exist when the charter takes effect continue unimpaired by the charter after it takes effect. Each shall then be in the charge of the officer or agency designated by the charter or by its authority to have charge of it.
- (C) All County legislation, orders, rules and regulations that are in force when this charter takes effect remain in force after that time, insofar as consistent with the charter, without change until amended or repealed.
- (D) Elected County officials who are in office at the time this charter takes effect may continue in office for the term to which each was elected. (Ord. 06-04 Exh. A)

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Section 8 Charter Review.

The Board shall appoint a charter review committee to review the charter at least every ten years hereafter or more often as deemed necessary by the Board. (Ord. 06-04 Exh. A)