

Umatilla County, Oregon
Charter Study Committee
Summary of Proposed Charter
July 9, 1992

I. County Charters in Oregon

- A. In 1958 the Oregon voters adopted a constitutional amendment that permitted counties to organize their county government in a form that best serves the county.
1. If the county does not adopt a charter, the form of government is set by state law.
- B. 8 charter counties in Oregon
1. Benton. (1972) Three full-time commissioners. Elected sheriff and assessor. All other officials are appointed by the board of commissioners. Although not required by the charter, the county has a county administrator.
 2. Clatsop. (1988) Five volunteer commissioners who must reside in districts, but are elected from the county at large. The charter requires that the board appoint a county manager. All officers other than members of the board are appointed.
 3. Hood River. (1964) The chair is elected from the county at large. Others are elected from districts. The charter requires the appointment of a County Administrator. There is an elected sheriff. All other county functions are performed by persons appointed by the Board of Commissioners or Administrator.
 4. Jackson. (1978) Three full time commissioners. Elect Assessor, Clerk, Treasurer, Surveyor. Same elected officers as Umatilla County before the charter.
 5. Josephine. (1980) Three full time commissioners. Elect Assessor, Clerk, Treasurer, Surveyor. Same elected officers as Umatilla County.
 6. Lane. (1962) Five full time commissioners elected from districts. Elect sheriff and assessor.
 7. Multnomah. (1967) Five full time commissioners. Four elected from districts. Chair elected at large. Sheriff and auditor elected. All others appointed. No elected officer may serve more than two full consecutive four-year terms in any twelve year period.
 8. Washington. (1962) Five commissioners. Chair is full time and elected at large. Four are part time and elected from districts. Sheriff and auditor are elected. Other officers are appointed.
- C. County charters have been presented to the voters of Umatilla County twice:
1. In November, 1964, a proposed charter was defeated, 9,964 to 5,172 (66% "No" to 34% "Yes").
 2. In November, 1974, a proposed charter was defeated, 7,392 to 4,803 (61% "No" to 39% "Yes").

(over)

II. Process

- A. Committee of 9 appointed
 - 1. 4 by Board of Commissioners
 - 2. 4 by Sen Duff and Reps. Norris and Baum
 - 3. One by other 8
 - 4. Committee members are Chair; Phil Houk, Pendleton, Chair; Sandy Cassens, Hermiston, vice chair; Betty Alexander, Milton-Freewater; Roger Bounds, Hermiston; Don Cook, Pendleton; Stan Foster, Weston; Jeanne Hughes, Pendleton; Margaret Troedson, Pendleton; Sam Tucker, Weston. Robert Wright, Pendleton, served as chair until took employment outside the county.
- B. Met August - June
 - 1. Reviewed national publications and 8 Oregon county charters
 - 2. Heard citizen testimony
- C. Conducted public hearings
 - 1. Pendleton, March 16, 5:30 p.m., Courthouse.
 - 2. Pendleton, April 7, 7:30 p.m., Courthouse.
 - 3. Hermiston, April 20, 7:30 p.m., Sam Cook Building
 - 4. Milton-Freewater, April 28, 7:30 p.m., City Hall Council Chambers
 - 5. Pendleton, June 5, noon, Umatilla County Court House.
- D. The resulting charter will be on the November ballot

III. Items of interest in proposed charter.

- A. Commissioners
 - 1. Three full-time
 - a. Elected from the county at large.
 - 2. Board of commissioners is required to call for an election by November, 1996, on the question of amending the charter to provide for five unpaid commissioners.
 - a. The commissioners would be reimbursed for expenses, only. If amended, the charter would require a full-time county manager.
 - b. Three of the commissioners would be elected from districts.
 - c. The other two members would be elected from the county at large.
 - 3. Non-partisan offices.
 - 4. No appointive officer may serve as a member of the board.
- B. Elected sheriff. The district attorney, a state officer, will continue to be elected.
- C. Appoint all other employees, including: Assessor, Clerk, Surveyor, Treasurer.
- D. The board will appoint a charter review committee each odd numbered year.

Mr. Phil Houk
707 NW Third
Pendleton, OR 97801

Mrs. Betty Alexander
Route 3, Box 73-C
Milton-Freewater, OR 97862

Mr. Roger Bounds
P.O. Box 148
Hermiston, OR 97838

Ms Sandy Cassens
712 East Newport
Hermiston, OR 97838

Mr. Don Cook
1016 NW Horn
Pendleton, OR 97801

Mr. Stan Foster
Rt 1, Box 23
Weston, OR 97886

Mrs. Jeanne Hughes
1341 SW 40th
Pendleton, OR 97801

Mr. Sam Tucker
105 North Main
Milton-Freewater, OR 97862

Margaret Troedson
401 N.W. Johns Lane
Pendleton, Oregon 97801

Umatilla County, Oregon

Proposed County Charter

June 5, 1992

HOME RULE CHARTER OF UMATILLA COUNTY, OREGON

PREAMBLE

We, the people of Umatilla County, Oregon, in order to avail ourselves of self-determination in county affairs to the fullest extent permissible under the constitution and laws of the state, 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:

Article I

NAME, NATURE, BOUNDARIES, COUNTY SEAT

Section 1. Name. The name of the county as it operates under this charter shall continue to be Umatilla County.

Section 2. Nature and Legal Capacity. From the time that this charter takes effect the county shall continue to be: (1) an agency of the state; and (2) a body politic and corporate.

Section 3. County seat. The seat of government of the county as it operates under this charter shall be in the City of Pendleton.

Article 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 law of the United States and of the State of Oregon, as fully as if each power comprised in that general authority were specifically granted by this charter.

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 law 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 the authority that the county would have if the particular power were not mentioned or the similar powers not enumerated.

Umatilla County, Oregon
Proposed Home Rule Charter
June 5, 1992

Article III

BOARD OF COUNTY COMMISSIONERS

Section 1. Membership, Election, and Tenure. (1) The Board of County Commissioners, hereinafter called "the Board," shall consist of three county commissioners.

(2) Each commissioner shall be elected to a numbered position by the electors of the county at large for a four year term. The office of commissioner shall be non-partisan.

(3) One commissioner shall be elected at each presidential election and two commissioners at each other general November election.

(4) In 1994, commissioners shall be elected for positions 1 and 2. In 1996, a commissioner shall be elected for position 3.

(5) 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 county for twelve months immediately preceding the election or appointment. No appointive officer or county employee may serve on the board while employed by the county.

Section 2. Board Chair. (1) At its first regular meeting each year the Board shall designate one of its members its chair and one its vice-chair for that year.

(2) The Chair shall:

(a) preside over the meetings of the Board;

(b) have a vote on all questions before it; and

(c) have authority to:

(i) preserve order at Board meetings;

(ii) enforce the rules of the Board; and

(iii) determine the order of Board business under rules of the Board.

Section 3. Quorum. A majority of the commissioners in office shall constitute a quorum for the Board's business.

Section 4. Meetings. (1) The Board shall adopt rules governing its meetings.

Umatilla County, Oregon
Proposed Home Rule Charter

June 5, 1992

(2) The rules may prescribe one or more modes of compelling the attendance of commissioners at Board meetings.

(3) The Board shall meet regularly in a public place in the county at least twice each month at times and places designated in the rules.

(4) The Board may meet specially on call of the Chair or a majority of the commissioners in office.

(5) No action by the Board may have legal effect unless the motion for the action and the vote by which the motion is approved or rejected take place at proceedings open to the public.

Section 5. Record of Proceedings. The Board shall cause a public record of its proceedings to be kept.

Section 6. Vote Necessary for Board Action. Except as this charter provides to the contrary, the concurrence of a majority of the members of the Board shall be necessary to decide any question before the Board.

Section 7. Ordinances. (1) The ordaining clause of an ordinance adopted by the Board and not referred to the voters shall read, "The Board of County Commissioners of Umatilla County ordains as follows:". The ordaining clause of an ordinance referred to the voters shall read, "The people of Umatilla County ordain as follows:".

(2) Except as this section provides to the contrary, before an ordinance is adopted, it shall be fully and distinctly read in regular meeting of the Board on two different days at least 13 days apart. The Board may direct that either or both of the readings be by title only:

(a) if a copy of the ordinance is provided for each member of the Board when the ordinance is introduced; and

(b) if, throughout the business hours after the ordinance is introduced and before it is adopted, a copy of it is available for public inspection in the office of the Board.

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 regular meeting of the Board at least 13 days prior to the adoption of the ordinance.

(3) Upon adoption of an ordinance by the Board:

(a) The Chair of the Board, and

(b) 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.

(4) Unless an ordinance specifies a later date of effect:

(a) If the Board adopts it in the exercise of the police power and for the purpose of meeting an emergency, it may take effect immediately upon being so adopted;

(b) If it is a non emergency ordinance not referred to the voters, it shall take effect on the 30th day after it is adopted; and

(c) If it is adopted by the voters, it shall take effect immediately upon being so adopted.

(5) An ordinance enacted by the Board for the purpose of meeting an emergency may be introduced, read once, and put on its final passage at a single meeting by a unanimous vote of all members of the Board present at the meeting, and may take effect immediately upon being so approved.

Section 8. Recording, Codification, Printing. Each ordinance after adoption shall be given a serial number and together with the date of adoption and the designation of the adopting authority, and shall be entered in a properly indexed book kept for that purpose and made available to the public.

Article IV

ADMINISTRATION

Section 1. Administrative Departments. (1) For purposes of carrying out the policies of the county and administering its affairs, the following administrative department is hereby established and shall, except as the Board prescribes to the contrary within the limitations of this Charter, have the following functions:

(a) The Department of Law Enforcement, which shall have the functions of the sheriff, except the functions of the sheriff regarding the collection of taxes;

(2) On or before July 1, 1993, the Board shall take whatever action is necessary to place in operation the department established by this section.

Section 2. Elective Administrative Officers. (1) The elective administrative officers of the county shall include, in addition to

Umatilla County, Oregon
Proposed Home Rule Charter

June 5, 1992

the county commissioners, the Sheriff.

(2) Any candidate for office of Sheriff shall present to the county elections officer a written certification from the Oregon Board of Public Safety Standards and Training showing that the candidate meets the following qualifications:

- (a) A citizen of the United States of America at least 21 years of age;
- (b) Has had at least four years' experience as a full-time law enforcement officer or at least two years' experience as a full-time law enforcement officer with at least two years' post-high school education; and
- (c) Has not been convicted of a felony or of any other crime that would prevent the candidate from being certified as a police officer under ORS 181.610 to 181.670.

(3) The Sheriff shall have charge of the Department of Law Enforcement. The term of office for Sheriff shall be four years. The office of Sheriff shall be non-partisan.

(4) Every elected county officer shall devote full time to the office.

Section 3. Appointive Administrative officers and Employees. Except as this charter provides to the contrary:

(1) each administrative department of the county shall include whatever offices and positions the Board establishes in the department;

(2) all administrative officers and employees of the county other than elective administrative officers shall be appointed by the Board or pursuant to its authority;

(3) the functions of each administrative officer and employee of the county shall be whatever functions the Board prescribes except as required by law.

Section 4. Changes in Administrative Department. (1) Except as this charter provides to the contrary, the Board may:

- (a) establish additional administrative departments;
- (b) combine any two or more administrative departments into a single such department;
- (c) separate departments so combined;
- (d) abolish any administrative department; and
- (e) prescribe the functions of any department.

- (2) Any action
 - (a) to combine the Department of Law Enforcement with another administrative department of the county,
 - (b) to abolish the department, or
 - (c) to take from it any of its functions,

may have no legal effect until approved either

- (i) by the head of the department or
- (ii) by the legal voters of the county at a regular or special election.

(3) A function of a county officer or agency prescribed by state law, but not allocated to any county officer or agency by this charter, shall be allocated to whatever department of the county the Board determines.

Article V

PERSONNEL

Section 1. Qualification. (1) To qualify for an elective office of the county, a person shall be a registered voter in the county.

(2) To qualify for an appointive office or position of the county a person shall have those qualifications the Board prescribes for the office or position.

Section 2. Vacancies in Office. An elective office shall be deemed vacant before the expiration of the term if:

- (1) The incumbent dies, resigns or is removed;
- (2) The incumbent ceases to be an inhabitant of the County;
- (3) The incumbent is convicted of a felony, or other offense pertinent to the office, or unlawful destruction of public records;
- (4) The incumbent refuses or neglects to take the oath of office, or to file such oath of office with the Director of Records and Elections;
- (5) The election or the appointment of the incumbent is declared void by a competent tribunal;
- (6) The incumbent is found to be mentally incapable of performing the duties of the office by a competent tribunal;

Umatilla County, Oregon
Proposed Home Rule Charter

June 5, 1992

(7) The incumbent ceases to possess any other qualifications required for election or appointment to such office;

(8) Upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the time for the term of office to begin; or

(9) With reference to a county commissioner:

(a) Upon absence from the county for 30 days without the consent of the other two commissioners or absence from meetings of the Board of County Commissioners for 60 days without like consent;

and

(b) Upon a declaration by the Board of vacancy.

Section 3. Filling of Vacancies. (1) If a vacancy occurs in an elective office of the County and

(a) the term of office expires two years or more after the vacancy occurs, then a person shall be elected to fill the vacancy for the remainder of the term of office. The special election shall be held on the first election day occurring at least ninety days following the vacancy. Election days shall be the last Tuesday in March, the third Tuesday in May, the last Tuesday in June, the third Tuesday in September, and the first Tuesday after the first Monday in November. Except as otherwise provided, any person qualified pursuant to Section V.1 of this Charter may be a candidate for the position. The Board of Commissioners shall prescribe by ordinance the procedures by which candidates may be nominated and elected. During the period between the occurrence of the vacancy and the election of a replacement, the office may be filled pro-tempore by the Board of Commissioners within thirty days of the occurrence of the vacancy. A person appointed as a pro-tempore County Commissioner must be a resident of the county

(b) the term of office expires less than two years after the vacancy occurs, then the Board of Commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

(2) For purposes of Section V.3, "term of office" means the term of office of the last person elected to the office which is vacant.

(3) If two vacancies on the Board exist at the same time, the Governor of the State of Oregon shall fill one position, and the person appointed, along with the incumbent serving in office, shall fill the remaining vacancy. If vacancies exist at the same time in all the

offices of the Board of Commissioners, the Governor of the State of Oregon shall fill two positions and the two persons appointed shall fill the third vacancy. The person or persons appointed by the Governor shall serve as provided by subsection (1) of this section.

(4) The Board shall publish notice of a vacancy to be filled by appointment in a newspaper of general circulation in the County. This notice shall request qualified individuals to apply to fill the vacancy by filing an application with the Board of Commissioners. The Board shall fill a vacancy within 30 days after the occurrence of the vacancy.

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

(6) During:

(a) The temporary disability of any elective officer; or

(b) Absence from the county temporarily for any reason;

the office may be filled pro-tempore by the Board.

Section 4. Compensation. The salary or wage of a county officer or employee shall be fixed by the Board, except that the salaries of the commissioners shall be fixed by the public members of the budget committee.

Article VI

INTERGOVERNMENTAL RELATIONS

Section 1. Intergovernmental Relations. The Board may, on such terms as it deems to be in the best interests of the county, arrange by contract:

(1) For one or more functions of the county to be performed in cooperation with one or more units of local government in the county or one or more other counties or both;

(2) For one or more functions of the county to be transferred to and performed by one or more units of local government in the county; and

(3) For the county to assume one or more functions of one or more units of local government in the county, provided any function thus assumed is a matter of county concern.

Article VII

ELECTIONS

Section 1. Charter Amendment and Repeal. (1) This charter may be amended or repealed by the voters of the county at:

(a) A regular election, or

(b) A special election called by the Board.

(2) An initiative petition to submit a charter amendment 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.

(3) The number of signatures of registered voters required on a petition to amend this charter shall be 8 per cent 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.

(4) The number of signatures of registered voters required on a petition to repeal this charter shall be 15 per cent 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.

An ordinance to refer a charter amendment or repeal to the voters shall be enacted at least 75 days before the election at which the measure is to come before the voters.

(5) In each odd numbered year the Board of County Commissioners shall appoint a Charter Review Committee of five citizen members whose purpose shall be to review the Home Rule Charter and its operation. If any amendments to the Charter are deemed necessary or prudent by the Committee, it shall recommend such amendments to the Board of County Commissioners. Within sixty days the Board of Commissioners shall consider the recommendations of the Committee at a regular meeting. The Board may place all, or part, or none of the Committee's recommendations on the ballot pursuant to the requirements of this section.

Section 2. On or before the 90th day before general election in 1996, the Board of County Commissioners shall place on the ballot for the consideration of the electors a proposal to amend this charter to provide for a five member board of commissioners, three to be selected from districts and two from the county at large, to serve without compensation, other than reimbursement of expenses, and to provide for a professional manager to be responsible to the Board of Commissioners

for the administration of the affairs of the county and to carry out the policies established by the Board of Commissioners.

Article VIII

TRANSITIONAL PROVISIONS

Section 1. Continuation of Terms of County Commissioners. (1) The county commissioners who are in office at the time this charter takes effect may continue in their respective offices for the terms to which they have been elected.

Section 2. Continuation of Terms of Elective Officers. The county sheriff, county assessor, county clerk, county treasurer, and county surveyor who are in office on the effective date of this charter shall complete their elective terms.

Section 3. Existing Legislation Continued. All legislation of the county (1) Consistent with this charter, and (2) In force when it takes effect, shall remain in effect until amended or repealed.

Section 4. Effective Date. This charter shall take effect on the first Tuesday after the first Monday in January 1993.

UMATILLA COUNTY, OREGON
CHARTER STUDY COMMITTEE
SUMMARY OF PROPOSED HOME RULE CHARTER

Umatilla Charter Study Committee has filed with the Umatilla County Clerk a proposed Home Rule Charter for Umatilla County. The structure of Umatilla County government is presently controlled by state statute and the Oregon legislature. The proposed Home Rule Charter of Umatilla County, if adopted by the voters, would place control of the structure of the county government in the hands of Umatilla County voters. The proposed home rule charter would make immediate changes to the structure of county government and require a vote in the future on other changes. County government would continue to be generally controlled and managed by three county commissioners. These people would be elected on a non-partisan basis and continue to be elected at large. In addition, county voters would continue to elect a sheriff. All other administrative departments and positions would be established and controlled by the county commissioners.

Once approved, a home rule charter can be amended by a majority vote of the county voters at any election. Amendments can be proposed by initiative petition of voters or by a charter review committee and the commissioners. The proposed charter requires that the Board of County Commissioners place on the 1996 Umatilla County general election ballot an amendment to the charter. The 1996 vote would determine whether the county should continue with three full time county commissioners or change to part-time county commissioners and a professional manager. The 1996 amendment, if approved, would provide for a five member Board of County Commissioners to serve without compensation, three of which will be elected from districts and two of which will be elected from the County at large. The 1996 amendment ^{would include} includes a provision requiring the county to hire a professional manager responsible to the Board of Commissioners for the administration of county affairs.

Eight counties in Oregon have presently adopted Home Rule Charters. Although Oregon counties have amended their charters, no county in Oregon has repealed a Home Rule Charter once it has been adopted.

DRAFT

NOTICE OF MEASURE ELECTION

Umatilla County, Oregon

DRAFT
Houk

Notice is hereby given that on November 3, 1992, an election will be held in Umatilla County, Oregon. The polls will be open from 7:00 a.m. until 8:00 p.m. The following shall be the ballot title for the measure submitted to the electors thereof:

CAPTION: (10 words) COUNTY CHARTER

QUESTION: (20 Words) SHALL UMATILLA COUNTY ADOPT THE COUNTY CHARTER PROPOSED BY THE CHARTER STUDY COMMITTEE?

EXPLANATION: (85 words) The Charter will replace the elective offices of Assessor, Clerk, Treasurer, and Surveyor with positions responsible to the Board of County Commissioners. It will retain the elected Sheriff and three elected commissioners, full time employees, elected from the county at large. It will require that the commissioners submit amendments to the voters by November, 1996, to change the board of commissioners to five members, three elected from districts, and two at large, serving with out compensation.

Note: 75 words

UMATILLA COUNTY, OREGON
CHARTER STUDY COMMITTEE
SUMMARY OF PROPOSED HOME RULE CHARTER

Umatilla Charter Study Committee has a proposed Home Rule Charter for Umatilla County. The structure of Umatilla County government is presently controlled by the Oregon legislature. The proposed Charter, if adopted by the voters, would place control of the structure of Umatilla County government in the hands of Umatilla County voters. The proposed charter would make immediate changes to the structure of county government and require a vote in the future on other changes. County government would continue to be generally controlled and managed by three county commissioners. These people would be elected on a non-partisan basis and continue to be elected at large. In addition, county voters would continue to elect a sheriff. All other administrative departments and positions would be established and controlled by the county commissioners.

Once approved, a home rule charter can be amended by a majority vote of the county voters at any election. The proposed charter requires a vote on an amendment to the charter in 1996. The 1996 vote would determine whether the county should continue with three full time commissioners or change to part-time county commissioners and a professional manager. The 1996 amendment, if approved, would provide for a five member Board of County Commissioners to serve without compensation, three to be elected from districts and two which will be elected at large. The 1996 amendment would also require the county to hire a professional manager to administer county affairs.

_____ counties in Oregon have presently adopted Home Rule Charters. Although Oregon counties have amended their charters, no county in Oregon has repealed a Home Rule Charter once it has been adopted.