

**BEFORE THE BOARD OF COMMISSIONERS**

**OF**

**HOOD RIVER COUNTY, OREGON**

**IN THE MATTER OF REFERRING TO THE )  
VOTERS AT THE NOVEMBER 3, 2020 ) RESOLUTION NO. 2345  
ELECTION A REVISED HOME RULE )  
CHARTER )**

**WHEREAS**, the Hood River County Home Rule Charter was last comprehensively reviewed in 2008; and

**WHEREAS**, the Board of Commissioners appointed a Charter Review Committee to evaluate the existing Charter, comprised of citizens as well as the County Administrator, Sheriff, Counsel and Commission Chair; and

**WHEREAS**, the Charter Review Committee determined that changes to the Charter are warranted and prepared a draft for review by the Board; and

**WHEREAS**, the Board concurs with the recommendations of the Charter Review Committee and finds that the proposed revised Charter will better meet the present and future needs of the County, and is in the best interest of the County to refer to the voters for their approval.

**NOW, THEREFORE, THE HOOD RIVER COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES:**

1. Pursuant to Article XII, Section VI of the Hood River County Home Rule Charter, an election is called for the purpose of referring to the electors of Hood River County a measure proposing adoption of a revised Home Rule Charter.
2. The measure in the Ballot Title, attached hereto as Exhibit A, shall be referred to the qualified electors of Hood River County for their “yes” or “no” vote.
3. The Ballot Title attached hereto and marked as Exhibit A is approved for submission to the Hood River County Elections Officer (County Clerk) for the November 3, 2020 Election.

4. Hood River County General Counsel will certify form SEL 801, Notice of County Measure Election, as required by law.
5. Following certification, Counsel shall cause to be delivered to the County Clerk this Resolution, Ballot Title and form SEL 801 for further action as required by law for placement on the November 3, 2020 election ballot.
6. The County Clerk shall give notice of receipt of the Ballot Title and notice of electors' right to petition for review of the Ballot Title as provided by law.

**ADOPTED THIS 20<sup>th</sup> day of July, 2020.**

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS**



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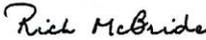
Michael J. Oates, Chair



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Karen Joplin, Commissioner

DocuSigned by:



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Rich McBride, Commissioner

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Robert Benton, Commissioner



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Les Perkins, Commissioner

EXHIBIT A

BALLOT MEASURE \_\_\_\_\_

**CAPTION:** (10 Words)

Revision of Hood River County Home Rule Charter

**QUESTION:** (20 Words)

Shall the Electors of Hood River County adopt the revised Charter proposed by the Charter Review Committee?

**BALLOT SUMMARY:** (175 Words)

This Measure proposes adoption of a revised Hood River County Home Rule Charter. The revision is recommended because the current Charter was last updated in 2008. Since then, certain state laws and the way the County is administered have changed.

The proposed revised Charter contains editorial changes to improve the document's organization and to conform its provisions to current County procedures. Such changes include: clarification of residency within the District a Commissioner will represent for a continuous period of 12 months immediately preceding election or appointment; nomination and election of elective county offices other than Sheriff so candidates receiving the majority of votes cast in a primary are elected and do not appear on the November ballot; eligibility requirements of the Justice Department to conform to state law; and revision of procedures for adopting ordinances.

The Charter may be amended by vote of the people. If approved the revised Charter would take effect on January 1, 2021.

# Request for Ballot Title Preparation or Publication of Notice

SEL 805

rev 01/18  
OAR 165-014-0005

No later than the 80<sup>th</sup> day before an election, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

## Filing Information

### Election Date

November 3, 2020

### Authorized Official

Jeff Hecksel

### Contact Phone

541-387-6827

### Email Address

jeff.hecksel@co.hood-river.or.us

## Referral Information

### Title, Number or other Identifier

## This Filing is For

Drafting of Ballot Title Attach referral text.

Publication of Notice Ballot title below.

## Ballot Title Additional requirements may apply

**Caption** 10 words which reasonably identifies the subject of the measure.

Revision of Hood River County Home Rule Charter

**Question** 20 words which plainly phrases the chief purpose of the measure.

Shall the Electors of Hood River County adopt the revised Charter proposed by the Charter Review Committee?

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

This Measure proposes adoption of a revised Hood River County Home Rule Charter. The revision is recommended because the current Charter was last updated in 2008. Since then, certain state laws and the way the County is administered have changed.

The proposed revised Charter contains editorial changes to improve the document's organization and to conform its provisions to current County procedures. Such changes include: clarification of residency within the District a Commissioner will represent for a continuous period of 12 months immediately preceding election or appointment; nomination and election of elective county offices other than Sheriff so candidates receiving the majority of votes cast in a primary are elected and do not appear on the November ballot; eligibility requirements of the Justice Department to conform to state law; and revision of procedures for adopting ordinances.

The Charter may be amended by vote of the people. If approved the revised Charter would take effect on January 1, 2021.

*By signing this document:*

→ I hereby state that I am authorized by the county or city governing body, or district elections authority to submit this Request for Ballot Title – Preparation or Publication of Notice.

Signature

*Jeff Hecksel*

Date Signed

*7/27/20*

# HOOD RIVER COUNTY

Fruit • Recreation • Industry



## HOME RULE COUNTY CHARTER

*A Small County With a Big Mission:  
Providing Quality of Life for All*

Originally adopted 1964

Revised 1965

Revised 1984

Revised 1998

Revised 2008

DRAFT 2020

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## PREAMBLE

We the people of Hood River County in the State of Oregon, having established the original Home Rule Charter in 1965 in accordance with the provisions of the Constitution and laws of the State of Oregon, hereby repeal the Hood River County Charter of 2008 and adopt and establish as our charter and form of government this Home Rule Charter for Hood River County.

In this Charter references to County pertain to HOOD RIVER COUNTY, and references to State pertain to the STATE OF OREGON

## ARTICLE I. POWERS

### Section I. General Grant of Powers

(1) 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.

(2) Except as this Charter provides to the contrary and subject to the powers of initiative and referendum residing in the people of the County:

- (a) The legislative power of the County is vested in, and exercisable only by the elected legislative body known as the Board of Commissioners.
- (b) All other powers of the County not vested by this Charter elsewhere are vested in the Board of Commissioners and are exercisable only by it or persons acting under its delegated authority.

(3) This Charter shall be liberally construed to the end that, within the limits imposed by this Charter or the constitutions or laws of the United States or the State of Oregon, the County shall have all powers necessary or convenient for the conduct of its affairs. 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 II. Specific Legislative Powers

(1) In addition to the other duties and powers herein provided; the Board of Commissioners shall have the power to:

- (a) Enact ordinances according to the provisions of this Charter.
- (b) Adopt a County Administrative Code.
- (c) Appoint Boards, commissions and committees.
- (d) Appoint a County Administrator, County Counsel(s) and Auditor.

(2) The County offices, departments or institutions shall exercise their functions under the authority of the Board of Commissioners under direction and supervision of the County Administrator.

### Section III. Limitation of Powers

No Commissioner including the Chair shall have the authority to make statements or act independently on behalf of the County without the express authorization of the Board of Commissioners.

## ARTICLE II. BOARD OF COMMISSIONERS

### Section I. Commissioners

The Board of Commissioners shall consist of the Chair of the Board of Commissioners and four County Commissioners. The Chair of the Board of Commissioners shall be a registered voter of the County and shall be elected at large. The County Commissioners shall be registered voters of the County and residents of the districts in which they reside. One Commissioner shall be elected by each district.

### Section II. Districts

There shall be four districts established for the election of Commissioners.

### Section III. Boundaries

The Board of Commissioners may change the boundaries of Commissioner Districts by ordinance in conformance with the concept of one person, one vote. The procedure for this process shall be set forth in the Administrative Code.

### Section IV. Eligibility

(1) To qualify for an elective office of County Commissioner a person:

- (a) Shall be a legal voter of the County.
- (b) Shall have resided in the County for a continuous period of 12 months immediately preceding election or appointment.
- (c) Shall have resided in the district they will represent for a continuous period of 12 months immediately preceding election or appointment.
- (d) No person employed by Hood River County shall be eligible to serve as a member of the Board of Commissioners.
- (e) For the purposes of this section a member of the Board of Commissioners is not an employee of Hood River County.

### Section V. Election of Chair and Commissioners

(1) The voters shall elect the Chair at each November general election.

(2) The voters from odd-numbered districts shall elect Commissioners at the November general election of non-presidential election years.

(3) The voters from even-numbered districts shall elect Commissioners at the November general election of presidential election years.

(4) The candidate or candidates receiving the highest number of votes at the general election shall be elected to the position or positions to be filled.

(5) Notwithstanding the foregoing, a candidate receiving the majority of the votes cast (50% plus one vote) at a primary election for Chair or Commissioner shall be elected to that position and shall not appear on the general election ballot.

(6) Newly elected or appointed Commissioners shall, before the commencement of their term, take an Oath to uphold the constitution of the United States, State of Oregon, Charter, and Ordinances of the County of Hood River.

## **Section VI. Term of Office**

- (1) The term of office of the Chair shall be two years and the term for Commissioners shall be four years. Terms of office shall begin on or after January 1 of the year following election upon administration of the oath of office.
- (2) The Chair and Commissioners serve until the succeeding Chair or Commissioner has taken the oath of office or the Board has declared a vacancy.

## **Section VII. Vacancy of Office**

(1) A vacancy of office on the Board of Commissioners shall occur for the following reasons: death, resignation, incapacity to act, taking up residence outside his or her district, conviction of a felony, unexcused absence for three consecutive regularly scheduled Board meetings, other reasons of ineligibility and declaration by the Board of a vacancy:

- (a) If the vacancy is in the position of Chair the remaining Board members shall appoint a member of the Board to the position to serve for the vacated un-expired term. In the event that no Commissioner will accept the appointment or a majority vote is not obtained then a special election shall be held to fill the position for the un-expired term; such special election shall be held within 60 days of the date of the vacancy.
- (b) If the vacancy is in the position of Commissioner, the remaining Board members shall appoint a resident of the vacant district to fill the un-expired term of the vacated position.

## **Section VIII. Organization**

At the first meeting of each calendar year the Board of Commissioners shall elect a Vice-Chair who shall serve in the absence of the Chair.

## **Section IX. Powers and Duties of the Chair of the Board of Commissioners**

- (1) The Chair of the Board of Commissioners shall:
  - (a) Preside over meetings of the Board of Commissioners.
  - (b) Preserve order at meetings of the Board of Commissioners.
  - (c) Enforce the rules of the Board of Commissioners.
  - (d) Determine the order of business for meetings of the Board of Commissioners.
  - (e) Call special meetings and executive sessions of the Board.
  - (f) Vote on all questions before the Board of Commissioners.
  - (g) Have power to make motions and second motions.

## **Section X. Quorum**

Three Commissioners of the Board of County Commissioners shall constitute a quorum.

## **Section XI. Meetings**

The Board of Commissioners shall meet regularly at least once each month and at such time and place as the Board of Commissioners may prescribe by rule. Special meetings may be called by the Chair or by three Commissioners upon notice to each member. All meetings shall be open to the public except for executive sessions as allowed by State law.

## **Section XII. Voting**

No action of the Board of Commissioners shall be valid or binding unless adopted by the affirmative vote of three or more members. All voting shall be by recorded roll call vote.

## **Section XIII. Compensation**

Members of the Board of Commissioners shall receive reasonable compensation as determined annually by the lay members of the budget committee.

### **ARTICLE III. ADMINISTRATIVE FUNCTIONS**

#### **Section I. Powers and Duties of the County Administrator**

(1) The County Administrator shall:

- (a) Be appointed by the Board of Commissioners.
- (b) Serve at the will of the Board.
- (c) Be the head of the administrative branch of County Government.
- (d) Be responsible to the Board of Commissioners for the proper Administration of all affairs of Hood River County.
- (e) Be responsible for carrying out the policies established by the Board of Commissioners.
- (f) Be responsible for the employment and termination of all County employees; for all departments of the County with the exception of the department of law enforcement and department of justice.

### **ARTICLE IV. DEPARTMENT OF LAW ENFORCEMENT**

#### **Section I. Powers and Duties of the Sheriff and the Department of Law Enforcement**

(1) The Sheriff of Hood River County shall be the Director of Law Enforcement and shall be an elected official residing within the County.

(2) A candidate for the position of Sheriff shall:

- (a) Possess the minimum qualifications required of a Sheriff under State law.
- (b) Be a minimum of 25 years of age.
- (c) Be bondable.

(3) The candidate receiving the most votes at the November general election of presidential election years shall be elected Sheriff.

(4) The Sheriff of Hood River County shall be responsible for:

- (a) The enforcement of State law and County ordinances, except for the function of tax collection.
- (b) The handling of criminal and civil processes as prescribed by State law and County ordinance.
- (c) Performing the duties and responsibilities as set forth in the County Administrative Code.
- (d) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

(5) In the event of vacancy in office, the Chief Deputy shall serve as Sheriff until the Board of Commissioners appoint 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.

(6) The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure. This requirement may be enforced by the Board of Commissioners.

(7) The Sheriff shall receive reasonable compensation as determined annually by the lay members of the budget committee.

## **ARTICLE V. DEPARTMENT OF JUSTICE**

### **Section I. Policies and Procedures**

(1) The Department of Justice shall include the District Attorney, the Justice Courts and Judges as provided by State law.

(2) The election, tenure of office, salary, and procedure for filling vacancies in judicial offices shall be as provided by State law.

(3) The practice and procedure as to prosecution, trial and punishment of County offenses shall be the same as similar crimes or offenses defined or made punishable by State law. As used in this section, County offense means any crime or offense defined or made punishable by County ordinances or this Charter.

### **Section II. Powers and Duties of the District Attorney, Justice of the Peace and County Counsel**

(1) The District Attorney of Hood River County shall be the Director of the District Attorney's office and shall be an elected official.

(2) The District Attorney of Hood River County is a state elected official and shall be responsible for:

- (a) The enforcement of State law with the exception of the function of tax collection.
- (b) Performing the duties and responsibilities as set forth in State law and the County

Administrative Code.

(c) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

(3) The Justice of the Peace of Hood River County shall be the Director of the Justice Court office and shall be an elected official with a residence in the County or a principal office in the County. A principal office shall be the primary location from which the person conducts the person's business or profession.

(4) The Justice of the Peace for Hood River County shall be responsible for:

(a) The trial of any cases involving violation of County ordinances or State laws in all areas of the County which may be referred to the Justice Court.

(b) Performing the duties and responsibilities as set forth in State law and the County Administrative Code.

(c) The employment or termination of personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

(5) County Counsel responsibilities may include:

(a) Acting as civil counsel to the Board of Commissioners

(b) Enforcement of County Ordinances.

## **ARTICLE VI. EXPENSE AND CAPITAL BUDGETS**

(1) Budgets shall be made and approved in accordance with the local budget law of the State.

(2) Expenditure items which do not appear in the regularly published budget may be included by filing a supplemental budget.

## **ARTICLE VII. COUNTY ADMINISTRATIVE CODE**

(1) The County Administrative Code shall govern the operation of the various County offices, departments and institutions. It shall prescribe the powers and duties of elected and appointed County officials and employees and shall prescribe the procedures and systems of operation and management of all offices, departments, and institutions of the County.

(2) The Board of Commissioners may enact, amend, revise or repeal provisions of the County Administrative Code.

(3) It shall be the responsibility of the Board of Commissioners to compile and maintain the County Administrative Code in a systematic manner properly indexed and current.

(3) The Board of Commissioners shall review the County Administrative Code periodically to assure its accuracy and completeness.

## ARTICLE VIII. ORDINANCE PROCEDURE

### SECTION I. Legislative Action

All legislative action by the County shall be by ordinance.

### SECTION II. Enacting Clause

The enacting clause of an ordinance enacted by the Board of County Commissioners and not referred to the voters shall read, "The Board of County commissioners of Hood River County ordains as follows:". The enacting clause for ordinances initiated and adopted by the voters of the County shall read: "The People of Hood River County ordain as follows:"

### SECTION III. Adoption

(1) Except as this section provides to the contrary, before an ordinance is enacted, 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) A copy of the ordinance is available for each person at the meeting who desires a copy.

(2) An ordinance enacted 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. .

### SECTION IV. Authentication

Upon enactment of an ordinance by the Board, the Commissioners present at the session at which the Board finally approves the ordinance shall sign the ordinance and indicate the date of its enactment.

### SECTION V. Time of Effect

(1) A nonemergency ordinance shall take effect on the 30<sup>th</sup> day after it is signed unless:

- (a) It prescribes a later date for it to take effect; or
- (b) It is referred to the voters of the County, in which event it shall take effect only upon receiving their approval.

(2) An ordinance enacted by the Board in the exercise of its police power and for the purpose of meeting an emergency may take effect immediately upon being so enacted.

### SECTION VI. Emergency Ordinance

(1) To meet a public emergency affecting life, health, or property the Board may adopt an emergency ordinance provided that:

- (a) The ordinance does not levy taxes or authorize the borrowing of money.
- (b) The ordinance, including any amendments made after its adoption, shall be

automatically repealed on the one hundred eighty-first day following the date of its adoption.

## **ARTICLE IX. ELECTIONS**

### **SECTION I. Non-Partisanship**

All Elective County offices of the Board, Commission and Sheriff shall be non-partisan for the purposes of filing for office, election to office and performance of the duties and responsibilities of the office.

### **SECTION II. Nominations**

(1) Except as this Charter provides to the contrary, the manner of nominating and electing candidates for elective county offices shall be the manner now or hereafter prescribed by the laws of the state for the conduct of nonpartisan nominations and elections.

(a) No petition, declaration, primary or general ballot for an elective county office shall make reference to any political party ballot or to a political party affiliation or designation.

(b) A primary or general ballot, as the case may be, shall be delivered to each registered elector, regardless of party affiliation.

(c) Except for the office of Sheriff, when a candidate for nomination for an elective county office receives a majority of all votes cast (50% plus one vote) at the primary election, they shall be elected to that position and shall not appear on the general election ballot.

(d) If no candidate at the primary election receives a majority of all votes cast, the two candidates receiving the highest number of votes shall be placed on the general election ballot.

(2) The method of filing as a candidate for the position of Chair of the Board or Sheriff of Hood River County shall be:

(a) To file with the official in charge of elections within the filing period specified by State Law, a nominating petition signed by not fewer than ten legal voters of each Commissioner district; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

(3) The method of filing as a candidate for an elected position of Hood River County Commissioner shall be:

(a) To file with the official in charge of elections, within the filing period specified by State law a nominating petition signed by not fewer than twenty legal voters of the district in which the candidate resided at the time of filing; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

## **ARTICLE X. GENERAL PROVISIONS**

### **SECTION I. Contracts and Purchases**

(1) Purchases or contracts shall be as set forth in the County Administrative Code as required by State law.

## **Section II. Audits**

(1) A complete independent financial audit of the records of the County shall be performed in accordance with State and Federal law on an annual basis.

(2) The complete audit shall be filed with the Board of Commissioners, the State of Oregon and made available for public inspection.

## **ARTICLE XI. PROHIBITIONS**

### **Section I. Non-Discrimination**

No person shall be discriminated against with respect to any County position or appointive office because of race, religion, age, ethnic origin, gender, sexual orientation, veteran's status, disability or other classes protected by State law.

### **Section II. Ethical Requirements**

Any person holding elected or appointed offices under this Charter shall comply with ethical standards as set forth in Oregon laws.

## **ARTICLE XII. TRANSITIONAL PROVISIONS**

### **Section I. Effective Date**

This Charter shall become effective on the thirtieth day following its adoption.

### **Section II. Continuity**

(1) The elected and appointed County officials in office at the time this Charter is adopted shall continue in office and perform their present powers and duties at existing salaries until changed by the Board of Commissioners.

(2) All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified by this Charter and in each case shall be continued by the appropriate County department.

### **Section III. Repealer Clause**

All rules, regulations or policies are repealed to the extent that they are inconsistent with or interfere with the effective operations of this Charter.

### **Section IV. 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.

## **Section V. Review**

The Board of Commissioners 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.

## **Section VI. Amendments**

This Charter may be amended by the vote of the people as set forth by State Law.

## **Section VII. Definitions**

As used in this Charter the word "shall" is considered mandatory and the word "may" is considered permissive. Words in the present tense include the future; the singular includes the plural; plural usage includes the singular.

### Hood River County Charter Review Committee

Michael J. Oates, Chair  
Charles Bugge, Vice-Chair  
Jeff Hecksel  
Lisa Knight Davies  
Jess Groves  
Brien Gibson  
John McGhee  
Matt English  
Bob Benton