

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

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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 1998 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 from which nominated, and 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 be a resident of the County, and shall have resided in the County one year immediately prior to filing for office.
 - (c) No person employed by Hood River County shall be eligible to serve as a member of the Board of Commissioners.
 - (d) 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) 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

The term of office for the Chair shall be two years, and the term for Commissioners shall be four years. Terms of office shall begin the first day of the ensuing year following election.

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.

(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.

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 residing within the County.

(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.

(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 residing within the County.

(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.

(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.

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

ARTICLE VIII. ORDINANCE PROCEDURE

SECTION I. Introduction

(1) An ordinance may be introduced by any Commissioner at any regular or special meeting of the Board.

(3) Publication of all proposed ordinances shall require prior approval by the Board of Commissioners.

SECTION II. Publication

(1) Copies of the proposed ordinance shall be distributed to each Commissioner, news media representatives and interested citizens upon request.

(2) The Board shall promptly publish the proposed ordinance indicating the time and place for a public hearing and its consideration by the Board of Commissioners.

SECTION III. Public Hearings

(1) The public hearing on the proposed ordinance shall be held at least one week after publication.

(2) At the hearing, copies of the proposed ordinance shall be made available to all persons present and all interested persons shall have the opportunity to be heard.

(3) After the hearing, the Board of Commissioners may adopt, amend or reject the proposed ordinance.

(4) Any substantive changes to the proposed ordinance shall constitute an amendment requiring publication and public hearing prior to adoption.

(5) Grammatical, clerical, typographical errors or omissions shall not constitute amendments requiring publication or hearing.

SECTION IV. Enactment

(1) Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty-one days after adoption or at any later date specified therein. As used in this section, the term "published" shall be the same as provided by State law as it applies to the publishing of budgets for tax supported institutions.

(2) Each adopted ordinance and resolution shall be given a serial number and date of adoption.

(3) The ordinance shall then be entered into a separate properly indexed record and made available to the public.

(4) Except as otherwise provided for by State law, the procedures set out in this Charter shall govern the enactment of all County Ordinances.

SECTION V. Emergency Ordinance

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

(a) The ordinance does not levy taxes, or authorize the borrowing of money.

(b) Upon adoption the ordinance shall be published in the next available issue of the designated newspaper.

(c) 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) Candidates for County elected offices shall be nominated at the primary election. The name of the candidate receiving the majority of the votes cast for that office will be placed on the November general election ballot.

(2) If no candidate receives a majority of the votes, the names of the two candidates receiving the greatest number of votes will be placed on the November general election ballot. The candidate receiving the greatest number of votes in the November general election shall be the candidate elected to the position.

(3) The method of nominating 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.

(4) The method of nominating a candidate for a position of 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

Ron Rivers, Chair
Will Carey, Vice-Chair
Jean Mclean
Paul Cummings
Paul Blackburn
Bill Pattison
Teunis J. Wyers
Ron Guth
Wally Eakin
Jason Shaner
Bob Benton