

CHARTER FOR JOSEPHINE COUNTY, OREGON

ARTICLE I -- Entity

Josephine County of the State of Oregon, hereinafter referred to as *this county*, consists of the portion of the State of Oregon so defined by the Laws of the State of Oregon, hereinafter referred to as *the O.R.S.*, with its seat of government in Grants Pass, Oregon.

ARTICLE II -- Authority

We the voters of this county, hereinafter referred to by the pronoun *we*, hereby declare with the Framers of the Oregon Constitution, "... that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded upon their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper."

We furthermore declare that all rights of mankind issue forth from the three primary rights with which they are endowed by their Creator, namely: the right to defend one's life, the right to acquire property, and the right to choose according to one's conscience how to live that life and use that property. In conclusion we declare that only those powers voluntarily and temporarily specifically delegated or assigned by the people to civil government are subject to exercise by that civil government.

We give our consent to this charter that: (1) our inalienable rights will be protected by just administration of law and order, and (2) our common properties will be administrated in an efficient and impartial way to the benefit of all the residents of this county. We therefore herein delegate certain specific powers and duties for the government of this county and reserve to the people all powers and duties not so delegated, or otherwise not delegated to the State of Oregon in its Constitution or to the United States in its Constitution.

ARTICLE III -- Separation of Powers

The powers of government exercised by this county and within this county, shall be divided between legislative, executive, and judicial branches. No person charged with official duties under one of these branches shall exercise any functions of another except as the Constitution of the United States, the Constitution of the State of Oregon, or this charter shall expressly provide.

Exercising legislative power is hereby defined as the adoption of statements directing the private affairs of individual residents or groups of residents of this county - by any name whatsoever - and the statements so adopted shall be titled as ordinances, in contrast to administrative rules that shall direct only the conduct of public servants in the course of their official business. The legislative powers of this county, as further described herein, shall be exercised jointly by the voters of this county through the initiative and referendum process and by a Board of County Commissioners, hereinafter referred to as *the Board*.

Exercising executive power is hereby defined as the enforcement of those statements adopted by the exercise of legislative power. The executive powers of this county shall be vested in the offices of County Works Director, County Sheriff, County Clerk, County Assessor, County Treasurer, and County Surveyor, hereinafter referred to as the *Works Director, Sheriff, Clerk, Assessor, Treasurer, and Surveyor*, as provided by the O.R.S. and the Constitution of the State of Oregon, or further described herein. The Sheriff shall be considered, and may be referred to, as the chief executive officer of this county. The Sheriff's Department shall be the sole enforcer of ordinances enacted by the Board and only upon the order of a court of competent jurisdiction, except when a violation is in progress.

Exercising judicial power is hereby defined as the evaluation of laws and facts for the purpose of determination of guilt or innocence in the breaking of laws or contracts and the imposition of penalties or judgments. The judicial powers of this county shall be vested in those officers specified by the O.R.S. and the Constitution of the State of Oregon, including the office of a Justice of the Peace for this county. All adjudication in this county shall operate on the presumption of innocence, and all juries shall be instructed in their right to judge both the law and the facts in each case.

ARTICLE IV -- The Board

The Board shall consist of seven County Commissioner positions. Holders of those positions are hereinafter called *Commissioners*. They shall be elected to fill four-year terms by the voters of the districts that they shall represent. Commissioners for odd-numbered districts shall be elected in leap years and commissioners for even-numbered districts shall be elected in the even-numbered, non leap years, subject to transitional provisions contained in this charter and the special election authorized there under.

The seven districts from which and by which the individual Commissioners shall be elected shall be drawn by the Clerk, subject to the following stipulations: (1) each district shall be composed of a number of precincts that most nearly produces an equal number of registered voters in each district, (2) each district shall consist of adjacent precincts, (3) not more than one district shall contain precincts both within and without the city limits of Grants Pass, and (4) no precinct in the area commonly known as the Illinois Valley shall be included in a district that contains any precinct(s) north of the Rogue River or in a district that contains one or more precinct(s) from the area commonly known as the Murphy-Provolt-Williams area. Redistricting shall occur in the same year as other districting based on the national census taken every ten years.

The Board is authorized to act upon the behalf of the residents of this county in any matter authorized by the Constitution and Laws of the State of Oregon, but only to the extent that this charter also authorizes it. This authority extends to: (1) adoption of ordinances to promote and protect the public health, safety, and happiness of the residents of this county; (2) appropriation of county funds to provide for the same through the construction, maintenance, and administration of roads, airports, boat ramps, parks, swimming pools, fairgrounds, waste disposal sites, and public buildings for the housing of libraries, museums, county offices, meeting halls, animal control facilities, and jails; (3) referral of taxes and permits to the voters of the county; (4) adoption of administrative rules governing the conduct of public servants in the course of their official business and the management of all county-owned lands, including forest, agriculture, and mineral lands; and (5) adoption or refinement of a mission statement for this county. The Board shall meet publicly at least four times each month to: (1) receive reports from other elected county officials; (2) receive public input from the residents of this county; (3) adopt ordinances, and administrative rules for the governing of this county; and (4) appropriate funds as necessary from the general fund to meet the needs of this county as provided in this charter. While not in executive session, the public meetings of all commissions, committees or other governing bodies conducted under the authority of the Board shall be open to the observation of any resident of this county and shall

63 be videotaped and copies be made available to the public at cost. Such meetings shall have adequate notice and be at times and locations
64 calculated to allow the greatest participation of those affected by the decisions. The videotapes shall also be accessible from this county's
65 website for not less than five weeks after taping. Persons desiring to record those meetings in any format shall be unhindered.

66 The chairman and vice chairman of the Board shall be elected at the first meeting of the Board each calendar year. A quorum for
67 business of the Board shall consist of a majority of those currently serving on the Board, whether there are seven or a lesser number by
68 reason of vacancies. The decision on all questions not otherwise addressed by this charter shall require a majority of those present to pass.
69 All questions shall be by roll call vote. The chairman shall vote on all questions. Robert's rules of order newly revised shall govern all
70 meetings of the Board except as otherwise provided in this charter or in the O.R.S. and the Constitution of the State of Oregon, with the
71 distinction between those meetings and the public input at those meetings clearly recognized.

72 All lands and buildings or improvements thereon acquired or constructed on behalf of this county shall be property of this county
73 and managed subject to the administrative rules enacted by the Board. The disbursement of funds for personnel or acquiring and
74 maintaining equipment and supplies necessary for the discharge of any department head's responsibilities shall be authorized by the
75 adoption of the annual budget, with the recipients of those funds being at the discretion of the department heads. The Board shall approve
76 in advance the acceptance or acquisition of additional lands for county use and the development of county owned lands.

77 **ARTICLE V -- Other Elected Officers of This County and Their Departments**

78 The Clerk, Assessor, and Surveyor shall be elected in leap years, and the Works Director, Sheriff, and Treasurer shall be elected in
79 the even numbered, non leap years to four-year terms. The office of Justice of the Peace shall be filled by election at six-year intervals
80 beginning with the first election authorized in this charter following its adoption. The terms of office for the District Attorney and
81 Judge(s) of Josephine County shall continue to be as they have been prior to adoption of this charter revision.

82 They shall manage their respective departments according to the O.R.S. and the Constitution of the State of Oregon, the relevant
83 provisions of this charter, and the ordinances and administrative rules enacted by the Board, being individually responsible for the
84 procurement of those materials and services necessary for the operation of their departments, within the limitations of the budget.

85 The Works Director, through his department and whether by contract or employees, shall oversee the construction and
86 maintenance of roads, airports, boat ramps, parks, swimming pools, fairgrounds, waste disposal sites, and public buildings for the housing
87 of libraries, museums, county offices, meeting halls, animal control facilities, and jails. He shall oversee the management of county lands.

88 **ARTICLE VI -- Election Procedures for County Officials**

89 Filing for election to county office shall be as set forth by the O.R.S. and the Constitution of the State of Oregon, except as
90 otherwise specified in this charter. All elections to fill county offices shall be nonpartisan and shall provide each voter with the
91 opportunity in the Primary Election to say "yes" or "no" on their ballots to each candidate for county office, opposed or unopposed.

92 All candidates receiving approval of more than 50% of those voting shall be placed on the Secondary Election ballot to be voted
93 on the third Tuesday of September, with the one receiving the highest number of votes in the Secondary Election in that case being
94 declared the winner.

95 If no primary election candidate for a specific office shall so qualify for placement on a Secondary Election ballot, that election
96 shall be open to candidates nominated by petitions bearing signatures of registered voters entitled to vote for that office in the amount of
97 no less than one-half of one percent of the number of those registered to vote for that office at the time of that Primary Election, with the
98 restriction that none receiving 50% or more "no" votes on that Primary Election ballot may so file.

99 If the candidates on the Secondary Election ballot for a specific office have not received approval in the Primary Election and none
100 of them receives a majority, the two candidates receiving the highest numbers of votes in that Secondary Election shall be placed in a
101 runoff election on the General Election ballot, with that election determining the new office holder.

102 **ARTICLE VII -- Initiative, Referendum, Recall, & Vacancy Filling Processes**

103 Amendment, revision or repeal of this charter, adoption of initiated or referred county ordinances, and the recall of county elected
104 officials shall be decided by a simple majority of those voting.

105 All county ordinances shall be subject to referral, amendment, revision or repeal by the initiative process provided by O.R.S. and
106 the Constitution of the State of Oregon and this charter, as shall the recall of any elected county official. Initiating or referring county
107 ordinances and conducting recall elections shall require presentation of petitions bearing a certified number of signatures according to the
108 same constitutional formulae as for initiating or referring state statutes, or recalling state officials, respectively. Charter amendment,
109 revision, and repeal shall require presentation of petitions bearing a certified number of signatures according to the same constitutional
110 formulae as for amendments to the Constitution of the State of Oregon to bring them to the voters of the county. Regardless of the
111 number, signatures on the afore-mentioned petitions must be individually verified, rather than statistically verified. The Board shall not
112 have the authority to refer charter amendments, a charter revision, or a charter repeal to the voters of this county.

113 Elected county official position vacancies shall be filled for the balance of their terms by a series of 'special' elections at the next
114 allowed election dates beginning not less than 63 days following submission of resignation, or certification of decease or recall, according
115 to the same process described in Article VI. Vacant non-commissioner positions may be temporarily filled by the Board until these
116 elections have been conducted and certified and the opportunity for a recount has passed, at which time the newly elected official shall
117 take office.

118 **ARTICLE VIII -- Ordinance Powers**

119 An ordinance declaring a public emergency must be unanimously adopted by the Board and shall take effect immediately but it
120 shall expire one hundred and twenty days later. (An ordinance adopted in a time of declared public emergency that expires before being
121 adopted on a non-emergency basis shall not be readopted on an emergency basis.) Any other ordinance adopted by the Board shall take
122 effect ninety days following its adoption. Any ordinance against which a perfected referendum petition has been filed before the date of
123 its effect shall be suspended in its operation until the results of the referendum have been certified.

124 Ordinance making power by initiative process shall be superior to the ordinance making power of the Board. An ordinance
125 adopted by initiative process shall take effect immediately upon certification of adoption by the Clerk. No county ordinance adopted by
126 initiative process shall be subject to alteration by the Board without the unanimous approval of all those serving on the Board.

127 **ARTICLE IX -- Public Financing Authority**

128 No tax shall be levied by this county except those having been initiated or referred as ordinances and approved by a majority of the
129 eligible voters of this county casting ballots. Taxes on property shall be limited to specific, taxpayer-approved levies for purchase of land
130 or for construction, but not maintenance or administration, of items in Article IV, paragraph 3, clause (2). Only property owners shall vote
131 upon taxes on property.

132 The voters of this county may approve a business income tax levied only on the same income taxed by the State of Oregon or a tax
133 on the sale of goods, but no sales tax may be levied on the sale of used merchandise, unprepared food, prescription drugs, or clothing.

134 No county permit shall be required unless approved by the voters of this county, the requirement for each permit being adopted
135 individually by a separate majority affirmative vote. The charge for permits required by this county shall not exceed the actual cost of the
136 processing thereof or the inspections conducted there under, and no attempt shall be made to support a department with those charges.

137 Services rendered to the public by this county may be provided on a fee basis to those utilizing those services if they are not forced
138 by law or ordinance to use those services in the course of using or developing their private property or business.

139 **ARTICLE X -- Budgetary Process**

140 After the beginning of each calendar year, the Sheriff shall cause a performance audit of all county departments to be conducted
141 with the results being submitted to the Budget Committee before their deliberations shall begin. The elected county Executive and Judicial
142 officials shall sit jointly as the Budget Committee to discuss the current financial conditions and priorities of this county, being chaired by
143 the chairman of the Board who shall have no vote. Each official shall submit a proposed annual budget for his/her area of responsibility to
144 the Budget Committee. The Budget Committee shall prepare and recommend a comprehensive budget to the Board.

145 After thorough discussion and opportunity for public input, the Board shall adopt by ordinance, not less than 90 days before the
146 new fiscal year, a consolidated budget for this county. The salary and benefits received by the elected officials of this county shall be
147 subject to the ordinance-making power of the people as expressed in this charter or by initiative or referendum action.

148 **ARTICLE XI -- Land Use Planning**

149 To the extent that land use planning is mandated by O.R.S. and the Constitution of the State of Oregon, all decisions in the
150 development or modification of the plan and the establishment of penalties for its violation shall be made by the Board in open meeting
151 with opportunity for public input. Such meetings shall have adequate notice and be at times and places calculated to allow the greatest
152 participation of those affected by the decisions. (In no case do the residents collectively delegate to the Board the right to interfere in the
153 free exercise of private property rights where damage to a neighbor has not been proven in a court of law.) Enforcement of the land use
154 plan shall be by the Sheriff's department, but only upon the order of a court of competent jurisdiction.

155 **ARTICLE XII -- Declaration of Rights and Restrictions**

156 All rights and powers of the people enumerated in the Declaration of Independence, the Constitution of the United States with its
157 Bill of Rights, and the Constitution of the State of Oregon are hereby incorporated by reference. Failure to enumerate any of these rights
158 in this charter shall not be construed to disparage or abrogate them.

159 We declare that many other logically derived rights issue out of the inalienable right to defend one's life, the right to acquire
160 property, and the right to choose according to one's consciences how one will live that life and use that property. We further declare that
161 any attempt to suspend or restrict those rights is a crime regardless of whatever person or institution has committed it. The primary
162 purpose of the government of this county shall be to prosecute violations of those rights with all powers at its disposal.

163 The right to worship according to the dictates of one's conscience shall not be suspended or restricted at any time or in any place in
164 this county by any ordinance whatsoever, nor shall anyone be compelled to support in any way what one finds contrary to one's
165 conscience, but crimes against the person or property of others committed under the color of religion shall be adjudicated in any court of
166 competent jurisdiction.

167 Each person has the right to express freely one's opinions of any type whatsoever at any time within this county if on one's own
168 property or on property subject to one's control by rent or lease or on property held by the people in common, but the right to expression
169 of opinion shall not be construed to allow noise objectionable to neighbors or to allow obscene displays visible from outside the property
170 owned or under control of that person, nor to interfere with the use by others of their property or the property held by the people in
171 common. The right to expression of opinion shall not give license for libel or public obscenity.

172 The right to petition for redress of grievances shall not be restricted or financially obstructed in any way in this county, but the
173 right to petition shall not be construed to authorize the blockage of public right-of-ways or entry points of private or public buildings.

174 Each person has the right to defend one's life or property against assault by others, and no restrictions shall be made or enforced in
175 this county regarding the ownership of weapons of any kind by any person for that purpose, but the right to defend life and property does
176 not excuse the use of excessive force, as defined by juries on a case by case basis.

177 Life or property shall be taken from its owner only as a penalty for crimes committed or breach of contract, and only upon
178 conviction by a jury of one's peers. No property shall be condemned for public use in this county except by jury verdict and at a value
179 determined by that jury. No property shall be otherwise condemned in this county. Restrictions on the use of one's property shall be
180 limited solely by actual damages to the life and property of others proven to the satisfaction of a jury of one's peers, and no judicial order
181 against the owner's use of property shall be enforced more than 30 days unless confirmed by a jury.

182 Except to stop crimes in progress, no elected official or other public servant shall enter any private property for any reason
183 whatsoever, unless with the consent of its owner or lawful resident or with a warrant issued by a court of competent jurisdiction. All other
184 entry of private property shall be deemed criminal trespass in this county.

185 Any unanimous association of adjacent neighbors within this county shall be recognized as a local body politic, and their elected
186 officers may be empowered by the compact of that association to mediate in matters of that neighborhood's concern and to levy taxes and
187 spend moneys on its behalf for maintenance and improvements.

188 The Board shall not place its residents under control of governing bodies not elected by those residents.

189 The primary rights and responsibilities of natural or adoptive parents for the instruction and upbringing of their children are hereby
190 recognized. Laws to the contrary shall not be enforced in this jurisdiction.

191 The right to harm oneself is recognized without qualification, whether by suicide, failure to use safeguards such as seat belts and
192 helmets, or the use of addictive or toxic substances, but the right to harm oneself shall not be construed to allow harm to those under one's
193 care or to those who are bystanders, whether by accident or design.

194 **ARTICLE XIII -- Definition of Terms**

195 As used herein, the meaning of these terms shall be as follows:

196 (1) Public input shall mean that each person signing up in advance to address the question at hand shall be accorded at least one
197 opportunity to speak to the Board and those in attendance according to a time limit set in advance by a vote of the Board, and if the public
198 meeting is adjourned for the lateness of the hour, it shall be reconvened at the next possible opportunity to allow those remaining from
199 that first meeting who wish to speak to do so before the question is decided by the Board. Public input shall furthermore mean that, when
200 all questions at hand have been spoken to and decided by the Board, any person in attendance may address the Board on any issue of
201 personal concern as new business until the Board shall unanimously vote to adjourn.

202 (2) Adequate notice shall mean notice posted in a conspicuous location near the entrance of the Courthouse and all other county
203 buildings open to the public, on the county's website, and published in a newspaper of general circulation in this county at least four
204 weekdays in advance of said meetings, listing all questions to be discussed or decided.

205 (3) Times and locations of public meetings calculated to allow the greatest participation shall mean on weekdays not earlier than 6
206 PM and not consecutively the same day two weeks in a row, with the locations of those meetings not consecutively held in the same
207 commissioner district. Meetings of governing bodies other than of the Board may be held at times and locations determined most
208 appropriate by the Board.

209 (4) A time of declared public emergency shall mean that there is an immediate threat to life, health, or property that may be
210 averted only with an immediate act of the Board, with the members of the Board present having unanimously voted to declare a public
211 emergency, thus excusing the lack of immediate public input and lack of adequate notice of the question to be considered. Such
212 declaration of public emergency shall detail the immediate threat perceived by the Board.

213 (5) Weekdays shall mean Monday, Tuesday, Wednesday, Thursday, and Friday, legal holidays excepted, and leap years shall mean
214 years equally divided by the number four.

215 (6) Public servant(s) shall mean any person(s) on the payroll of the county government or any person(s) serving in a committee,
216 commission, or other body whose decisions or actions affect private property or individual choice.

217 (7) Private property shall mean any property not held in trust by government for the people in common, and property held by the
218 government of this county shall be referred to as property held for the people in common.

219 (8) Neighbor shall mean the owner or lawful resident on a piece of property either adjacent or across a public right-of-way.

220 (9) Tax shall mean and be the exclusive term used for money collected from individuals and non-governmental organizations for
221 the funding of any activities specifically authorized by this charter. Permit shall mean an authorization to proceed with activities otherwise
222 not allowed by the Legislature or a vote of the people of this county. Charges for permits shall be referred to as permit charges rather than
223 fees. Fee shall mean and be the exclusive term used for a sum of money collected for any service provided by this county that is not
224 forced on the recipient, and fees for these services may exceed the actual cost of providing the service.

225 (10) Performance audit shall mean an examination of all programs, functions, operations, and management systems and procedures
226 of this county to assess whether the entity is achieving economy, efficiency and effectiveness in the employment of available resources
227 toward the mission statement of this county. A qualified and disinterested party not based in this county must conduct the examination.

228 **ARTICLE XIV -- Special & Transitional Provisions**

229 Those elected county officials existing previous to the adoption of this charter, but not herein provided for, shall continue to serve
230 for the un expired balance of their terms. Elected-at-large Commissioners currently serving shall be assigned to represent the districts in
231 which they reside. The Clerk shall draw, within 28 days of the certification of this charter's adoption, the initial boundaries of the seven
232 commissioner districts subject to the stipulations of this Article and Article IV, paragraph 2, and the initial boundary and number of each
233 district shall take into account the expirations of term specified in Article IV.

234 The Clerk shall conduct a series of special elections on the first election dates available under O.R.S. 203.085. There shall be a
235 special primary election, to be followed by a special secondary election, and in turn followed by a special general election, if needed.
236 These special elections will be conducted to fill all new county offices created by this charter revision for the balance of the terms of
237 office as specified herein. Candidates may file for these offices the first business day following the drawing of the district boundaries.
238 This series of elections shall be conducted in the same manner as laid out for the regular primary, secondary, and general elections in
239 Article VI. Those elected shall be sworn into office the first business day following the election date by thirty-five days.

240 Every ordinance in force at the time of the adoption of this charter shall expire twelve months after its adoption unless otherwise
241 earlier revoked or readopted under the authority of this charter. Twelve months following adoption of this charter the annual salary and
242 benefits per elected county official, excluding the Sheriff and Judicial officers, shall be reduced to thirty thousand dollars, pending
243 adoption of a future budget. Budgets containing salary and benefits in excess of this figure will require unanimous approval of the
244 members of the Board voting, unless referred to the voters of this county and receiving their approval.

245 Any contracts entered into under the authority of O.R.S. and the Constitution of the State of Oregon or the provisions of any
246 previous charter of this county prior to the date circulation of the initiative petitions for the adoption of this charter was authorized shall
247 continue in force. Contracts otherwise entered into that violate the authority granted by the voters of this county to the government of this
248 county are hereby declared, and shall be, null and void.

249 The conversion of any currently used descriptive words in regards to taxes, fees, and other charges to conform to the glossary of
250 this charter shall implemented immediately. The limitation on the use of property taxes for maintenance and administration spelled out in
251 Article IX, paragraph 1, sentence 2, shall not take effect, unless or until an alternative tax (whether on sales or business income) shall be
252 adopted by the voters to fund county government. The limitation on the computation of permit charges spelled out in Article IX,
253 paragraph 3, sentence 2, shall go into effect twelve months after the adoption of this charter. If any ballot shall contain both a business
254 income tax and sales tax, and both be approved, only the one receiving the most votes shall be implemented.