

HOME RULE CHARTER FOR MARION COUNTY, OREGON

The citizens of Marion County adopt this Charter to provide for the exercise of authority over matters of county concern to the fullest extent permissible under the constitution and laws of the United States of America and the State of Oregon.

SECTION 1. Name, Nature, Boundaries and County Seat.

- A. NAME. The name of the County as it operates under this Charter shall continue to be Marion County.
- B. NATURE AND LEGAL CAPACITY. Upon this Charter taking effect, and at all times thereafter, Marion County shall continue to be:
 - (i.) An agency of the State of Oregon; and,
 - (ii.) A body politic and corporate.
- C. BOUNDARIES. The boundaries of Marion County as it operates under this Charter shall be the boundaries now or hereafter prescribed for Marion County by the laws of the State of Oregon.
- D. COUNTY SEAT. The seat of government for Marion County as it operates under this Charter shall continue to be in the City of Salem, Oregon.

SECTION 2. Powers.

- A. GENERAL GRANT OF POWER. Except as this Charter provides to the contrary, Marion County shall have authority over matters of county concern to the fullest extent granted or allowed by the laws of the United States of America and the State of Oregon, as if each power comprised in that general authority were specifically granted by this Charter.
- B. CONSTRUCTION OF POWERS. This Charter shall be liberally construed to the end that, within the limits imposed by this Charter and the laws of the United States of America and the State of Oregon, Marion County shall have all powers necessary and convenient for the conduct of its affairs, including all the powers that counties may assume under the statutes of the State of Oregon and the provisions of the Oregon Constitution concerning county home rule. The powers shall be construed to be continuing powers. In this Charter, the mention of a particular power or the enumeration of similar powers shall not be construed as exclusive or as restricting the authority that the County would have if the particular powers were not mentioned or the similar powers not enumerated.

SECTION 3. Governing Body.

- A. MEMBERSHIP. The governing body of and for Marion County shall be a board of five (5) county commissioners (the "Board of Commissioners" or the "Board").
- B. DISTRICTS. For the purpose of electing the county commissioners, five (5) districts shall be established and one (1) commissioner shall be elected from each district. The districts shall be identified as "District 1," "District 2," "District 3," "District 4" and "District 5." Districts shall be apportioned in such a manner so that they are generally equally-populated, with no district containing more than one hundred three percent (103%) of any other district. All districts shall be contiguous in land area and as compact as possible. The initial formation of the Districts is as follows:

"District 1" shall include the following precincts:
350,351,352,400,401,402,403,404,405,406,407,690,691.

"District 2" shall include the following precincts:
301,302,303,310,311,312,313,314,315,320,321,322,323,324,325,326,327,328,
332,333,334,335,360,361,362,370.

"District 3" shall include the following precincts:
330,331,340,341,342,343,344,345,346,371,372,373,374,705,715,725,
780,781,782,783,784,785,786,787,788,790,792.

"District 4" shall include the following precincts:

353,505,515,525,535,545,555,580,581,582,583,584,585,586,
587,588,589,590,615,625,635,680,681,791,815,825,835,845,855,865.

“District 5” shall include the following precincts:

304,316,329,336,354,355,356,363,645,655,665,682,683,684,685,686,687,688,
689,692,693,694,695,696,697,789,905,915,925,935,981,982.

- C. RESIDENCY. In addition to satisfying all other requirements of this Charter pertaining to eligibility and qualification for elective office, county commissioners must have established and maintained, for not less than one (1) year immediately prior to filing to be a candidate for election, his or her principal residence in the district associated with such candidacy.
- D. ORGANIZATION OF THE BOARD OF COMMISSIONERS.
- (i.) A majority of the Board shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members. No action of the Board shall be valid or binding unless adopted by an affirmative vote of at least three (3) of its members.
 - (ii.) The Board shall generally meet twice each month in regular session in a public place in Marion County. At least one of these meetings shall be convened after 5 p.m.
 - (iii.) The Board may hold special meetings upon the call of the Board’s Chair or a majority of its commissioners, provided notice is delivered to each commissioner not less than twenty-four (24) hours before the meeting.
 - (iv.) Emergency meetings and telephone meetings may be held as provided by the Oregon Open Meeting Law in effect at the time.
 - (v.) No commissioner present at a Board meeting shall abstain from voting without first disclosing the reason for the abstention.
 - (vi.) At its first regular meeting of each calendar year, one of Commissioners shall become Chair of the Commission and another Commissioner shall become Vice Chair of the Commission. The offices of Chair and Vice Chair of the Commission shall rotate among the Commissioners as follows:
 - a. Year 1 following adoption of this Charter District 1 Commissioner shall be Chair and District 2 Commissioner shall be Vice Chair;
 - b. Year 2 following adoption of this Charter District 2 Commissioner shall be Chair and District 3 Commissioner shall be Vice Chair;
 - c. Year 3 following adoption of this Charter District 3 Commissioner shall be Chair and District 4 Commissioner shall be Vice Chair;
 - d. Year 4 following adoption of this Charter District 4 Commissioner shall be Chair and District 5 Commissioner shall be Vice Chair;
 - e. Year 5 following adoption of this Charter District 5 Commissioner shall be Chair and District 1 Commissioner shall be Vice Chair; and
 - f. The rotation delineated above shall repeat in subsequent years.
- If the Commissioner designated to be Chair or Vice Chair is unable or unwilling to carry out his or her duties, then the Board may designate an interim Chair or Vice Chair until such time as the Chair or Vice Chair is able to resume his/her duties, but in no event shall the interim designee serve for longer than the unexpired term of the Chair or Vice Chair. The Vice Chair shall assume the duties of the Chair when Chair is absent.
- (vii.) The Chair’s duties shall include:

- a. Presiding over the Board's meeting;
 - b. Preserving order at the Board's meetings;
 - c. Enforcing the Board's rules;
 - d. Determining the order of the Board's business under the Board's rules and setting the agenda for any such meeting; and,
 - e. Calling special meetings and executive sessions of the Board as needed.
- (viii.) The Board Chair has the right and is entitled to discuss and vote upon all questions and issues presented to the Board.
- (ix.) The Board shall adopt a conflicts of interest policy which, at a minimum, must require disclosure, on the record and prior to any vote, of any potential conflict of interest and recusal from voting where an actual conflict of interest exists.
- E. **COMPENSATION FOR THE BOARD OF COMMISSIONERS.** The County Clerk for Marion County shall appoint a five-member compensation commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even-numbered year. This commission shall recommend salaries for the Board's members. The basis for the commission's recommendation shall be documented. No elected or appointed Marion County officer or employee shall serve on the commission. The Board is not obliged to accept the commission's recommendation and may adopt some or all of the commission's recommendation. In addition to salaried compensation, Board members shall be reimbursed for all actual and necessary expenses incurred when conducting County business.
- F. **PERSONNEL POLICY.** The Board shall establish by ordinance a personnel system for all County employees.
- G. **NONDISCRIMINATION.** The appointment and tenure of County personnel shall be in accordance with all state and federal laws pertaining to nondiscrimination.
- H. **CHARTER REVIEW.** The Board shall appoint and cause to be convened a Charter Review Committee for the purpose of comprehensively reviewing and recommending amendments to this Charter. The Charter Review Committee shall be comprised of not less than five (5) members, none of whom are State Senators or Representatives representing districts in Marion County or who are members of the Board. The Charter Review Committee shall be appointed on or before every 10-year anniversary of this Charter's adoption. If necessary, the Charter Review Committee shall adopt rules for the performance of its functions. The Charter Committee may use all appropriate methods of study including but not limited to public hearings and meetings, the taking of testimony, interviewing of witnesses and the use of outside experts and consultants. Not later than one hundred twenty (120) days before the next general election following the Charter Review Committee's appointment, the Charter Review Committee shall report to the voters of Marion County and the Board its findings, conclusions and recommendations including any amendments proposed to this Charter. All amendments recommended by the Charter Review Committee shall be submitted by referendum to Marion County voters at the next general election following the Charter Review Committee's appointment.
- I. **APPORTIONMENT OF DISTRICTS.**
- (i.) Not later than August 1 in the year of the official release of each federal decennial census for Marion County, the County Clerk shall determine the population distribution among the five (5) districts specified by this Charter. If the population of any district is more than one hundred three percent (103%) of the population of any other district, the County Clerk shall prepare by not later than August 10, an apportionment plan for modifying the boundaries of the districts so that the population of no district shall be more than one hundred three percent (103%) of the population of any other district. The County Clerk shall (a) cause the apportionment plan to be published in a newspaper of general circulation within the county and (b) convene at least one (1) public hearing for the purpose of obtaining citizen review and comment concerning the apportionment plan. Within ten (10) days after the public hearing, or the last public hearing if more than one is convened, the County Clerk shall submit an apportionment plan to the Board.

- (ii.) The Board shall, within forty-five (45) days after receiving the apportionment plan from the County Clerk, alter the boundaries of the districts to conform to the boundaries specified in the Clerk's apportionment plan provided the districts meet the criteria set forth in Sec. 3B above.
- (iii.) No boundary creation, position re-designation or boundary change shall disqualify a commissioner from completing the term of office to which that commissioner was elected or appointed.
- (iv.) The County Clerk and the Board shall make all reasonable efforts to cause any revisions to district boundaries to be effective at least six (6) months prior to the next general election.

SECTION 4. Ordinances.

- A. LEGISLATIVE ACTION. All legislative action by the county shall be by ordinance or resolution. This section does not preclude the Board from issuing orders or adopting administrative rules.
- B. ORDAINING CLAUSE. The ordaining clause for an ordinance of the county shall be "Marion County ordains as follows."
- C. ADOPTION.
 - (i.) Except as this Charter provides to the contrary with reference to emergency ordinances, before an ordinance is adopted it shall be read during regular meetings of the Board on two different days at least six days apart.
 - (ii.) The reading of an ordinance shall be full and distinct unless (a) a copy of it is available for each person at the meeting who desires a copy and (b) the Board directs that the reading be by title only.
 - (iii.) An ordinance to meet an emergency may be introduced, read once and passed at a single Board meeting by unanimous consent of all the Board members present. The ordinance shall specify the nature of the emergency and factual findings sufficient to demonstrate that delay in passing the ordinance will cause immediate harm to life, property or the environment, or that such emergency action will prevent further damage to life, property, or the environment. Ordinary business conditions or a rise or fall in market prices or other foreseeable business conditions shall not constitute an emergency.
- D. AUTHENTICATION. An ordinance adopted by the Board shall, within three (3) days of its adoption, be signed by the chair of the Board or the commissioner who presided at the meeting at which the ordinance was approved.
- E. TIME OF EFFECT.
 - (i.) A nonemergency ordinance shall take effect on the thirtieth (30th) day after it is signed by the chair of the Board 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 passage.
 - (ii.) An emergency ordinance may take effect immediately upon being signed by the chair of the Board, or at some other date specified in the ordinance.

SECTION 5. County Officers.

- A. QUALIFICATIONS. To be qualified to hold an elective office, a person must:
 - (i.) Have established and maintained, for not less than one (1) year immediately prior to filing for election, his or her principal residence in Marion County;
 - (ii.) Be a legal elector of Marion County; and,
 - (iii.) Not be employed by Marion County at the time of election or during the term of office.

- B. ELECTIVE OFFICERS. In addition to the county commissioners, a Sheriff, Clerk, and Assessor shall also be elected officers of Marion County. This charter shall not affect the selection, tenure, compensation, powers, or duties prescribed by law for the District Attorney.
- C. TERMS OF OFFICE; SUCCESSIVE TERMS; RUNNING FOR OFFICE IN MIDTERM.
- (i.) The term of office of a person elected to an elective county office shall:
- a. Begin the first day of the year immediately following his or her election to the office; and,
- b. Continue for four (4) years thereafter.
- (ii.) No elected officer may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of the date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.
- D. VACANCIES.
- (i.) An elective office shall become vacant upon the office holder's (a) death, (b) adjudicated incompetence, (c) conviction of a felony or other offense pertinent to his or her office or unlawful destruction of public records, or release of records or breach of confidentiality prejudicial to county administration, (d) resignation, (e) recall or (f) failure to maintain his or her personal residence in Marion County.
- (ii.) The office of county commissioner shall also become vacant if the commissioner is (a) absent from the county for thirty (30) consecutive days without the consent of a majority of the Board, (b) fails to attend all meetings of the Board during any 60-day consecutive period without the consent of a majority of the Board, or (c) fails to maintain his or her personal residence within the district associated with his or her election.
- (iii.) Upon the occurrence of a vacancy in an elective office, the Board shall by ordinance prescribe procedures for designating an interim occupant of the office if the vacancy is to be filled. The person so designated shall serve as acting chair, commissioner, sheriff, assessor or clerk, as the case may be, until the office is filled by election or appointment as hereinafter provided.
- E. FILLING VACANCIES. If a vacancy occurs in an elective office and the term of the elective office expires:
- (i.) One (1) year or longer after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the Board shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.
- (ii.) Less than one (1) year but ninety (90) or more days after the vacancy occurs, then the Board shall appoint a person to fill the vacancy for the remainder of the term of office.
- (iii.) Less than ninety (90) days after the vacancy occurs, the vacancy shall not be filled.

SECTION 6. County Clerk.

CHIEF RECORD-KEEPING AND ELECTIONS OFFICER. The County Clerk of Marion County shall be the Chief Record-keeper and Elections Officer and shall be an elected official residing within the County. The County Clerk shall devote full time to the duties of the office during the County Clerk's tenure. The County Clerk shall be elected on a county-wide basis, not by district.

- A. DUTIES AND RESPONSIBILITIES. The County Clerk of Marion County shall be responsible for:
- (i.) Keeping and maintaining the records of the County governing body;

- (ii.) Recording all files and records of deeds and mortgages and other interests and title to the real property of the County;
- (iii.) Conducting the County's elections; and,
- (iv.) Other duties and responsibilities as may become necessary or as directed by the Board.

B. ELIGIBILITY. A candidate for County Clerk, in addition to possessing the qualifications hereinabove specified as necessary for holding elective office in Marion County, shall be a minimum of twenty-five (25) years of age.

SECTION 7. County Sheriff.

CHIEF LAW ENFORCEMENT OFFICER. The Sheriff of Marion County shall be the Chief Law Enforcement Officer and shall be an elected official residing within the County. The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure. The Sheriff shall be elected on a county-wide basis, not by district.

A. DUTIES AND RESPONSIBILITIES. The Sheriff of Marion County shall be responsible for:

- (i.) The enforcement of State law and County ordinances, except as determined otherwise by the Board;
- (ii.) The handling of criminal and civil processes as prescribed by State law and County ordinance;
- (iii.) Administration of the County jails;
- (iv.) The employment or termination of deputies and other personnel of the department in conformance with the County's Personnel Policies; and,
- (v.) Establishing a basic standard of law enforcement within the County.
- (vi.) Other duties and responsibilities as may become necessary or as directed by the Board.

B. ELIGIBILITY. A candidate for Sheriff, in addition to possessing the qualifications hereinabove specified as necessary for holding elective office in Marion County, shall:

- (i.) Possess the minimum standards required of a Sheriff under the laws of the State of Oregon;
- (ii.) Be a minimum of twenty-five (25) years of age; and,
- (iii.) Possess or obtain not later than one year after taking office, an Intermediate Police Certification from the Oregon Department of Public Safety Standards and Training. A copy of the certification shall be filed with the County Clerk. The Board shall declare the office of Sheriff vacant if the person serving as Sheriff does not have an Intermediate Police Certification within one (1) year after taking office.

C. VACANCY. In the event of a vacancy in the office of Sheriff, the next most senior ranking officer shall serve as interim Sheriff until the hereinabove provisions for filling a vacancy in an elective office are implemented as prescribed in Section 5(E) hereinabove.

SECTION 8. County Assessor.

CHIEF PROPERTY ASSESSMENT AND TAX COLLECTION OFFICER. The County Assessor of Marion County shall be the Chief Property Assessment and Tax Collection Officer and shall be an elected official residing within the County. The Assessor shall devote full time to the duties of the office during the Assessor's tenure. The Assessor shall be elected on a county-wide basis, not by district.

A. DUTIES AND RESPONSIBILITIES. The Assessor of Marion County shall be responsible for:

- (i.) Keeping and maintaining the property tax records of the County;

- (ii.) Assessing the value of real property in the County;
- (iii.) Collecting property tax in the County; and,
- (iv.) Other duties and responsibilities as may become necessary or as directed by the Board.

B. ELIGIBILITY. A candidate for Assessor, in addition to possessing the qualifications hereinabove specified as necessary for holding elective office in Marion County, shall be a minimum of twenty-five (25) years of age.

SECTION 9. Elections.

- A. NONPARTISAN ELECTIVE OFFICES. All elective offices shall be nonpartisan. Ballots, petitions or declarations of candidacy shall not refer to any political party or to the political party affiliation of a candidate.
- B. ELECTION PROCESS. Interested persons shall submit their names for inclusion as a candidate in accordance with the timing and procedures established by the County Clerk. The names of all candidates shall appear on the primary election ballot. If a candidate receives a majority of the votes cast for a position at the primary election, the candidate shall be elected to the position. If no candidate for a position at a primary election receives a majority of the votes cast for the position, the two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.
- C. TIE-VOTE. In the event of a tie vote for candidates for an elective office of the county, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Board.
- D. INITIATIVE AND REFERENDUM. The manner of exercising the initiative and referendum with reference to a County proposition shall be in the manner prescribed by the constitution and laws of the State of Oregon, unless prohibited by County ordinance passed prior to the instigation of the initiative or referendum, and another manner of exercising the initiative or referendum process has been established by ordinance prior to the instigation of the initiative or referendum.
- E. RECALL. An elective officer of the county may be recalled in the manner and with the effect prescribed by the constitution and laws of the State of Oregon.
- F. CHARTER AMENDMENT AND REPEAL. This Charter may be amended, revised or repealed by the voters of the County at either a biennial primary or general election or a special election called by the Board.
 - (i.) A completed initiative petition to submit a Charter amendment, revision or repeal to the voters shall be filed with the County Clerk at least ninety (90) days before the election at which the measure is to come before the voters.
 - (ii.) The number of signatures of registered voters required on a petition to amend or revise this Charter shall be eight percent (8%) 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.
 - (iii.) The number of signatures of registered voters required on a petition to repeal this Charter shall be fifteen percent (15%) 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.
 - (iv.) An ordinance to refer a Charter amendment, revision or repeal to the voters shall be enacted at least sixty (60) days before the election at which the measure is to come before the voters.

SECTION 10. Administration.

- A. ADMINISTRATIVE DEPARTMENTS AND FUNCTIONS. For purposes of county services and the administration of county affairs, the Board may establish, alter and abolish administrative departments. The Board shall prescribe the functions of each administrative department of the county and may change

the functions of any of the departments from time to time.

B. APPOINTIVE OFFICERS.

- (i.) Appointive officers of the County are the County Chief Administrative Officer and the County Counsel, each of whom the Board shall appoint and may remove. If a vacancy occurs in any appointive office, or any appointive officer is unable to perform the office's duties, the Board may appoint an interim replacement officer who shall possess all the powers and duties of the office until the Board appoints a successor.
- (ii.) All appointive officers of the County shall be appointed by the Board based solely on his or her qualifications for the appointive office without regard to political affiliation. All appointive officers shall be responsible for carrying out county policies established by the Board.
- (iii.) All appointive officers shall be appointed for an indefinite term and serve at the pleasure of the Board.
- (iv.) Justices of the Peace shall continue to be appointed in accordance with current County ordinance and state law.

SECTION 11. General Provisions.

- A. EXPENSES AND CAPITAL BUDGETS. Budgets shall be made and approved in accordance with the local budget laws of the State of Oregon.
- B. AUDITS AND PUBLIC CONTRACTS. Audits shall be made and public contracts carried out and approved in accordance with the laws of the State of Oregon.
- C. SPECIAL SERVICE DISTRICTS. Special Service Districts shall be created and administered in accordance with the laws of the State of Oregon.
- D. IMPROVEMENTS. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, or, to the extent not so governed, by the applicable state laws.
- E. PROTESTS. A protest or complaint by the owners of two thirds (2/3) of the property to be specifically assessed for a proposed public improvement shall suspend action regarding the improvement for six (6) months. For the purpose of this section, "Owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the County Clerk, the said purchaser shall be deemed the Owner.
- F. SPECIAL ASSESSMENT. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

SECTION 12. Miscellaneous Provisions.

- A. EFFECTIVE DATE. This Charter shall become effective on the sixtieth (60th) day following adoption by Marion County voters.
- B. 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 this Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons or circumstances shall not be affected thereby.
- C. CONTINUITY AND TRANSITION.
 - (i.) There shall be no break in the existence or legal status of the County upon or in connection with this Charter's adoption and effect.
 - (ii.) All rights, claims, causes of action, contracts, and legal and administrative proceedings of the County that exist when this Charter takes effect continue unimpaired by this Charter after it takes

effect.

- (iii.) All County legislation, orders, rules and regulations that are in force when this Charter takes effect remain in force after that time, insofar as consistent with this Charter, without change until amended or repealed.
- (iv.) Elected County officials who are in office at the time this Charter takes effect may continue in office for the term to which each was elected.
- (v.) The County departments existing at the inception of this Charter shall continue until reorganized, unified, abolished or new departments are established.
- (vi.) The County Clerk shall certify the election within twenty (20) days of the election date and shall, within thirty (30) days after this Charter's adoption (a) apportion the districts required by this Charter based on the most recent federal decennial census for Marion County and (b) identify and report the districts to the Board. The Board shall establish a process for verifying the districts and shall adopt the districts by ordinance within thirty (30) days of receipt of the County Clerk's districting report. Districts shall be apportioned in such a manner so that they are generally equally-populated, with no district containing more than one hundred three percent (103%) of any other district. All districts shall be contiguous in land area and as compact as possible. Districts with no elected commissioner residing within their boundaries when established shall not be declared to be vacant. Any such vacancy shall be filled at the next county-wide election occurring more than forty (40) days after this Charter's adoption.
- (vii.) Commissioners shall be elected by plurality vote at the first general election held in November following the adoption of this Charter. Thereafter all elections shall be held in accordance with Sec. 9B hereinabove.
- (viii.) In the first year following the enactment of this charter, salaries and benefits paid to commissioners shall not exceed that of fiscal year 2009-2010. Any existing wage or union contracts shall not be impaired by this Charter's adoption. Thereafter, compensation for elected officials shall be determined by the Compensation Committee pursuant to Section 3(E) hereinabove. This Charter does not change the right of any union to negotiate for wages, benefits or other working conditions.
- (ix.) Notwithstanding Section 5 of this Charter, for purposes of the election of commissioners in the first election following the adoption of this Charter:
 - a. The commissioner whose term of office expires in 2013 shall be assigned to represent the district in which the commissioner resides on the effective date of this Charter.
 - b. If the commissioner whose term of office expires in 2013 is assigned to an odd-numbered district, then the first term of office of the even numbered districts shall be six years.
 - c. If the commissioner whose term of office expires in 2013 is assigned to an even numbered district, then the first term of office of the other even numbered district and District 5 shall be six years.
 - d. All subsequent elections shall have four year terms pursuant to Sec. 5c. above.