

**HOME RULE CHARTER
OF UMATILLA COUNTY, OREGON**

Section

- 1. Intergovernmental relations

Preamble

Article VII: Elections

***Article I: Name, Nature, Boundaries,
County Seat***

- 1. Charter amendment and repeal

- 1. Name
- 2. Nature and legal capacity
- 3. County seat

Article VIII: Transitional Provisions

- 1. Existing legislation continued
- 2. Effective date

Article II: Powers

- 1. General grant of powers
- 2. Construction of powers

PREAMBLE

We, the people of Umatilla County, Oregon, in order to avail ourselves of self-determination in county affairs to the fullest extent permissible under the constitution and laws of the state, by this charter confer upon the county the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structure:

Article III: Board of County Commissioners

- 1. Membership, election, and tenure
- 2. Duties and authority of Chair
- 3. Quorum
- 4. Meetings
- 5. Record of proceedings
- 6. Vote necessary for Board action
- 7. Ordinances
- 8. Recording, codification, printing

**ARTICLE I: NAME, NATURE,
BOUNDARIES, COUNTY SEAT**

Article IV: Administration

- 1. Administrative departments
- 2. Elective administrative officers
- 3. Appointive administrative officers and employees
- 4. Changes in administrative department

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

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

Article V: Personnel

- 1. Qualification
- 2. Vacancies in office
- 3. Filling of vacancies
- 4. Compensation

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

ARTICLE II: POWERS

Article VI: Intergovernmental Relations

Section 1. General Grant of Powers. Except as

this charter provides to the contrary, the county shall have authority over matters of county concern to the fullest extent granted or allowed by the law of the United States and of the State of Oregon, as fully as if each power comprised in that general authority were specifically granted by this charter.

Section 2. Construction of Powers. The charter shall be liberally construed, to the end that, within the limits imposed by the charter and by the law of the United States and of the state, the county shall have all powers necessary or convenient for the conduct of its affairs, including all powers that counties may assume under the statutes of the state and under the provisions of the state constitution concerning county home rule. The powers shall be construed to be continuing powers. In this charter no mention of a particular power or enumeration of similar powers shall be construed to be exclusive or to restrict the authority that the county would have if the particular power were not mentioned or the similar powers not enumerated.

ARTICLE III: BOARD OF COUNTY COMMISSIONERS

Section 1. Membership, Election, and Tenure.

(1) The Board of County Commissioners, hereinafter called "the Board," shall consist of three county commissioners.

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

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

(4) To be eligible to hold the position of county commissioner, a person must be a qualified elector at the time of election or appointment, according to the state constitution, and must have resided within the county for twelve months immediately preceding the election or appointment. No

appointive officer or county employee may serve on the board while employed by the county.

Section 2. Board Chair.

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

(2) The Chair shall:

- (a) Preside over the meetings of the Board;
- (b) Have a vote on all questions before it; and
- (c) Have authority to:
 - (i) Preserve order at Board meetings;
 - (ii) Enforce the rules of the Board; and
 - (iii) Determine the order of Board business under rules of the Board.

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

Section 4. Meetings.

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

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

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

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

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

Section 5. Record of Proceedings. The Board

shall cause a public record of its proceedings to be kept.

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

Section 7. Ordinances.

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

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

- (a) If a copy of the ordinance is provided for each member of the Board when the ordinance is introduced; and
- (b) If, throughout the business hours after the ordinance is introduced and before it is adopted, a copy of it is available for public inspection in the office of the Board.

An ordinance adopted after being read by title only may have no legal effect if any section incorporating a substantial change in the ordinance as introduced is not read fully and distinctly in regular meeting of the Board at least 13 days prior to the adoption of the ordinance.

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

- (a) The Board shall sign the ordinance; and
- (b) The person who serves as a Umatilla County Records Officer shall attest to the

adoption of the ordinance and indicate the date of its adoption.

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

- (a) If the Board adopts it in the exercise of the police power and for the purpose of meeting an emergency, it may take effect immediately upon being so adopted;
- (b) If it is a non-emergency ordinance not referred to the voters, it shall take effect on the 30th day after it is adopted; and
- (c) If it is adopted by the voters, it shall take effect immediately upon being so adopted.

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

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

ARTICLE IV: ADMINISTRATION

Section 1. Administrative Departments.

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

- (a) The Department of Law Enforcement, which shall have the functions of the sheriff, except the functions of the sheriff

regarding the collection of taxes;

Section 2. Elective Administrative Officers.

(1) The elective administrative officers of the county shall include, in addition to the county commissioners, the Sheriff.

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

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

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

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

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

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

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

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

Section 4. Changes in Administrative Department.

(1) Except as this charter provides to the contrary, the Board may:

- (a) Establish additional administrative departments;
- (b) Combine any two or more administrative departments into a single such department.
- (c) Separate departments so combined.
- (d) Abolish any administrative department; and
- (e) Prescribe the functions of any department.

(2) Any action:

- (a) To combine the Department of Law Enforcement with another administrative department of the county;
- (b) To abolish the department; or
- (c) To take from it any of its functions, may have no legal effect until approved either:
 - (i) By the head of the department; or
 - (ii) By the legal voters of the county at a regular or special election.

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

ARTICLE V: PERSONNEL

Section 1. Qualification.

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

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

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

- (1) The incumbent dies, resigns, or is removed;
- (2) The incumbent ceases to be an inhabitant of the County;
- (3) The incumbent is convicted of a felony, or other offense pertinent to the office, or unlawful destruction of public records;
- (4) The incumbent refuses or neglects to take the oath of office, or to file such oath of office with the Director of Records and Elections;
- (5) The election or the appointment of the incumbent is declared void by a competent tribunal;
- (6) The incumbent is found to be mentally incapable of performing the duties of the office by a competent tribunal.
- (7) The incumbent ceases to possess any other qualifications required for election or appointment to such office;
- (8) Upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the time for the term of office to begin; or
- (9) With reference to a county commissioner:

(a) Upon absence from the county for 30

days without the consent of the other two commissioners or absence from meetings of the Board of Commissioners for 60 days without like consent; and

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

Section 3. Filling of vacancies.

(1) If a vacancy occurs in an elective office of the County and:

- (a) The term of office expires two years or more after the vacancy occurs, then a person shall be elected to fill the vacancy for the remainder of the term of office. The special election shall be held on the first election day occurring at least ninety days following the vacancy. Election days shall be the last [sic second] Tuesday in March, the third Tuesday in May, the last Tuesday in June [sic], the third Tuesday in September, and the first Tuesday after the first Monday in November.

Except as otherwise provided, any person qualified pursuant to Section V.1 of this charter may be a candidate for the position. The Board of Commissioners shall prescribe by ordinance the procedures by which candidates may be nominated and elected. During the period between the occurrence of the vacancy and the election of a replacement, the office may be filled pro-tempore by the Board of Commissioners within thirty days of the occurrence of the vacancy. A person appointed as a pro-tempore County Commissioner must be a resident of the county.

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

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

(3) If two vacancies on the Board exist at the same time, the Governor of the State of Oregon shall fill one position, and the person appointed, along with the incumbent serving in office, shall fill the remaining vacancy. If vacancies exist at the same time in all the offices of the Board of Commissioners, the Governor of the State of Oregon shall fill two positions and the two persons appointed shall fill the third vacancy. The person or persons appointed by the Governor shall serve as provided by subsection (1) of this section.

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

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

(6) During:

- (a) The temporary disability of any elective officer; or
- (b) Absence from the county temporarily for any reason; the office may be filled pro-tempore by the Board.

Section 4. Compensation. The salary or wage of a county officer or employee shall be fixed by the Board, except that the salaries of the elected officials shall be fixed by the members of the budget committee. The Board shall appoint annually a separate independent Compensation Review Committee, acting in an advisory capacity to the budget committee. The Compensation Review Committee shall make an initial compensation review of the elected official compensation and make recommendations to the

budget committee of the amount of the salary for the elected officials

ARTICLE VI: INTERGOVERNMENTAL RELATIONS

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

- (1) For one or more functions of the county to be performed in cooperation with one or more units of local government in the county or one or more other counties or both;
- (2) For one or more functions of the county to be transferred to and performed by one or more units of local governments in the county; and
- (3) For the county to assume one or more functions of one or more units of local government in the county, provided any function thus assumed is a matter of county concern.

ARTICLE VII: ELECTIONS

Section 1. Charter Amendment and Repeal.

(1) This charter may be amended or repealed by the voters of the county at:

- (a) A regular election; or
- (b) A special election called by the Board.

(2) An initiative petition to submit a charter amendment or repeal to the voters shall be filed with the department of records and elections at least 90 days before the election at which the measure is to come before the voters.

(3) The number of signatures of registered voters required on a petition to amend this charter shall be 8 percent of the total number of voters of the county who voted for the position of Governor of the state in the last general election at which this office was filled for a four year term.

(4) The number of signatures of registered voters required on a petition to repeal this charter shall be 15 percent of the total number of voters of the county who voted for the position of Governor of the state in the last general election at which this office was filled for a four year term.

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

(5) Every four years, the Board of County Commissioners shall appoint a Charter Review Committee of not less than five citizen members whose purpose shall be to review the Home Rule Charter and its operation. If any amendments to the Charter are deemed necessary or prudent by the Committee, it shall recommend such amendments to the Board of County Commissioners.

Within sixty days the Board of Commissioners shall consider the recommendations of the Committee at a regular meeting. The Board may place all, or part, or none of the Committee's recommendations on the ballot pursuant to the requirements of this section.

ARTICLE VIII: TRANSITIONAL PROVISIONS

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

Section 2. Effective Date. This charter shall take effect on the first Tuesday after the first Monday in January 1993.

Amended May 17, 2005.