



CHARTER
FOR
JOSEPHINE COUNTY,
OREGON

Effective Date: January 5, 2025

Charter for Josephine County Oregon

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PREAMBLE

We the people of Josephine County, Oregon, in order to avail ourselves of self-determination in county affairs, to the fullest extent now or hereafter granted or allowed by the Constitutions and Laws of the United States and this State, by this Charter confer upon the County the following powers, subject to the following restrictions, and prescribe for it the following procedures and governmental structure.

CHAPTER I

PRELIMINARIES

- Section 1. **NAME.** The name of the county as it operates under this charter continues to be Josephine County.

- Section 2. **NATURE AND LEGAL CAPACITY.** Under this charter the county shall continue to be a Body Politic.

- Section 3. **BOUNDARIES.** Under this charter the boundaries of the county are its boundaries as prescribed by state law at the time this charter takes effect or as modified in accordance with state law after that time.

- Section 4. **COUNTY SEAT.** The county seat of the county government continues to be in the City of Grants Pass.

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CHAPTER II

Section 5. GENERAL GRANT OF POWERS

POWER OF COUNTY GOVERNING BODY OR ELECTORS OVER MATTERS OF COUNTY CONCERN:

- (1) Subject to subsection (3) of this section, the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority according to state law.
- (2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state.
- (3) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power.

Section 6. CONSTRUCTION OF POWERS.

This Charter shall be liberally construed, to the end that, within the limits imposed by the Charter or the Constitution or laws of the United States and of this state, the county has all powers necessary or convenient for the conduct of its affairs, including all powers that counties may now or hereafter assume under the home rule provisions of the Constitution and laws of this state. The powers are continuing powers, and 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 7. WHERE POWERS VESTED.

Except as this Charter provides to the contrary and subject to the initiative and referendum powers residing in the people/electors of the county,

- (1) the legislative power of the county is vested in, and is exercisable only by the Board of County Commissioners, and
- (2) all other powers of the county not vested by this Charter elsewhere are vested in the Board of County Commissioners or the people/electors and are exercisable only by it or by persons acting under its authority.

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CHAPTER III

BOARD OF COUNTY COMMISSIONERS

Section 8. BOARD OF COUNTY COMMISSIONERS

- (1) The governing body of the county is the Board of three County Commissioners, who shall be nominated and elected at-large for a four-year term.
- (2) In addition to any other qualifications for office established by this charter, the following shall be qualifications for the office of County Commissioner:
 - (a) Any candidate for the office of Commissioner must be and remain a resident of the County for a period of at least twenty-four (24) months prior to filing for the election in which such person is a candidate; and
 - (b) If elected, such person, while holding office as a Commissioner, shall always remain a resident of the County; and
 - (c) No person holding office as a commissioner may hold another lucrative or nonlucrative publicly elected office.

Section 9. TERMS OF OFFICE

Except commissioners appointed to vacancies on the Board of County Commissioners, the term of office of a county commissioner begins on the second Monday in January after the commissioner is elected to the office and continues for four years or until the succeeding commissioner qualifies for the office.

Section 10. BOARD CHAIR.

At its first regular meeting following the second Monday in January each year, the Board of County Commissioners shall designate one of its members Board Chair and one of its members Vice Chair for the year. If two members of the Board cannot agree on the designation of a Chair, the member of the Board who has served on the Board for the longest continuous period of time shall act as Chair. The Chair shall:

- (1) preside over the Board meetings,
- (2) preserve order at the meetings,
- (3) enforce the rules of the Board, and
- (4) have whatever additional functions the Board prescribes via ordinance and consistent with this charter.

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The Vice Chair shall preside over the meetings of the Board in the absence of the Chair and shall have such other powers and duties as may be prescribed by Board rules.

Section 11. QUORUM.

A majority of the Board constitutes a quorum for the transaction of business.

Section 12. MEETINGS.

By ordinance, the Board of County Commissioners shall prescribe rules governing its meetings, procedures, and members. All Board meetings shall be public and conducted in accordance with state law. Recorded minutes shall be kept of all proceedings of the Board in accordance with state law on public meetings and shall be posted on the County's electronic media. Voting shall be by roll call, including the Chair, and the ayes and nays shall be recorded in the minutes. The concurrence of at least two members of the Board is necessary to decide any question before the Board.

1. Regular Board Meetings:

Regular business meetings shall be held at least twice monthly. Notice is given 48 hours before a scheduled meeting stating the time, place, and tentative agenda with supporting documents as available. Notice is posted at the Commissioners' Office in a conspicuous place as well as on the County electronic media, and/or other news media.

2. Other Board Meetings:

May be held upon the call of any Commissioner. Notice is given 48 hours before a scheduled meeting stating the time, place, and tentative agenda with supporting documents. Notice is posted at the Commissioners' Office in a conspicuous place as well as on the County electronic media, and/or other news media.

3. Executive Sessions:

Notice of an executive session shall state the specific provision of law authorizing the executive session. Executive session means any meeting, or part of a meeting, of a governing body which is closed to certain people for deliberation on certain matters. Authorized members of the press may attend executive sessions but may not disclose specified information. Minutes of executive sessions may be limited to material the disclosure of which is consistent with state law.

4. Emergency Sessions:

Definition: The existence of a clear and present danger or threat to life or property of the people of Josephine County resulting from a disaster, either natural or man-made, including, but not limited to, earthquake, conflagration, flood, war, plague, pestilence, or riot; an occurrence that would be obvious as an emergency to any reasonable or prudent person.

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An emergency session of the Board may be held upon the call of any Commissioner, shall be open to the public, and allow for public comment. A meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 48 hours' notice.

Section 13. ORDINANCES.

- (1) An ordinance may embrace but one subject and matters properly connected therewith. The title of the ordinance shall express the subject.
- (2) The ordaining clause of an ordinance shall read:
 - (a) in case of adoption by the Board of County Commissioners alone, "The Board of County Commissioners of Josephine County ordains as follows:"
 - (b) in case of adoption or ratification by the voters of the county, "The People of Josephine County ordain as follows:"
- (3) Except as this section provides to the contrary, before an ordinance is adopted, it shall be read fully and distinctly in open meeting of the Board on two days at least 13-days apart. All readings of an ordinance shall be public hearings. If any changes are made during a reading, that reading will be continued to a date no less than 13 days following the reading.
- (4) Except as subsection (5) of this section allows to the contrary, an ordinance necessary to meet an emergency may, upon being read first in full and then by title, be adopted at a single meeting of the Board by unanimous vote of all its members present. This subsection shall not be used by the Board in adopting an ordinance that imposes or provides exemptions from a tax, assessment, or charge for the purpose of raising revenue. An emergency ordinance shall be deemed automatically repealed 120 days from the date of its enactment.
- (5) Any reading required by subsection (3) or (4) of this section shall be read in full, unless:
 - (a) the Board votes to read by title only; and
 - (b) not later than one week before the reading of the ordinance, a copy of it is provided each member, copies of it are available in the office of the Board of County Commissioners, notice of the availability is posted at the Commissioners' office in a conspicuous place as well as on the County electronic media and/or other news media.
- (6) An ordinance adopted after being read by title only may have no legal effect if any section incorporating a change in the ordinance as introduced is not read fully in open meeting of the Board prior to the adoption of the

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ordinance.

- (7) Within three days after the Board adopts an Ordinance, the person who presides and the person who serves as recording secretary at the meeting at which the ordinance is adopted shall sign the ordinance and indicate its date of adoption.
- (8) An ordinance adopted in accordance with this section, if not an emergency ordinance, shall take effect on the 90th day after the date of its adoption, unless it prescribes a later effective date or is referred to the voters of the county. If an ordinance is referred to the voters, it shall take effect only upon the approval of a majority of those voting on the proposed ordinance. An emergency ordinance may take effect immediately upon the date of its adoption.
- (9) Any ordinance adopted by the Board imposing, increasing, or providing an exemption from, taxation shall receive the approval of the voters of the county before taking effect.

CHAPTER IV

FINANCE

Section 14. LOCAL BUDGET LAW.

Budgets shall be made and approved in accordance with the local budget law of the state.

Section 14.1 COUNTY DEBT LIMITATION.

- (1) Except as provided in ORS, after the governing body has enacted the ordinances or resolutions necessary to adopt the budget as required under this section, an expenditure, or encumbrance if encumbrance accounting is used, of public money may not be made for any purpose in an amount greater than the amount appropriated.
- (2) Josephine County is hereby authorized to be a debtor that is eligible to petition for debt relief before a court of competent jurisdiction. In the event such a petition is filed, the current County Commissioners shall resign within 90 days.

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Section 15. OPERATING BUDGET AND CAPITAL PROGRAM PROJECTION.

The Board of County Commissioners shall be responsible for the preparation and presentation of a five-year projection of the operating budget and capital program to accompany the proposed annual budget in its presentation to the county budget committee. This projection and the proposed budget shall be presented in a form which compares them to such projections made in the five years preceding the year of submission. The projection shall be considered as informational and not binding upon the future action of the Board.

CHAPTER V

ADMINISTRATION

Section 16. ADMINISTRATIVE RESPONSIBILITY.

The Board of County Commissioners is responsible to the people of the county for the proper administration of the affairs of the county. The Board itself may carry on and may delegate administrative functions consistent with this charter. The delegation of administrative functions that create a new office or function shall be by ordinance.

Section 16.1 ADMINISTRATIVE STRUCTURE.

The structure of the administrative branch of the county government shall be prescribed consistently with this charter by the Board of County Commissioners or pursuant to its authority. Consistent with the provisions of this charter, the Board may establish, reorganize, unify, and abolish administrative departments and prescribe their functions and the functions of offices and positions within the departments.

Section 16.2 COMPENSATION.

The compensation and job-related expenses of personnel in the service of the county shall be fixed annually by the budget process as required by state law.

Section 16.3. PERSONNEL ADMINISTRATION.

The Board shall provide for the establishment and administration of a system of personnel administration for the county.

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Section 17. ADMINISTRATIVE PERSONNEL.

The Board of County Commissioners may appoint administrative and advisory personnel of the county to offices and positions established by the Board or pursuant to its authority.

Section 17.1 REVIEW OF COUNTY DEPARTMENT HEADS.

To guarantee the electors of Josephine County that the election of a County Commissioner or the selection thereof by other constitutional or charter provision, shall reflect the wishes of the electorate to the maximum possible degree, the Board shall retain the absolute authority to determine County government policy, procedure, and direction within the constitutional and statutory framework of the State of Oregon. This shall include the absolute right of review, determination and appointment, and approval and dismissal of department heads and exempt personnel as defined herein.

DEFINITIONS:

BOARD: The Josephine County Board of Commissioners.

EXEMPT PERSONNEL:

Those persons, including department heads, appointed by the Board to a specific management position, or a supervisory position, and whose salary and related benefits are determined by that Board and/or other body selected or appointed by that Board for the determination of proposed salary or benefit packages under the authority provided by the Oregon Constitution, applicable Oregon Statutes, and this charter.

The personnel included in this definition are exempt from clauses of the state or national constitution or applicable state or national legislation regulating compensation negotiations between public sector employers and employees, and either are not, or cannot be, directly represented by union organizations or union contract controlling such negotiations.

DEPARTMENT:

A department of County government established under state constitutional mandate, statutory mandate, County charter mandate, or when applicable, at the discretion of the Board, to meet the requirements for effective operation of County government as determined by that Board or the prescribed mandates.

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DEPARTMENT HEAD:

Any exempt personnel selected and appointed by the Board to act as the head of a specifically defined department of County government.

APPOINTMENT OF DEPARTMENT HEADS

Department heads are selected after a process of public announcement of such job openings, including a review of all applicants. The final choice in filling such a position (or in the case of review of existing exempt personnel, to determine whether to retain or dismiss the personnel involved) shall be decided by a majority vote of the Board and is subject to the authority and control, including the power of dismissal, of the Board. In the case of review of existing exempt personnel, the Board shall determine the appropriate action to be taken by majority vote.

REVIEW OF DEPARTMENT HEADS

As prescribed in the Oregon Constitution, pertinent Oregon Statutes, and the provisions of this charter, the Board shall retain the absolute and irrevocable right of review, dismissal, and/or replacement of all exempt personnel and department heads.

The Board shall retain the authority to establish any changes deemed necessary to carry out the mandate of the electors of the County.

No contract or other legal agreement shall be established between any branch of elected County government, or any elected official, the Board, or any other agent or agency of the Board or County government, and any exempt personnel or department head, if that contract or legal agreement could impede or abrogate, in any way, the authority granted and secured to this Board. Such action could interfere with the authority conferred by the people on this Board and interfere with the influence of the electorate in the establishment of direction within the County governmental process.

No administrative order, policy, or other action by the Board or any agent, agency, or employee thereof, or any elected official of this County, shall be made or established, that interferes in any way with the intent of this amendment.

Section 18. ELECTIVE ADMINISTRATIVE OFFICERS.

- (1) The elective officers of the county are the Sheriff, the Assessor, the Treasurer, the Clerk, and the County Legal Counsel.
- (2) Unless expressly provided herein to the contrary, the regular term for all elected officers is four years.
- (3) All elective officers including commissioners shall be partisan in filing for office.

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- (4) Nomination and election of candidates for elective offices shall be in the prescribed manner as prescribed by the laws of the State of Oregon.

CHAPTER VI

PERSONNEL

Section 19. QUALIFICATIONS.

- (1) An elective officer of the county:
 - (a) shall be a legal voter of the county and
 - (b) shall have resided in the county at least 24 months prior to filling to run for elected office.
- (2) In addition to the foregoing qualifications, the Sheriff, Assessor, Treasurer, Clerk and County Legal Counsel shall have those qualifications as prescribed under this charter and state law.
- (3) Appointive personnel of the county shall have whatever qualifications the Board of County Commissioners prescribes or authorizes.

Section 20. NOMINATION AND ELECTION OF COUNTY OFFICERS.

Nomination of a candidate for an elective county office shall be as prescribed under state law. Candidates for elective office may petition for office. Petition shall be signed by fifty legal voters of the county and submitted to election officials at least seventy days before the election at which the office is to be filled. No person may sign more than one petition pertaining to a single office to be filled at a single election. The election of a candidate so nominated shall be in the manner prescribed by state law for electing candidates to county offices.

Section 21. RECALL.

An elective officer of the county may be recalled in the manner, and with the effect, now or hereafter prescribed by the constitution and laws of the state.

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Section 22. VACANCIES IN OFFICE.

A county office shall be deemed vacant:

- (1) for any cause prescribed by state law for county offices, or
- (2) upon the failure of the person elected or appointed to the office to qualify therefore within ten days or as allowed by state law after the time for his/her term of office to begin, unless otherwise specified in state law.
- (3) Elected person permanently moves to a residence located outside Josephine County

The Board may prescribe additional causes for vacancies in appointive offices.

Section 23. FILLING OF VACANCIES.

- (1) Elective office: The Board shall publish notice of a vacancy to be filled by appointment at the Commissioner's Office in a conspicuous place as well as on the county electronic media, and/or other news media. This notice shall request qualified individuals to apply to serve until the person elected at the next general election takes office by filing an application with the Board of Commissioners. The Board shall appoint a qualified person to fill the vacancy from the applications received. The Board shall fill a vacancy within 30 days after the occurrence of the vacancy.

If the Board does not have a quorum because of vacancies on the Board, the power to appoint, to fill such vacancy, is thereby transferred to a Temporary Board composed of the other elective administrative officers.

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

CHAPTER VII

MISCELLANEOUS PROVISIONS

Section 24. INITIATIVE AND REFERENDUM.

The manner of exercising the initiative and referendum with reference to a county proposition, including an amendment, revision, or repeal of this charter, shall be the manner prescribed by the constitution and laws of the state for doing so.

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Section 25. ELECTIONS ON COUNTY PROPOSITIONS.

Except as this charter or county ordinance enacted pursuant to it provides to the contrary:

- (1) An election on a proposition concerning the county shall be conducted as prescribed by state law governing voting on such propositions; provided, however, that such an election may be held at a regular primary or general election, or a special election called by the Board. A special election may not be held sooner than 90 days after the filing of the initiative or referendum petition, or after the measure has been referred to the voters by the Board.
- (2) An initiative measure and a referendum may be proposed by the signatures of qualified county voters of a number equal to the following percentages of the total number of votes cast in the county for all candidates for Governor at the regular gubernatorial election next preceding the filing of the petition:
 - (a) Initiative petitions, six percent.
 - (b) Referendum petitions, four percent.
- (3) An initiative petition shall include the full text of the proposed measure, which may embrace one subject only and matters properly connected therewith.
- (4) An initiative petition must be filed with the County Clerk not less than 90 days before any primary or general election at which the proposed measure it to be voted upon.
- (5) A referendum petition upon an ordinance may not be filed more than 90-days after enactment of the ordinance.
- (6) An initiative measure takes effect on the date of its adoption. A referendum delays the effective date of an ordinance until the date of an election at which the ordinance is approved by the people.

Section 26. CHARTER AMENDMENT AND REPEAL.

- (1) In accordance with state law, an initiative measure to amend, revise or repeal this Charter shall be placed on the ballot at the next regular election date.
- (2) An initiative petition to submit a charter amendment or repeal to the voters must be filed with the County Clerk not less than 90-days before any primary or general election at which the proposed measure is to be voted upon.

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- (3) This charter shall be amended, revised, or repealed only through the use of the initiative process (as defined in Chapter VII of this Charter) and no county ordinance shall prescribe to the contrary.
- (4) The procedure for repeal of this charter by the initiative is as prescribed by this charter or by the authority of this charter for the initiative and referendum, except that the number of signatures required on a petition to repeal this charter is equal to at least 8 percent of the total number of votes cast in the county for all candidates for Governor at the regular gubernatorial election next preceding the filing of the initiative.

Section 27. PROHIBITION OF INCOME TAX.

Josephine County shall not establish an income tax; both personal and business income taxes would be disallowed.

Section 28. PROHIBITION OF SALES TAX.

Josephine County shall not establish a sales tax; sales tax within Josephine County would be disallowed.

Section 29. PROHIBITION OF RANK CHOICE VOTING.

Josephine County shall not participate in Rank Choice voting for any elected county official. Rank Choice voting would be disallowed.

Section 30. BODY AUTONOMY

The natural rights and authority that residents of Josephine County have over their bodies and those of their minor children shall not be violated by any governmental body or entity acting on behalf of the government.

Section 31. PARENTAL RIGHTS

1. To protect the minor children's health and well-being, parents or guardians have the natural right, if they so choose, to refuse immunizations for their minor children, if they feel immunizations contain harmful side effects or chemicals, or if it conflicts with their religious beliefs. Parents or guardians have the natural right to teach their children moral values of their choosing, religious values, education, whether they choose public, private, or home schooling, and disciplining.

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It shall not be misconstrued to protect felonious, or misdemeanor child abusers as defined by state law. The intent is to protect law abiding parents and guardians. Felonious or misdemeanor child abuse, as defined by state law, would still be a felony and a misdemeanor. If a parent is accused of, or sued for child abuse, their right to a jury trial shall not be denied.

Section 32. PROTECTED/GRANTED RIGHTS

Rights granted by the Constitutions and laws of the United States and of this state are matters of County Concern. These granted rights include but are not limited to free speech and freedom of conscience, the US Constitution's 2nd amendment to keep and bear arms, due process, search and seizure.

Section 33. ENFORCEMENT AND REMEDIES

Whereas the people of Oregon have framed, ratified, and adopted a constitution of the state government: which is republican in form, and in conformity with the Constitution of the United States and have applied for admission into the Union on an equal footing with other states; therefore -- (Oregon Admission act of Congress 1859).

Section 1: No elected or appointed officials of Josephine County shall pass any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of the U.S. Constitution or this Charter.

Section 2: No changes or abridgments of any of the provisions of this Charter shall be made by any entity acting within Josephine County or upon individuals within Josephine County without a 2/3rds majority vote of the voters of Josephine County in acceptance.

Section 4: No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violations of any of the provisions of this Charter. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter. Civil claims arising from this Charter shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

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CHAPTER VIII

TRANSITIONAL PROVISIONS

Section 34. CONTINUITY.

- (1) The taking effect of this charter causes no break in the existence or legal status of the county.
- (2) All rights, claims, causes of action, contracts and legal administrative proceedings of the county that exist just before the charter takes effect continue unimpaired by the charter after it takes effect.
- (3) All county legislation, orders, rules, and regulations that are in force just before this charter takes full effect remain in force after that time, insofar as consistent with the charter, without change until amended or repealed.
- (4) A County Commissioner who is in office when this charter or any amendment of this charter takes effect may continue in office for the term for which they are elected or appointed.
- (5) The Sheriff, Assessor, Treasurer, County Clerk, County Legal Counsel and Surveyor in office when this charter takes effect may each continue in office for the term for which then elected.

Section. 35. SEVERABILITY

If any provision of this Charter, including its amendments, is or becomes illegal, invalid, or unenforceable, that shall not affect the legality, validity, or enforceability of any other provision of this Charter.

Section 36. CONFLICTS IN LANGUAGE

If any provisions of this Charter conflicts with other provisions of the Charter, that provision most recently approved by the voters shall prevail.

Section 37. EFFECTIVE DATE.

This charter shall take effect 30 days after approval of Josephine County voters.