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**HOME RULE CHARTER
FOR THE GOVERNMENT OF KLAMATH COUNTY**

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**HOME RULE CHARTER
FOR THE GOVERNMENT OF KLAMATH COUNTY**

PREAMBLE

We, the people of Klamath County, Oregon, in recognition of the dual role of the county as an agency of the state and as a unit of local government, and 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 the State of Oregon, 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.

CHAPTER I. PRELIMINARIES

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

Section 2. NATURE AND LEGAL CAPACITY. From the time that this charter takes effect, the county shall continue to be an agency of the State and a body politic and corporate.

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

Section 4. COUNTY SEAT. The county seat of the county shall continue to be in the city of Klamath Falls.

Section 5. FORM OF GOVERNMENT. The governmental structure of the county consists of

- (a) a Board of three commissioners, who
 - (1) constitute the legislative and principal policy-making agency of the countyand
 - (2) oversee the administration of the affairs of the county;
- (b) the office of county administrator, who
 - (1) is appointed by the Board of County Commissioners (the Board) to organize and direct the administration of the affairs of the county and
 - (2) is responsible to the Board for that administration;

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- (c) whatever other county administrative and advisory offices and agencies and whatever administrative positions are continued or established by or under this charter.

CHAPTER II. POWERS

Section 6. 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 now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each power comprised in that authority were specified in this charter.

Section 7. CONSTRUCTION OF POWERS. In this charter no mention of a specific power is exclusive or restricts the authority that the county would have if the specific power were not mentioned. The charter shall be liberally construed, to the end that, within the limits imposed by this charter, the constitution or laws of the United States or the State of Oregon, the county have 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 Oregon. The powers are continuing powers.

Section 8. VESTING OF POWERS. Except as this charter or the initiative and referendum provision of the constitution and laws of the state of Oregon prescribe to the contrary,

- (a) the legislative power of the county is vested in, and is exercisable only by, the Board of County Commissioners, and
- (b) all other powers of the county are vested in the Board of County Commissioners and are exercisable only by it or by persons acting under its authority.

CHAPTER III. LEGISLATION AND BASIC POLICY MAKING

Section 9. BOARD OF COUNTY COMMISSIONERS. The governing body of the county is the Board of three county commissioners, who shall be nominated and elected on a non-partisan basis from the county at large.

Section 10. TERMS OF OFFICE. Except for commissioners appointed to fill vacancies on the Board, the term of office of a county commissioner begins the first January 1 after the commissioner is elected to the office and continues for four years and until the succeeding commissioner qualifies for the office.

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Section 11. BOARD CHAIR. At its first regular meeting each year, the Board shall designate one of its members as Board chair and one as vice-chair for the year. The Board chair shall preside over Board meetings, preserve order at the meetings, enforce the rules of the Board and have whatever additional functions the Board prescribes consistent with this charter. The vice-chair shall perform the duties of the chair in the chair's absence.

Section 12. BOARD MEETINGS AND PROCEDURES

- (a) By general ordinance, the Board shall prescribe rules governing its meetings, procedures, and members.
- (b) Regular meeting of the Board shall be held weekly in the county at times and places designated by the rules of the Board.
- (c) Special meetings, emergency sessions and executive sessions may be held upon the call of the chair or of two commissioners. Notices of such meetings shall be as provided in the rules of the Board. Notice of a special meeting shall be given to the commissioners and the general public at least twenty-four hours prior to the commencement of such meeting. Emergency sessions may be held only in cases of an actual emergency and the notice thereof shall be appropriate to the circumstances. Notice of an executive session shall state the specific provision of law authorizing the executive session.
- (d) An agenda of all action to be considered at regular and special meetings shall be posted in a conspicuous place in the Government Center or its successor location at least twenty-four hours immediately preceding regular meetings and six hours preceding special meetings. Copies of all notices and agenda and of ordinances, orders and resolutions to be considered thereunder shall be available at the Government Center or its successor location to interested persons throughout the time that said notices and agenda are required to be posted. The Board may take action on an item not on the agenda if the Board members present concur that an emergency requires action.
- (e) All Board meeting shall be public, except as state law provides to the contrary.
- (f) Written minutes shall be kept of all proceedings of the Board in accordance with state law on public meetings.
- (g) Voting shall be by roll call, including the chair, and the ayes and nays shall be recorded in the minutes. Except as this charter provides to the contrary, the concurrence of two members of the Board shall be necessary to decide any question before the Board.
- (h) A majority of the Board constitutes a quorum for the transaction of Board business.

Section 13. COMPENSATION AND COMMISSION EXPENSES

- (a) As of May 1, 2015, the salary for each county commissioner shall be set at \$2,000 per month. The annual maximum adjustment to the commissioners' salary shall be set by the public members of the Klamath County budget committee and shall not exceed six percent per year.

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- (b) The county shall continue to reimburse county commissioners for all actual and necessary expenses incurred on county business while outside the county.
- (c) As of May 1, 2015, the county shall begin to reimburse county commissioners for actual and necessary expenses incurred while travelling to and from their residence to the County Government Center or its successor location.
- (d) As of May 1, 2015, county commissioners shall be eligible for health care benefits and no other benefits.
- (e) As of May 1, 2015, county commissioners shall not be eligible for any pension benefits.

Section 14. ORDINANCES

- (a) An ordinance may embrace but one subject and matters properly connected therewith. The title of the ordinance shall express the subject.
- (b) The ordaining clause of an ordinance adopted by the Board alone shall read: "The Board of County Commissioners of Klamath County, Oregon, ordains: ..." The enacting clause for an ordinance referred to or initiated by the people of the county shall read: "The People of Klamath County, Oregon, ordain: ..."
- (c) 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 thirteen days apart. The second reading of an ordinance shall be a public hearing.
- (d) Except as subsection (e) 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 member present. This subsection shall not be used by the Board in adopting an ordinance that provides exemptions from, or that imposes, a tax, assessment or charge for the purpose of raising revenue. An emergency ordinance shall be deemed automatically repealed 120 days from its enactment.
- (e) Any reading by section (c) or (d) of this section may be by title only:
 - (1) if no commissioner present requests that the ordinance be read in full; or
 - (2) if, not later than one week before the first reading of the ordinance, a copy of it is provided to each member, copies of it are available in the office of the Board, and notice of the availability is given by written notice posted at the Government Center or its successor location.
- (f) 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 open meeting of the Board prior to the adoption of the ordinance.
- (g) Upon adoption of the ordinance by the Board, the chair of the Board and the person who serves as recording secretary of the Board at the session at which the Board approves the ordinance shall sign the ordinance and indicate the date of its adoption.

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- (h) An ordinance adopted in accordance with this section, if not an emergency ordinance, shall take effect on the sixtieth 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.
- (i) An ordinance adopted by the Board and imposing, or providing an exemption from, taxation shall receive the approval of the voters of the County before taking effect.

CHAPTER IV. ADMINISTRATION

Section 15. ADMINISTRATIVE RESPONSIBILITIES. The Board is responsible to the people of the county for the proper administration of county affairs, but administration is the function

- (a) of the county administrator, who is responsible to the Board for the proper exercise of that function and for carrying out the policies of the Board and
- (b) of the other administrative personnel of the county, who are responsible to the county administrator for proper conduct of their administrative activities;
- (c) and of elected officials (Sheriff, Surveyor, Treasurer, Assessor and Clerk) as to the administration of their departments.

Section 16. COUNTY ADMINISTRATOR.

- (a) The Board shall appoint a county administrator to serve at the pleasure of the Board.
- (b) The county administrator is the head of the administrative branch of the county government and is responsible to the Board for proper administration of the affairs of the county and for carrying out the policies of the Board.
- (c) The county administrator shall have prior education or experience in public or business administration. The Board shall select the county administrator on the basis of his or her qualifications, but the position of county administrator shall be exempt from the merit system.
- (d) The county administrator need not be a resident of the county at the time of appointment, but shall become a resident within no more than 60 days after accepting the appointment.
- (e) The county administrator shall:
 - (1) Attend all Board meetings except when excused by the Board, and participate in the Board's deliberations, but not vote on matters before the Board.
 - (2) Submit an annual report on the affairs of the county and otherwise keep the Board informed about the affairs and needs of the county;

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- (3) Be responsible for the appointment, transfer and termination of all county department heads and other administrative personnel, except elected officials, and have general supervision over them;
 - (4) See that county ordinances are enforced and that the terms of all county franchises, leases, contracts permits and licenses are observed.
 - (5) Prepare the annual budget estimates to submit to the county budget committee, including the county administrator's recommendations as to proposed expenditures and the revenue necessary to balance the budget;
 - (6) Have charge of all county purchases and custody and management of all county property and facilities except as to those properties under the custody and management of elected county officials (Sheriff, Surveyor, Treasurer, Assessor and Clerk); and
 - (7) Perform such other duties and exercise such other responsibilities as may be necessary and appropriate to the county administrator's function as the head of county administration.
- (f) In case of the county administrator's absence from the county, temporary disability to act as manager, discharge by the Board, or resignation, the Board shall appoint a county administrator pro tem. The county administrator pro tem possesses the powers and duties of the county administrator. No county administrator pro tem, however, may appoint, transfer or remove county personnel without the consent of the Board.
- (g) Any county commissioner may request and shall be entitled to receive from the county administrator information regarding any matter of county administration, and the Board may in open session discuss with or suggest to the county administrator anything pertinent to the administration of the affairs of the county, except that all matters that are permitted to be held in executive session under Oregon law may be discussed with the county administrator in executive session.
- (h) No county commissioner may influence or attempt to influence the county administrator in the making of a specific appointment or removal of any person in the service of the county or in the making of any purchase, or attempt to obtain from any candidate for county administrator a promise regarding an appointment or removal of any person in the service of the county, or discuss with the county administrator a specific appointment or removal of any such person. Neither the county administrator nor any person in the employ of the county may contribute or solicit funds to support the nomination or election of any candidate for elective county office.

Section 17. ELECTIVE ADMINISTRATIVE OFFICERS. The elective administrative officers of the county shall include, in addition to the county commissioners, the treasurer, sheriff, assessor, clerk and surveyor. These officers shall continue to execute administrative control over their offices and personnel. In the conduct and operation of their duties and office, the

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elected officials shall work within the county's annual budget as adopted or supplemented. Their terms of office shall be four years.

Section 18. OTHER ADMINISTRATIVE PERSONNEL. Except as provided above, other administrative personnel of the county shall be appointed by the county administrator to offices and positions established by the Board or by the county administrator with the Board's consent. Each such appointee is responsible to the county administrator for proper discharge of that appointee's functions.

Section 19. ADMINISTRATIVE STRUCTURE. The structure of the administrative branch of the county government shall be prescribed, consistent with this charter, by the county administrator with the consent of the Board. With the consent of the Board, and except as to elected county officials, the county administrator may establish, reorganize, unify, and abolish administrative departments and prescribe their functions and the function of offices and positions within the departments.

CHAPTER V. PERSONNEL

Section 20. QUALIFICATIONS. An elective officer of the county

- (a) shall be a legal voter of the state and
- (b) shall have resided in the county six months immediately before assuming office.

Section 21. NOMINATION AND ELECTION. Except as this charter may provide to the contrary, the manner of nominating and electing candidates for elective county offices shall be the manner prescribed by state law.

Section 22. VACANCIES IN OFFICE.

- (a) A county office becomes vacant
 - (1) for any cause prescribed by state law for county offices or
 - (2) on account of absence of its incumbent from the county or from the duties of the office for 60 consecutive days without the consent of the Board.
- (b) The Board may prescribe additional causes of vacancies in appointive offices.
- (c) A vacancy in an elective county office shall be filled in the manner prescribed by state law.

Section 23. 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 law of the state.

Section 24. NONDISCRIMINATION. The appointment and tenure of county personnel shall be in accordance with all state and federal laws pertaining to nondiscrimination.

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Section 25. COMPENSATION. The compensation of personnel in the service of the county shall be fixed by the Board, except that the salary paid to the county commissioners shall be fixed annually by the public members of the budget committee, subject to Sections 13 and 32 of this charter.

CHAPTER VI: MISCELLANEOUS PROVISIONS

Section 26. INITIATIVE, REFERENDUM AND CHARTER AMENDMENTS. Except as county ordinance prescribes to the contrary, 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.

SECTION 27. REPEALER CLAUSE. All rules, regulations, orders, contracts and legal or administrative proceedings shall continue except as modified by this charter and in each case shall be continued by the appropriate county department.

SECTION 28. SEVERABILITY. If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

SECTION 29. CHARTER REVIEW. The Board shall appoint a charter review committee to review the charter at least every ten years hereafter or more often as deemed necessary by the Board.

CHAPTER VII: TRANSITIONAL PROVISIONS

SECTION 30. EFFECTIVE DATE. After its approval by Klamath County voters, this charter shall become effective July 1, 2014.

SECTION 31. CONTINUITY. The taking effect of this charter causes no break in the existence or legal status of the county. All rights, claims, causes of action, contracts and legal and administrative proceedings of the county that exist just before the charter takes effect continue unimpaired by the charter after it takes effect. Each shall then be in the charge of the office or agency designated by the charter or by its authority to have charge of it. All county legislation, order, 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. The elected and appointed county officials in office at the time this

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charter is adopted, other than the County Commissioners, shall continue in office and perform their present powers and duties at existing salaries until changed by the Board.

SECTION 32. COMMISSIONER SALARIES DURING FIRST TEN MONTHS OF CHARTER. Commissioners' previously-established salaries shall remain in effect for ten months after this charter becomes effective. On May 1, 2015, commissioners' salaries will be set at \$2,000 per month, plus health care benefits. As of May 1, 2015, commissioners shall not be entitled to any pension benefits.

SECTION 33. HIRING A COUNTY ADMINISTRATOR. With all due speed and immediately upon this charter becoming effective, the Board shall begin to conduct a compensation study to determine a competitive salary range for a well-qualified county administrator. With all due speed, they will then conduct a national search, hire and put in place a county administrator. The process of hiring and putting in place a county administrator will be complete no later than May 1, 2015.

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