

“VOICE OF THE VOTERS”

COOS COUNTY

HOME RULE CHARTER

2014

YOUR VOICE YOUR CHOICE YOUR CHARTER

Designed completely with the voter in mind...

Reins in reckless spending.

Empowers citizens at meetings, and elections.

Gives citizens back their place at the political table.

Mandates votes on Urban Renewal Areas and Enterprise Zones.

Seats power clearly with five elected commissioners.

Prohibits an unelected county manager.

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Americans for Responsive, Responsible, Representative Government

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SECTION	INDEX CONTENTS	PAGE
1	Name, Nature, Boundaries, County Seat, Form of Government	1
2	County Authority and Powers	2
3	Board of Commissioners: Qualifications, Terms of Office, Involuntary Vacancies, Responsibilities, Quorum, Meetings, Delegation of Authority, Administrative Structure	3
4	Public Meetings Generally	7
5	Election Provisions: Non-Partisan, Oath of Office, Term of Office, Vacancies	10
6	County Officers	11
7	Administration: Open to Public, Service Fees, Land Use Planning, Website, Document Format	15
8	Ordinances, Resolutions, Orders, Initiative, Referendum, Recall	17
9	Ethics: Potential and Actual Conflicts of Interest, Nepotism	20
10	Finance: Budgets, Capital Programs, Bonded Indebtedness, Grants, Audits, Tax Exemptions, Economic Development, Procurement	21
11	Urban Renewal	23
12	Enterprise Zones, Local Improvement Districts, Special Assessments	25
13	Public Contracting Requirements	26
14	Public Resource Protection	28
15	Disclosure of Legal Settlements, Judgments, and Costs	30
16	County Preventative Maintenance Program	31
17	Travel Expense Regulations	33
18	Veterans	34
19	Private Property Rights	34
20	Land Use	35
21	Health Care Freedom	36
22	Predator Control	36
23	Public Records / Public Records Request	36
24	Compensation Board and Compensation	37
25	Enforcement of Charter	38
26	Miscellaneous Provisions	39
27	Transition Provisions	40

11

2014 HOME RULE CHARTER FOR COOS COUNTY, OREGON

PREAMBLE

The people of Coos County adopt this Charter to assume local control over matters of County concern to the fullest extent permissible under the Constitution, Bill of Rights, and laws of the United States of America and of the State of Oregon. The purpose of this Charter is to create a local government that is responsive to, responsible to, and representative of the people of Coos County by promoting transparency and active voter participation.

SECTION 1

NAME, NATURE, BOUNDARIES, COUNTY SEAT

1.1. NAME. The name of the County as it operates under this Charter shall continue to be Coos County.

1.2. NATURE AND LEGAL CAPACITY. From the time that this Charter takes effect the County shall continue to be an agency of the State of Oregon and a body politic and corporate.

1.3. BOUNDARIES. The boundaries of Coos County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the State of Oregon. However, the boundaries of Coos County shall never be changed or modified without approval of a majority of County voters.

1.4. COUNTY SEAT. The seat of government of the County as it operates under this Charter shall continue to be in the city of Coquille, which is centrally located in the County of Coos. County offices shall be located in Coquille, with the exception of the Health Department(s). Outposts such as for the Sheriff, Roads, and Parks departments may be established based on practical need.

1.5. FORM OF GOVERNMENT. The governmental structure of the County consists of:

- A. A five-member Board of Commissioners elected at large (i.e. – elected by a majority of County voters participating in the election), which constitutes the legislative and policy-making agency of the County and oversees the administration of County affairs in accordance with this Charter and other applicable law.
- B. A County Assessor, Clerk, Director of Human Resources, District Attorney, Sheriff, Surveyor, and Treasurer, elected at large, each of whom shall have the

powers and duties presently prescribed, or as may hereafter be prescribed for them under State law and this Charter. This Charter shall not affect the tenure, compensation, powers, or duties prescribed by state law for the District Attorney and the Surveyor.

- C. The County administrative and advisory offices and agencies existing prior to the adoption of this Charter, or established under this Charter, shall continue insofar as is consistent with this Charter.

SECTION 2

COUNTY AUTHORITY AND POWERS

2.1. GENERAL GRANT OF POWERS. Except as this Charter provides to the contrary, Coos County shall have authority over matters of County concern to the fullest extent granted or allowed by the Constitutions and laws of the United States of America and the State of Oregon, as if each power comprised in those authorities was specifically granted by this Charter. Coos County accords to its citizens all of the rights, privileges, protections, duties, and immunities as set forth in the U.S. Constitution and its Bill of Rights, and the Oregon Constitution.

2.2. 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 of the State of Oregon, Coos County shall have all powers necessary and convenient for conducting 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. However, in interpreting this Charter, particular powers, procedures and requirements that are mentioned are intended to be exclusive and to restrict the authority the County would have if the particular power, procedure, requirement, or other item specifically provided for were not mentioned or enumerated, except as the context requires otherwise.

2.3. WHERE LEGISLATIVE POWER VESTED. The legislative power of Coos County is vested in the Board of County Commissioners, except for the initiative, referendum, and recall powers reserved to the people of Coos County under the Constitution and laws of the State of Oregon and this Charter. These legislative powers shall not be transferred or delegated, except to the extent this Charter permits.

2.4. WHERE ADMINISTRATIVE POWER VESTED. The administrative power of Coos County shall be vested in the Board of County Commissioners, except as this Charter provides otherwise. These administrative powers shall not be transferred or delegated, except to the extent this Charter permits.

SECTION 3

BOARD OF COUNTY COMMISSIONERS

3.1. BOARD OF COMMISSIONERS. The governing body of and for Coos County shall be a board of five (5) commissioners (the "Board of Commissioners" or "Board") elected at large. Persons serving on the Board of Commissioners shall jointly hold responsibility for the Office of County Commissioner.

3.2. NON-PARTISAN OFFICE. The Board of Commissioners shall be non-partisan. Ballots, petitions, or declarations of candidacy shall not refer to any political party or to the political party affiliation of the candidate.

3.3. QUALIFICATIONS. No person shall be eligible to serve as a County Commissioner unless:

- A. The person is a U.S. Citizen and has been for the previous five years.
- B. The person is a legal and registered voter of the State of Oregon and of Coos County.
- C. The person has obtained twenty-eight (28) years of age on or before the date the person is sworn into the Office of Commissioner.
- D. The person has been a continuously domiciled inhabitant within the geographical boundaries of Coos County during the two-years immediately preceding the date the person is sworn into the Office of County Commissioner and throughout their term of office.
- E. The person has obtained a high-school diploma or passed a high school equivalency test recognized by the State of Oregon.
- F. The person has not been convicted of a crime constituting a felony within ten years of taking office nor convicted of a felony during the term of office.
- G. The person swears the Oath of Office set forth in this Charter.

3.4. TERM OF OFFICE. Except Commissioners elected or appointed to fill midterm vacancies on the Board of Commissioners, the term of office begins January 2nd of the year immediately following his or her election to the Office of Commissioner and shall continue for four (4) years thereafter. Commissioners elected or appointed to fill midterm vacancies in office shall complete the remainder of the term the Commissioner was elected or appointed to fill.

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3.5. TERM LIMIT. No person shall hold the Office of County Commissioner more than two (2) consecutive four (4) year terms. A commissioner who is elected or appointed to fill a vacancy may only serve one (1) additional four (4) year term that is consecutive to the expiration of the vacant term the commissioner was elected to fill. A person who is term limited under this section may again hold the Office of County Commissioner after sitting out an election cycle.

3.6 LIMITATION ON SEEKING OTHER OFFICE DURING TERM. No person serving on the Board of Commissioners shall be a candidate for another office or position in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of the date of the filing. "Midterm" does not include the final year of an elected official's term. Filing for another office or position in the last year of an elective term shall not constitute a resignation.

3.7. ELECTION OF COMMISSIONERS. Interested parties shall file as candidates for the Office of County Commissioner with the County Clerk in accordance with state requirements. Insofar as state law permits, candidates may file for office and place statements in the voters' pamphlet by collecting signatures instead of paying a filing fee. The process for electing Commissioners shall be consistent with the following:

- A. As the position is non-partisan, Coos County shall not hold a nominating or primary election for the Office of County Commissioner.
- B. The ballot for the November election shall contain the names of all duly filed candidates for the Office of County Commissioner. Voters shall be entitled to vote for a number of candidates that is equal to the number of vacancies to be filled at the election. The candidates with the greatest number of votes shall be elected to the extent of available vacancies. Tie votes shall be resolved through the drawing of lots.

3.8. INVOLUNTARY LOSS OF POSITION/VACANCIES. In addition to the general vacancy provisions applicable to County officers elsewhere provided in this Charter, the Office of County Commissioner shall become vacant if a commissioner: (a) is absent from their commissioner duties for thirty-five (35) consecutive days, (b) is absent from a total of four (4) regularly scheduled Board meetings during any five (5) month period, (c) fails to maintain his or her primary personal permanent residence within Coos County for more than 30-days, (d) is removed from office as a penalty for violating this Charter, (e) is judged in judicial proceeding(s) to have committed three or more violations of this Charter, or (f) is convicted of a felony or otherwise does not maintain the qualifications for office. Vacancies on the Board of Commissioners shall be filled as provided in §5.7 of this Charter.

3.9. FULL-TIME RESPONSIBILITY OF COMMISSIONERS. A person holding the Office of County Commissioner shall dedicate full time to the office.

All commissioners are elected as equals and shall have equal standing and equal responsibility, and shall be jointly and severally responsible for overseeing management and administration of the County.

Each member of the Board shall be responsible for reading and becoming informed on matters requiring Board decisions and signing.

3.10. BOARD CHAIRMAN. At its first regular meeting to occur after January 1st of 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. The Board Chair shall: (a) preside over Board meetings, (b) preserve order at the meetings, (c) enforce the rules of the Board, (d) coordinate the Board's administrative duties, (e) provide all Board members with a schedule of standard yearly deadlines to comply with State regulations, (f) enforce this Charter, and (g) have whatever additional functions, powers, and duties the Board prescribes consistently with this Charter. The Vice-Chair shall preside over meetings of the Board in the absence of the Chair. The Board Chair and the Vice-Chair shall have the same voting rights as other members of the Board.

3.11 QUORUM REQUIREMENT. MANNER OF VOTING. Four (4) members of the Board of Commissioners shall constitute a quorum for its business. A minimum of three (3) commissioners may meet and require the attendance of absent members for a meeting of the Board. No action of the Board shall be valid or binding unless adopted by an affirmative vote of at least four (4) members at a regularly scheduled Board of Commissioners meeting.

All votes of the Board shall be conducted by roll call and the ayes and nays recorded in the minutes. No member shall abstain from voting upon any matter without stating for the record the reason for the abstention. Each commissioner shall be required to concisely state the reason for the commissioner's vote immediately before it is cast.

3.12. BOARD RULES. The Board of County Commissioners shall adopt rules to govern its members and meetings, consistent with this Charter, and with the Constitution, Bill of Rights, and the laws of the United States and of the State of Oregon. The rules shall be made available to the public and shall be published on the County website.

3.13. REQUIRED REGULAR MEETINGS. The Board shall hold a minimum of two regular meetings per month. All regular meetings shall be at least seven (7) days apart. Regular meetings shall be held at the County Seat, standardly convening at 9:30am on the same day of the week. The Board shall not vote at a meeting other than a regularly scheduled Board of Commissioners meeting.

3.14. EXECUTIVE SESSIONS. The Board shall conduct duly noticed executive sessions within the boundaries of the County seat.

3.15. ADDITIONAL MEETINGS. In addition to regular meetings and executive sessions, the Board of Commissioners shall conduct work sessions on issues of County concern, which shall be open to the public.

The Board of Commissioners shall also conduct informational meetings as necessary for the purpose of providing information to the public, or gathering information from the public. The Board shall schedule additional meetings at dates, times, and locations designed to maximize attendance.

3.16. EMERGENCY MEETINGS. The Board may convene and conduct emergency public meetings as per §26.7 "Emergency Contracting Powers", and §26.8 "General Emergency Powers".

3.17.A. COMMISSIONER ATTENDANCE AT PUBLIC MEETINGS. A commissioner shall not be entitled to vote at a regularly scheduled Board of Commissioners meeting unless the commissioner is physically present or appears at the meeting via real time video conferencing technology and is reasonably audible to the public in attendance and provides a close-up view of the commissioner on a screen that is reasonably visible to members of the public in attendance. A commissioner attending a public meeting via real time video conferencing technology must declare the full physical address of the location from which they are appearing. A commissioner who is not physically present at a public meeting or appearing at a public meeting via real time video conferencing technology in accordance with this section shall be deemed absent and shall not be entitled to vote or otherwise participate in a public meeting in their official capacity as commissioner. Telephonic contact without visual is expressly prohibited except when meetings are held pursuant to §26.7 and §26.8.

3.17.B. COMMISSIONER ON MEDICATION. A commissioner who, for health reasons, is on medication known to physicians to cause interference with normal decision-making shall provide, for the record, a written statement from their physician that they are competent to fulfill their voting authority at the meeting.

3.18. LIMITATION ON DELEGATION OF AUTHORITY. The people of Coos County desire for Coos County to be managed and administered by elected officials who are directly accountable to voters. Therefore, the Board of County Commissioners shall be responsible for administering, managing, and overseeing Coos County government and shall not delegate the Board of Commissioners' responsibility for overseeing the various departments and/or finances, eminent domain, quasi-judicial authority, rules, or laws of County government, or authority, or the citizens to a manager, administrator, or any person, committee, organization, or other government agencies.

This section is specifically intended to prohibit a County manager or County administrator form of government and shall be liberally construed toward that end. This section is not intended to prohibit the hiring of employees who have management responsibilities within individual departments, so long as these employees report directly to the Board of Commissioners.

3.19. ADMINISTRATIVE PERSONNEL. The Board of Commissioners may appoint administrative personnel to offices and positions established by the Board consistent with this Charter and ordinances adopted pursuant thereto.

3.20. ADVISORY COMMITTEES. The Board may appoint volunteer advisory committees. These committees shall consist of a broad and diverse spectrum of County citizens. Applicants shall be interviewed, selected, and announced at open public meetings. Advisory committees shall at all times be only advisory and shall not be delegated decision-making authority, but rather, authority to make recommendations. All advisory committee meetings are public meetings and subject to open meeting requirements of state law and this Charter.

3.21. ADMINISTRATIVE STRUCTURE. The structure of the administrative branch of the County government shall be prescribed consistent with this Charter by the Board of Commissioners. 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 departments.

SECTION 4

PUBLIC MEETINGS GENERALLY

4.1. The Board rules shall ensure that:

- A. All public meetings begin with the "Pledge of Allegiance."
- B. Citizen Comments: The Chair asks for questions or comments from the public. Each Coos County member of the public shall be allowed a minimum of three minutes to provide questions and/or comments on subjects of their choice. The Board, by majority vote, may allow additional time. Citizens shall not be required to sign-in as a condition of speaking, but must orally identify themselves before providing comments to facilitate the preparation of the meeting minutes.
- C. The Board may extend speaking privileges to out-of-County participants using the above guidelines.

- D. The Chair asks for questions or comments from the County public prior to the taking of any vote at a regularly scheduled Board meeting. Three minutes minimum will be allowed each member of the public.
- E. Questions from the public about any item on the Consent Calendar must be heard before the Consent Calendar is voted upon and there shall be an opportunity for the Chair to remove items from the Consent Calendar before the Consent Calendar is voted upon.
- F. All Board correspondence, orders, ordinances, resolutions, and other documents attached to agenda items shall include dates, page numbers, the total number of pages, and include signatures and typed or printed names.
- G. There shall be time set aside for citizen comments at the beginning and end of every public meeting to include both agenda and non-agenda items.
- H. The commissioners shall use the organizations they belong to, plus our state and federal officials, to ascertain information and report to the public in a timely manner current and proposed actions that likely will affect Coos County and/or its citizens.

4.2. NOTICE REQUIREMENTS. To provide citizens with sufficient information to assume control over matters of County concern to the fullest extent possible, the Board of Commissioners shall, in addition to ORS 174.104 and ORS 192.640, and sections of this Charter, provide public meeting notices as follows:

- A. Except as this Charter otherwise provides, all public meetings shall be noticed a minimum of 48 hours previous to meetings convening and preferably 72 hours before convening. "Public Meetings" shall include but not be limited to regular meetings, additional meetings, emergency meetings, committee meetings, and workshops.
- B. Notice of all public meetings shall be conspicuously posted in the Court House.
- C. Notice of all public meetings shall be posted, and archived, on the County website.
- D. Notice of public meetings shall be posted in the public announcement section of the newspapers of record when reasonably appropriate or otherwise required by law.

4.3. AGENDA REQUIREMENTS. The following requirements apply to regularly scheduled Board meetings:

- A. Any commissioner, elected officer, or department head may submit topics for the agenda. All supporting documents shall be included. Agenda items must be submitted directly to the Board's Administrative Assistant prior to Noon, at least five business days before the meeting. The Administrative Assistant will follow protocol in arranging the scheduling of the agenda.
- B. Members of the public, businesses, government agencies, etc. may submit a written request to the entire Board asking to be included on an agenda. Such request will include details of why the request is being made, its pertinence to the County, supporting information, and an estimate of time needed to present. Any member of the Board can accommodate this request, and forward the information to the Administrative Assistant. The time limit for the Board to respond is four weeks.
- C. An agenda of all actions to be considered at public meetings shall be posted in a conspicuous place in the County Courthouse, and on the Coos County website, at least 72 hours immediately preceding the public meeting. In the case of emergency meetings, only 24-hour posting, if possible, shall be required. All agendas, including all revised agendas, shall be stamped with the date and time the items are actually posted to the agenda.
- D. Items on the agenda will be spelled out sufficiently to identify their true subject.
- E. Copies of all notices, the agenda, and ordinances, orders, resolutions, contracts, and all other actions to be considered at Board of Commissioners meeting shall be available on the County website and at the Courthouse free of charge to interested persons throughout the time they are required to be posted. They shall thereafter be archived on the Coos County website.
- F. Contracts will always be initially presented directly to the Board. The Board may then direct them to County Counsel, the Human Resource Director, the Treasurer, or others for review as the Board determines.
- G. A body holding a public meeting may not consider an item that is not on the posted agenda unless a quorum of the body determines, through a majority public vote, that a time restriction requires the addition of the late item to the agenda.

4.4. MINUTES. Written and electronic minutes are required for all public meetings. Electronic minutes will include the entire meeting. The written minutes shall identify all persons speaking at the meeting and reasonably summarize the comments of each speaker and the events and discussion that occurred at the meeting. The written minutes of each public meeting shall be approved at the next meeting of the body to occur not sooner than fifteen-days. Upon approval, the minutes of public meetings shall be made available to

the public for review at the Board office, and published and archived on the Coos County website.

SECTION 5

ELECTION PROVISIONS

- 5.1. NONPARTISAN OFFICES.** The elective officers of the County shall be nonpartisan.
- 5.2. NOMINATING ELECTION.** Coos County shall not hold a nominating primary election for nonpartisan offices.
- 5.3. QUALIFICATIONS.** To be qualified to hold elective office, a person must meet the requirements set forth in this Charter and any other requirements imposed by law.
- 5.4. OATH OF OFFICE.** All elected and appointed officers of the County shall, before assuming the duties of their respective offices take and subscribe the following oath or affirmation.

I do solemnly swear that I will faithfully support the Constitution of the United States including its Bill of Rights, the Constitution of the State of Oregon, and the Home Rule Charter of Coos County, and that I will faithfully discharge the duties of my (insert appropriate office) according to the best of my ability.

A judge of the Circuit Court of Coos County or other person designated by the Board of Commissioners and State law willing to assume the task may administer the oath required by this section.

- 5.5. TERM OF OFFICE.** The term of office of a person elected to an elective County office shall begin January 2nd of the year following his or her election to the office and continue for four years thereafter. Persons elected or appointed to fill midterm vacancies in office shall complete the remainder of the term the person was elected or appointed to fill. These officers shall fulfill all requirements and qualifications of the position as stated in this Charter.

- 5.6. VACANCIES.** In addition to vacancies created as elsewhere provided in this Charter, 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, (d) resignation, (e) recall, (f) failure to maintain the qualifications of the office, or (g) absence from your position in excess of 35 consecutive days.

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 until the office is filled by election or appointment as provided in this Charter.

In the event of a vacancy in the office of Sheriff, the next most senior ranking officer shall serve as interim Sheriff until the provisions for filling a vacancy in elective office are implemented as prescribed in this Charter and/or state law.

5.7. FILLING VACANCIES. If a vacancy occurs in an elective office and the term of the elective office expires:

- A. 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. The candidate receiving the highest number of votes cast will be deemed elected to fill the balance of the expired term.
- B. 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 in office.
- C. Less than ninety (90) days after the vacancy occurs, the vacancy shall not be filled. However, if vacancies render the Board of Commissioners unable to form a quorum, a majority of the remaining Board shall temporarily appoint a sufficient number of elected County officers to the Board to constitute a quorum until an election is held. The temporary appointment to the Board shall not prevent the County officer from serving out the term of office for the County officer position for which they were elected. In the above event, an election to fill the commissioner vacancies shall be conducted within 90-days following the creation of the vacancies, if possible.

5.8. VOTERS' PAMPHLET. Coos County shall, within 45 days of certification of this Charter, implement ORS 251.285 and allow County measures and associated arguments to appear in the State Voters' Pamphlet.

5.9. DISTRICT ATTORNEY AND SURVEYOR. Notwithstanding any other provision of this Charter, the District Attorney and Surveyor positions shall be filled pursuant to state law.

SECTION 6

COUNTY OFFICERS

6.1. GENERAL QUALIFICATION REQUIREMENTS. In addition to any other requirements imposed by this Charter or other applicable law, a person shall not be eligible to be a County Officer unless:

- A. The person is a U.S. Citizen and has been for the previous five years.

- B. The person is a legal and registered voter of the State of Oregon and of Coos County and is at least twenty-eight years of age as of the swearing-in date.
- C. The person has been a continuously domiciled inhabitant within the geographical boundaries of the Coos County during the two-years immediately preceding the date the person is sworn into the office and throughout their term of office.
- D. The person has obtained a high-school diploma or passed a high school equivalency test recognized by the State of Oregon.
- E. The person has not been convicted of a crime constituting a felony within ten years of taking office nor convicted of a felony during the term of office.
- F. The person swears the oath of office as set forth in this Charter.

6.2. COUNTY CLERK. The County Clerk of Coos County shall be the Chief Record-keeper and Elections officer and elected at large. The County Clerk shall dedicate full time to the office and shall be responsible for:

- A. Keeping and maintaining County records.
- B. Recording all files and records of deeds and mortgages and other interests and title to real property in the County.
- C. Conducting the County's elections.
- D. Other duties prescribed by state law or the Board of Commissioners.

6.3. COUNTY SHERIFF. The Sheriff of Coos County shall be the Chief Law Enforcement officer and elected at large. The Sheriff shall dedicate full time to the office. At the time of taking office and throughout the term thereof, the Sheriff must possess an Intermediate Police Certification from the Oregon Department of Public Safety Standards and Training or other successor agency. The Sheriff shall have a primary duty to protect and defend the Coos County citizens' rights and protections under the United States Constitution and the Bill of Rights, the Constitution and Bill of Rights of Oregon, and this Home Rule Charter. The Sheriff shall additionally be responsible for:

- A. The enforcement of County ordinances, except as determined otherwise by the Board.
- B. The handling of criminal and civil processes as prescribed by state law and County ordinances.

- C. The administration of the County jail.
- D. The employment or termination of deputies and other personnel of the Sheriff's department in conformance with the County's personnel policies.
- E. Ensuring that the Sheriff and staff standardly wear identifiable uniforms and present business cards or other forms of identification when asked.
- F. Enforcing state law.
- G. Other duties and responsibilities as may become necessary or as directed by the Board.

6.4. COUNTY ASSESSOR. The County Assessor of Coos County shall be the Chief Property Assessment Officer and elected at large. The County Assessor shall dedicate full time to the office. At the time of taking office, the Assessor shall have a minimum of three years experience in property appraisal and possess state certification as an appraiser. The Assessor shall be responsible for:

- A. Keeping and maintaining the property tax records of the County.
- B. Assessing the value of real property in the County in a timely manner.
- C. Coordinating with the County and the city Planning Departments to provide citizens with easy readable overlay maps on the County website and in the Assessor's office and in the County Planning Department. These maps will show specific zoning use locations (i.e., residential, business, industrial, agricultural, forest, etc.). Additionally there shall be an accompanying chart showing equivalency zone designations for the various city Planning Departments and the County Planning Department as these are currently non-standardized in their zoning designations.
- D. Other duties and responsibilities as may become necessary or as directed by the Board or required by state law.

6.5. SURVEYOR. The Surveyor of Coos County shall be elected at large and dedicate full time to the position. The Surveyor shall be a registered professional land surveyor as required by state law and shall continuously maintain certification as such while in office or the office of the Surveyor shall immediately become vacant. The Surveyor shall have the duties provided for under state law and other duties and responsibilities as directed by the Board. The Surveyor's projects shall be archived on the County website.

6.6. TREASURER. The Treasurer of Coos County shall be the County's Chief Financial Officer, elected at large, and shall dedicate full time to the position. The Treasurer shall have at least six (6) years prior experience serving as a County treasurer; or be a certified public accountant or a certified internal auditor with a minimum of five (5) years experience; and continuously maintain certification as such through the term of office. Unless the Treasurer has at least six (6) years prior experience as a County treasurer, the failure to continuously maintain certification as a certified public accountant or certified internal auditor during the Treasurer's term in office shall cause the office to become vacant. The treasurer shall be responsible for:

- A. Advising the Budget Committee and Board of Commissioners in preparing, adopting, and executing a yearly zero-based and transparent County budget in accordance with this Charter and state budget laws.
- B. Overseeing the County's compliance with financial reporting and accounting requirements.
- C. Ensuring the County's compliance with generally accepted accounting and auditing standards.
- D. Controlling the flow of all money to and from the County and maintaining records for the receipt, investment, and payment of all funds. This responsibility shall include, but not be limited to, responsibility for overseeing all fees and taxes collected, oversight and distribution of the dedicated Preventative Maintenance funds, as well as all funds disbursed.
- E. Overseeing accounts receivable, accounts payable, employee payroll, all department fee and grant monies, investment monies, indebtedness records, compliance with short-term and long-term debt obligations, insurance and fidelity bond requirements, records of public fund investments, and funds from outside sources including State Highway Fund, Lottery plus Video Lottery Economic Development Fund, and other such indebtedness, funds, and financial affairs as may occur from time to time and as directed by the Board.
- F. Ensuring that adequate cash is available to meet the obligations of the County.
- G. Keeping uniform records of all the amounts spent on legal fees and ensuring the public is informed of these expenditures consistent with this Charter.
- H. Prioritizing payment of bills as per §10.2.
- I. Other duties as may become necessary or as directed by the Board or required by state law.

6.7. HUMAN RESOURCES DIRECTOR. The Human Resources Director shall be the Chief Personnel Officer and elected at large. The Human Resource Director shall have a minimum of three years in the administrative duties listed below, and shall have three years active experience, additional or concurrent, in union collective bargaining processes as required by State ORSs, including ORS243.666. The Human Resources Director shall be responsible for:

- A. Planning, directing, and administering all human resources functions of the County including recruitment and selection, job classification and compensation, EEO and ADA issues, risk management, training, employee relations, assisting Board of Commissioners with collective bargaining, staff development, and payroll benefits administration.
- B. Coordinating with each department head to create their new standard merit-step raise tests.
- C. Providing the Treasurer with all necessary information to ensure payroll is completed in a timely manner.
- D. Other duties as may become necessary or as directed by the Board or required by state law.

SECTION 7

ADMINISTRATION

7.1. DEPARTMENT HEADS. Consistent with the prohibition on the formation of a County administrator form of government, the Board of Commissioners shall provide for administrative departments and the hiring of employees who have management responsibilities within individual departments, so long as all department heads report directly to the Board of Commissioners. Department heads shall maintain a current list of their department's functions and duties, which shall be posted on the County website and be annually reviewed during the budget process.

7.2. DEPARTMENT HEAD RESPONSIBILITIES. In addition to other responsibilities, each department head shall communicate at least monthly with the Board, and if necessary, request a public meeting with the Board to review department issues, procedures, performance, and staffing needs. Each department head shall also prepare and review with the Board a 5-year plan of department goals, including the prioritization of budget requirements and dedicated budget funds for Preventative Maintenance required by this Charter.

Department heads shall have a trained staff member ready to take over the department leadership responsibilities should the need arise.

The Surveyor and District Attorney offices shall be as prescribed by State law.

7.3. OTHER ADMINISTRATIVE EMPLOYEES. The Board of Commissioners may appoint administrative personnel to offices and positions established by the Board consistent with this Charter and ordinances adopted pursuant thereto. All new administrative employees of the County, including department heads, shall satisfy a criminal background check conducted by the Sheriff's department to determine whether the person meets the eligibility requirements for the employment position.

7.4. REDUCTIONS IN FORCE. Before an employee is released from employment because of a departmental reduction in staff, the employee shall be considered for other County employment positions for which the employee is qualified. If other County employment is not available, the employee shall be given one-month severance pay in addition to any other consideration the County may offer or provide, unless the provision of such severance pay is contrary to the terms of a collective bargaining agreement.

7.5. COUNTY DEPARTMENTS OPEN TO PUBLIC. County departments that provide information or services to the public shall be open from 8:00am to 5:00pm, Monday through Friday, except holidays. Staffing may be reduced to a minimal level during the lunch hour and the County shall provide existing employees opportunities to voluntarily adjust their work schedules to ensure that staffing during the lunch hour is achieved. Cross-trained employees shall be given preference in fulfilling this requirement, and the Board shall oversee cross training as needed to fulfill this section.

7.6. FEE STRUCTURE FOR ADMINISTRATIVE SERVICES. As it is the public that funds all County services provided to the public:

- A. Individual citizens needing County services relating to their personal residences such as procedural information and standard forms for permits, approval, authorization, or compliance, etc. shall not be charged for such routine services. Requests for more in-depth service due to special circumstances shall be charged at actual cost based on the pay scale of the employee(s) performing services.
- B. Individual citizens or companies requesting standard basic procedural information and forms shall not be charged. Requests for in-depth research information, filings, permits, etc. plus maps and mapping and related data shall be charged at the actual cost of the pay scale of the employee(s) involved, and any materials requested.
- C. Department heads providing public services shall, with the Board, develop standard information and procedure pages available free of charge for the purpose of providing services described in subsections A and B of this section.
- D. The Board shall determine the fees to be levied in accordance with this section based on information provided by the department heads. Fees shall be reviewed annually and shall never exceed actual cost.

- E. State and federal fee requirements shall not be affected or governed by this Charter.

7.7. CITIZEN INVOLVEMENT IN LAND USE PLANNING. It is the policy of Coos County that all administrative departments of Coos County, including the Planning Department, shall adhere to the Oregon Statewide Planning Goal #1 "Citizen Involvement" and (a) provide for widespread citizen involvement, (b) assure effective two-way communication with citizens, (c) assure that technical information is available in an understandable form, and (d) assure that citizens receive responses from County officials and policy makers.

7.8 COUNTY WEBSITE. Coos County shall maintain a website that delivers information to the public as prescribed in this Charter and, which insofar as is practical, delivers information to the public in a manner that follows the Oregon Transparency Website model. In order for the citizens of the County to be best served in using the County website, all departments shall work with the IT Director and the webmaster in developing the best methods of putting information on the County website in a manner that is easily accessed, easily downloaded, and easily understood by the public.

7.9. FORM OF DOCUMENTS. The Board shall oversee and ensure that all County correspondence, notes, memos, directives, communications, resolutions, ordinances, orders, and documents are page numbered, dated, and signed with a typed or printed name underneath. The print will be of an easily read size. Records, such as maps and graphics, shall include the date created or printed, and the originating department.

SECTION 8

ORDINANCES, RESOLUTIONS, ORDERS INITIATIVE, REFERENDUM, RECALL

8.1. ORDINANCES. The Board of Commissioners shall exercise its legislative authority through the adoption of ordinances, or by referring ordinances to voters. An ordinance is an authoritative rule or law. An ordinance shall only embrace one subject and matters properly connected therewith. The title of the ordinance shall express the subject. No ordinance shall ever be revised or amended by mere reference to its title, but the ordinance revised, or section amended, shall be set forth and published at full length. No ordinance shall be valid, unless all the following requirements are fully satisfied:

- A. The ordinance is read in a regular meeting of the Board on two different days at least 13-days apart before being enacted or referred to voters.
- B. Before each required reading of the ordinance, notice of the reading of the ordinance shall be published at least 72 hours in advance in: (a) at least two newspapers (one having the highest level of circulation in Coos County, the other having the highest level of circulation in the County Seat), (b) on the County website, and (c) in the County Courthouse. Paper copies of the full text of the

ordinance shall be available to the public free of charge at the Courthouse and at every public meeting where the ordinance is read until the ordinance is adopted, rejected, or tabled by the Board.

- C. Any substantial change in the ordinance as introduced will cause the entire ordinance to be introduced as a new ordinance and will repeat A and B, above.
 - D. Upon adoption of an ordinance by the Board, the Chairman 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. The ordinance shall thereafter be posted on the County "ordinances" website.
 - E. An 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 electors of the County. If an ordinance is referred to the electors, it shall take effect only upon the approval of those voting on the proposed ordinance per this charter. An emergency ordinance may take effect immediately upon the date of its adoption.
 - F. The Board shall not declare an emergency in any ordinance that does not address an immediate threat or danger to the health and safety of Coos County residents and no ordinance declaring an emergency shall be adopted without the unanimous approval of all members of the Board.
 - G. No ordinance or other County law or ruling imposing, increasing, or authorizing taxes, fees, assessments, or any imposition whatsoever, or exemption therefrom, shall take effect unless it is submitted to the voters of Coos County and approved by a percentage of votes cast that is equal to or greater than the percentage by which this Charter was approved. This subsection shall be liberally construed to effectuate its purpose of requiring voter approval of all County laws imposing, increasing, or authorizing impositions of every nature, and exemptions therefrom.
 - H. An index of ordinances shall be kept and maintained in the administrative office of the Board of Commissioners. A copy of the index and ordinances shall be available to the public on the County website under "Ordinances". It shall be maintained and updated on the Coos County website monthly.
- 8.2. RESOLUTIONS.** The Board of Commissioners may adopt resolutions to exercise administrative authority consistent with this Charter, but shall not exercise any legislative or quasi-judicial authority through resolutions. Adopted resolutions shall be dated, signed, and available to the public on the County's website.
- 8.3. ORDERS.** The Board of Commissioners may adopt orders to exercise quasi-judicial authority subject to the requirements of this Charter and other applicable law, but

shall not exercise legislative authority through order. Orders shall be dated, signed, and available to the public on the County's website. The Board of Commissioners shall not delegate its quasi-judicial authority.

8.4. RESERVATION OF INITIATIVE POWER. The qualified voters of Coos County reserve to themselves the initiative power to the fullest extent permissible under the Constitution and laws of the State of Oregon.

8.5. RESERVATION OF REFERENDUM POWER. The qualified voters of Coos County reserve to themselves the referendum power to the fullest extent permitted under the Constitution and laws of the State of Oregon.

8.6. RESERVATION OF RECALL POWER. The qualified voters of Coos County reserve to themselves the recall power to the fullest extent permitted under the Constitution and laws of the State of Oregon.

8.7. MANNER OF EXERCISING RESERVED POWERS. Except as this Charter provides to the contrary:

- A. Initiative measures may be proposed by the signatures of qualified County voters of a number equal to 6% of the total number of votes cast in the County for all candidates for Governor at the last regular gubernatorial election. This is also how this Charter is amended. A repeal of this Charter would require 15% signatures to place it on the ballot. Amendments or repeal will require voter approval equal to or greater than the percentage of votes by which this Charter was approved.
- B. An initiative petition shall include the full text of the proposed measure, which may embrace one subject only and matters properly connected therewith.
- C. An initiative petition shall be voted upon at the next available election date that is not sooner than 90-days after the completed petition is filed. When at all possible, the election will fall on one of the four regularly State scheduled election dates.
- D. Referendum measures, which are the rights of the voters to rescind ordinances and resolutions, may be proposed by the signatures of qualified County voters of a number equal to 4% of the total number of votes cast in the County for all candidates for Governor at the last regular gubernatorial election.
- E. A referendum petition must, as prescribed by law, be filed no later than the 90th day after the adoption of the law on which the referendum petition is filed.

The filing of a referendum petition on all or part of a law will delay or stay the effectiveness of the law, or the part of the law upon which the referendum is filed.

- F. An elective office 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 of Oregon.
- G. The Coos County government shall facilitate the exercise of the initiative, referendum, and recall processes by its citizens and shall not invalidate any petition or measure that substantially complies with the applicable requirements, unless such action is necessary to comply with state law or a written directive of the Oregon Secretary of State.
- H. Except as this charter otherwise provides, initiative, referendum, and recall processes shall be conducted in accordance with state law.

SECTION 9

ETHICS

9.1. POTENTIAL CONFLICTS OF INTEREST. Members of the Board of Commissioners shall publicly announce a potential conflict of interest, and reasonably disclose the nature thereof, before discussing or voting on any matter that presents a potential conflict of interest. A potential conflict of interest is any action, decision, or recommendation, taken in a commissioner's official capacity as a public official, which could be to the private pecuniary benefit or detriment of the commissioner or the commissioner's relative, or a business or non-profit with which the commissioner or the commissioner's relative is directly or indirectly associated.

9.2. ACTUAL CONFLICTS OF INTEREST. When met with an actual conflict of interest, a member of the Board of Commissioners shall publicly announce the nature of the actual conflict and refrain from participating as a commissioner in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue. An actual conflict of interest is any action or decision or recommendation by a commissioner acting in an official capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business or non-profit with which the person or a relative of the person is directly or indirectly associated.

9.3. NEPOTISM. No elected or appointed official of Coos County, nor any employee with hiring authority, may participate in their official or employment capacity in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position within Coos County that the official or employee serves or over which the official or employee exercises jurisdiction or control. For purposes of this Section, "participate" does not include

serving as a reference, providing a recommendation, or performing other ministerial acts that are part of the normal job functions of the official or employee.

9.4. DEFINITION OF "RELATIVE." For purposes of this section, the term "relative" shall include: (a) a spouse or domestic partner of the elected or appointed official, or other person with whom the elected or appointed official has a romantic relationship; (b) any children of the elected or appointed official; (c) any siblings, spouses of siblings or parents of the elected or appointed official; (d) any individual for whom the elected or appointed official has a legal support obligation; and (e) any individual for whom the elected or appointed official provides benefits arising from the elected or appointed official's public employment or from whom the commissioner receives benefits arising from that individual's employment.

9.5. VIOLATION OF STATE GIFT LIMITS OR OTHER ETHICS LAWS IS A VIOLATION OF THIS CHARTER. It shall be a violation of this Charter for any elected official or public official or employee of Coos County to violate the \$50 gift limit provided for in ORS 240.055 or violate any other provision of ORS 240.010 through ORS 244.047.

SECTION 10

FINANCE

10.1. LOCAL BUDGET LAW. Budgets shall be made and approved in accordance with the local budget law of the State of Oregon and as provided in this Charter.

10.2. OPERATING BUDGET AND CAPITAL PROGRAM PROJECTION. The Board of Commissioners shall be responsible for preparing and presenting zero-based budgets for each department to the Budget Committee. The budget shall be prioritized providing first for payroll, then bills due, then the payment of all bonded indebtedness.

The budget shall include: (a) dedicated funds for all buildings, facilities, and equipment preventative maintenance and replacement, (b) a five year projection plan of the operating budget and capital programs, (c) a clear and concise list of all dedicated and mandatory funds and their sources, shared expenses and all funds from the State, including Lottery and Economic Development income and expenditures. Additionally, all organizations to which the County or the County's officers belong as part of official duties, shall be listed separately and include any County dues payable. All information shall be available for public review at the Board office and archived on the County website.

10.3. VOTER APPROVAL OF CAPITAL PROGRAMS. The Board shall not enter into any capital program or project agreement of any kind with any financial agent, government agency (foreign or domestic), NGO (Non-Governmental Organization), corporation, private business, agency, or individual without prior approval of Coos County voters at a regular election. Voter approval shall be by a percentage of votes cast

equal to or greater than the percentage of votes by which this Charter was adopted. A capital program or project shall include, but shall not be limited to, real estate or construction projects, commingling of funds for real estate or construction projects, whether by the issuance of bonds or by lease purchase agreement or other type of agreement involving expected cumulative expenditures of \$165,000 or more.

10.4. VOTE REQUIRED ON BONDED INDEBTEDNESS. The County shall not incur bonded indebtedness unless the question of whether the bonded indebtedness should be incurred or authorized is first submitted to the voters of Coos County and approved by a percentage of votes cast that is equal to or greater than the percentage by which this Charter was approved.

10.5. GRANTS. Applying for and accepting grants by Coos County officials, departments, agencies, or instrumentalities thereof shall require the consent of a quorum of the Board of Commissioners. No grant of \$5,000 or more shall be accepted by the Board without the Board first disclosing to the public a full accounting of all requirements and guidelines attached to the grants listed in the agenda at a regular Board meeting. This complete information shall be available at the Board office for review, and maintained on the County website. No grants, or gifts, whatsoever shall be accepted from foreign or sovereign nations, foreign companies, or foreign political organizations.

10.6. PUBLIC FUNDS SHALL NOT BE GIFTED. Coos County shall not make gifts of public funds, assets, property real or personal, easements or rights-of-way/easements to any person, business, entity, or organization without first receiving approval of the Coos County voters with a percentage of votes equal to or greater than this Charter received.

10.7. FINANCIAL AUDIT. The Board of Commissioners shall cause a qualified and disinterested professional accounting firm to conduct a complete audit on all County departments, facilities, and all taxing districts at least every two years starting in 2015. These audits shall be reasonably staggered so as not to conduct all of the audits in one year. Accounting firms shall be selected by open bid, advertised regionally, and shall not be contracted for more than three consecutive years, whereupon another qualified auditor shall be selected by open bid. Results of the audits will be available for review in the Board office and archived on the County website.

10.8. FUNCTIONAL AUDIT. Every five (5) years, starting in 2015, the Board of Commissioners shall have a functional audit of all County departments conducted by a qualified and disinterested professional auditing firm. The purpose of the functional audit will be to analyze each department's level of achievement in attaining its defined goals. The department audits may be staggered, where practical, so as not to conduct all of the audits in one year. The auditing firm(s) shall be selected by open bid, advertised regionally. Results of the audits will be available for review in the Board office and archived on the County website.

10.9. PROPERTY TAX EXEMPTIONS. No property tax exemption shall be granted by Coos County without the approval of the Board of Commissioners and the approval of Coos County voters by a percentage of votes cast equal to or greater than the percentage of votes by which this Charter was adopted. If a property tax exemption is granted, the Board shall be responsible for ensuring the requirements for the exemption are satisfied.

10.10. ECONOMIC DEVELOPMENT. The Board of Commissioners shall keep an ongoing updated record of all parties receiving County Economic Development funds on the County website, which in addition to other information, shall reflect the date the funds were given, the end of year status, the number employees (if applicable), and progress from use of our public funds.

The County shall not appropriate \$165,000 or more from the County Economic Development Fund without first obtaining the approval of voters. Voter approval shall be by a percentage of votes cast equal to or greater than the percentage of votes by which this Charter was adopted. Any election hereunder will be on a regularly scheduled state election date.

SECTION 11

VOTER APPROVAL OF URBAN RENEWAL

11.1. VOTER APPROVAL FOR AGENCY AUTHORIZATION. A County urban renewal agency shall not be activated or authorized to exercise additional powers without the approval of County voters by a percentage of votes cast equal to or greater than the percentage of votes by which this Charter was adopted, at a general election.

11.2. VOTER APPROVAL FOR NEW OR CHANGED PLANS. As Urban Renewal projects influence monies available to various County taxing districts, each and every new urban renewal plan, or substantial change to an existing plan, including boundary expansion and extension of debt repayment time, or change subject to the requirements of ORS 457.220(2), shall be referred to County voters for their approval at a regularly scheduled state election. A special election shall not be called. Voter approval shall be by a percentage of votes cast equal to or greater than the percentage of votes by which this Charter was adopted.

11.3. TERMINATION. Upon the retirement of all urban renewal indebtedness authorized by County urban renewal plans, the purpose for a County urban renewal agency will cease and it shall be terminated. The County shall assume any continuing obligations or rights of a terminated agency.

11.4. APPROVAL OF OTHER PLANS. The Board of Commissioners shall not approve an urban renewal plan or amended plan proposed by another municipality or

agency unless the question is first submitted to County voters and approval is received thereon by a percentage of votes cast that is equal to or greater than the percentage of votes by which this Charter was adopted.

11.5. OTHER APPROVAL AND AMENDMENT PROVISIONS. The County shall not approve or amend a plan by any means other than by ordinance. Non-substantial changes to any plan may be approved by non-emergency ordinance of the Board of Commissioners.

11.6. ACCOUNTABILITY FOR USE OF FUNDS. There shall be posted on the County website at the end of each year an ongoing record of all projects receiving urban renewal funds titled "Urban Renewal Funds and Use." The public shall be informed of the beginning date of each project, the individuals or businesses receiving funds, the number of employees (if applicable) and progress from use of the funds.

11.7 REQUIRED PUBLIC NOTICE. Whenever an election required by §11.2 or §11.4 of this Charter involves a measure that will authorize new Urban Renewal Indebtedness, the County shall inform and notify the public of all funds required for the project including interests, fees, and other miscellaneous funds. If the measure involves a grant, the requirements of 10.5 shall be satisfied. The County shall determine the information required to complete the public notice statements set forth in A-D of this section. Public Notice Statements shall be posted on the County website, in the newspapers per §13.1.A. and at the County Courthouse at least 45 days in advance of the election and mailed to County voters no more than 10 days in advance of distributing ballots. Public Notice Statements do not need to be mailed to County voters if they are printed at the top of the explanatory statement of the County Voter's Pamphlet.

- A. "ATTENTION VOTER: IMPORTANT INFORMATION ABOUT [identify local measure number]."
- B. "If approved, this measure will authorize new Urban Renewal Indebtedness. Repayment of such debt may significantly reduce the amount of property tax revenue otherwise available for public schools, police, fire, library and other public services within Coos County for [maximum duration of indebtedness, listed in years and months]."
- C. "The maximum amount of new Urban Renewal Indebtedness permitted by this measure is [maximum new URI permitted by proposed plan or amendment]."
- D. "The maximum amount of interest payable for this debt is [maximum amount of interest payments for new URI over lifespan of debt]."

11.8. BOARD OF COMMISSIONERS AUTHORITY. County Urban Renewal zones will be managed and administered exclusively by the Coos County Board of Commissioners and the Board's authority under this section shall not be delegated.

11.9. DEFINITIONS. As used in this Section 11:

- A. "Urban renewal plan" and "plan" have the meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.
- B. "Substantial change" means any change proposed to an existing urban renewal plan that:
 - a. Expands the boundary, duration or borrowing authority of any plan; or
 - b. Alters the basic project, purpose, engineering or financing principles of a voter-approved plan.
- C. "Urban renewal indebtedness" and "URI" mean debt incurred pursuant to an urban renewal plan where repayment is pledged from ad valorem property taxes assessed within the County.

11.9. MISCELLANEOUS. If any provision of this §11 is barred from operation by superior law or otherwise deemed invalid, the other provisions of §11 shall remain unaffected as provided in §26.2. Prior to any public hearing to consider legislation that would conflict with provisions of this §11 or prevent them from operating, the County must provide notice of the proposed legislation and hearing date to all County electors by mail at least two weeks prior to the hearing. Any legislation passed in violation of this provision shall be void.

SECTION 12

ENTERPRISE ZONES, LOCAL IMPROVEMENT DISTRICTS, SPECIAL ASSESSMENTS

12.1. PUBLIC VOTE REQUIRED BEFORE CONSENT PROVIDED. The Board of Commissioners shall not be authorized to provide any consent required, permitted, allowed or authorized under the Oregon Enterprise Zone Act or any rule promulgated thereunder, as now enacted or hereinafter amended, without submitting the question to voters and obtaining a percentage of votes equal to or greater than the percentage by which this Charter passed. If a property tax exemption is enacted, the Board of Commissioners shall be responsible for monitoring the company to ensure it meets the requirements for obtaining, and keeping, the exemption.

12.2 ACCOUNTABILITY. There shall be posted on the County website at the end of each year an ongoing record of all projects involved. Each record shall show a beginning date, identify the recipient of exemptions and the amount thereof, along with date and name of the authorizer, number of employees, if applicable, and progress from use of the funds.

12.3. ENTERPRISE ZONE MANAGEMENT. County Enterprise Zones will be managed and administered exclusively by the Coos County Board of Commissioners. This shall not be delegated.

12.4. VOTE REQUIREMENT FOR SPECIAL ASSESSMENTS. No special assessment shall be imposed, through a local improvement district, local service district, or otherwise, unless the assessment is approved at an election by 85% of those persons subject to the assessment.

SECTION 13

PUBLIC CONTRACTING REQUIREMENTS

13.1. COMPETITIVE SEALED BIDS OR PROPOSALS REQUIRED. All public contracts for goods or services, including personal services and construction, shall be awarded by competitive sealed bidding or competitive sealed proposals. Bids shall be in accordance with the state procedures of ORS 279B.050 to ORS 279B.098 except as this Charter otherwise provides. Sealed bids shall be opened at a publicly announced public meeting held on the next working day after the due date for submitting bids. In addition to other requirements of this section:

- A. All notices for bids shall be posted in the Courthouse, on the Coos County website, in professional trade journals where applicable, as well as in newspapers with the highest subscription rate in the County and the highest subscription rate in the County Seat. The County shall endeavor to provide the required information in a manner and time frame to facilitate publication in each source in a consistent location.
- B. All public contracts shall be subject to the requirements set forth in §10 of this Charter.
- C. All public bidding contracts expected to be less than \$50,000 shall be noticed for a minimum of ten (10) working days prior to the bid due date.
- D. All public bidding contracts expected to be \$50,000 or more shall be noticed for a minimum of fourteen (14) working days prior to the bid due date.
- E. All bids shall specify all pertinent qualities including manufacturers, model numbers, and origin of manufacturing of all equipment and supplies. All bids

shall note the equipment manufacturer's standard of quality, warranties, replacement life (where applicable), etc.

- F. The Coos County Board of Commissioners shall review all bids for quality and compliance with bidding requirements before awarding the winning bid. The lowest bid is not necessarily the best bid for Coos County. When the bidding is finalized, the winning bid shall be archived on the County website for citizen review for a period of no less than two years.
- G. The County shall receive more than one qualified bid prior to awarding a contract. If only one bid is forthcoming, the bid will remain sealed and the contract and the advertising will be reviewed by the Board and reposted. If that one bid is all that is returned after the second posting, a unanimous vote of the Board will be required to award a sole source contract.

13.2. PUBLIC CONTRACT REQUIREMENTS. Public contracts awarded by Coos County shall contain:

- A. A maximum ten-percent (10%) permitted cost overrun if such overrun is given written approval by the Board.
- B. Time-line requirements and financial penalties for time overruns where such overruns could have been foreseen by qualified professional persons.
- C. A requirement that the Board of Commissioners must give approval before any substitution of equipment and/or materials is allowed after a contract is awarded. There shall be a written report provided to the Board by a qualified person paid for by the contractor proposing the substitutions that outlines clearly the comparisons of substitutions to originally-bid items prior to any written approval by the Board.
- D. A declaration that the contracting party is entering into the contract with actual notice of the requirements contained in this Charter.

13.3 CONTRACTS AND LEASES SHALL NOT BE TRANSFERRED. Except as otherwise required by law, contracts and leases to which Coos County or any agency or instrumentality thereof is a party to shall not be transferable or assignable.

13.4 PUBLIC VOTE REQUIRED BEFORE CONTRACTING. Upon the taking effect of this Charter, neither Coos County nor any agency or instrumentality thereof shall become party to any intergovernmental agreement without a vote, or to any contract involving consideration of \$165,000 or more without first submitting the question of whether the contract should be entered into to Coos County voters. Either issue must

pass by a percentage of votes cast equal to or greater than the percentage of votes by which this Charter was adopted. All parties contracting with Coos County shall be deemed to have constructive notice of this requirement and any contract entered into in violation of this section shall be void.

Contracts to allow the harvesting of timber or other products growing upon County land are specifically exempt from this provision.

13.5. PROCUREMENT. To maximize financial accountability in equipment and supply purchasing, and to ensure quality and compatibility of equipment within County systems, the Board of Commissioners shall appoint a qualified County employee as "Procurement Officer." The employee shall be part of the Treasurer's department to ensure financial accountability.

Equipment and supplies shall be purchased with bulk buying procedures adhering to bid processes required by this Charter. If items are specialized and cannot be purchased in bulk, the Procurement Officer will state the circumstances in the records. System equipment that will be incorporated into the IT system (Information Technology) shall be coordinated with and approved by the Director of IT.

All heads of County departments shall provide the Procurement Officer with a detailed list of standard required supplies every three months, and other supplies as needed. Equipment and supplies approved in a department budget need not be additionally approved at a Board meeting. However, each department shall monthly fill out a County standard sheet denoting: (a) all monthly expenditures for services, goods, or equipment procured, (b) to whom the contract was awarded, (c) amount paid for each, and (d) the date. Copies of all department expenditure sheets shall be kept in the Board office for review by citizens for one year and then archived for five years.

SECTION 14

PUBLIC RESOURCE PROTECTION

14.1. PURPOSE. Coos County owns valuable public resources, including but not limited to: personal property, real property, water rights, minerals, mineral rights, forests, and other assets and natural resources. In addition, Coos County regularly enters into contracts that involve these public resources. The people of Coos County desire to: (a) promote transparency surrounding the use of public resources, and (b) ensure public resources are used for the maximum benefit of the people of Coos County.

14.2. DISPOSITION OF COUNTY PROPERTY.

- A. Neither Coos County, nor any department, agency, or instrumentality thereof, shall sell, lease, exchange, gift, transfer, assign, mitigate, or destroy any water or water rights, minerals or mineral rights, without a public vote passing by a percentage of votes equal to or greater than the percentage by which this Charter passed.

- B. Neither Coos County, nor any department, agency, or instrumentality thereof, shall sell, lease, exchange, gift, transfer, assign, mitigate, or destroy any real property without a public vote passing by a percentage of votes equal to or greater than the percentage by which this Charter passed. However, a vote shall not be required if the property is real property, not including mineral rights, and a professional appraisal prepared by a neutral third-party shows the property has an aggregate fair market value of \$50,000 or less, and a quorum of the Board of Commissioners approves the disposition of the real property. The appraisal and sale shall be archived on the County website and made available to the public upon request.
- C. Personal property having an estimated value of \$200,000 or more shall not be sold, leased exchanged, gifted, assigned, or destroyed without a public vote and approval by a simple majority.
- D. Personal property items each valued at less than professionally-estimated \$200,000, and approved by a quorum of the Board, may be "bundled" for auction and sold in Coos County, when possible.
- E. All dispositions of County property shall be documented and such documentation shall be available to the public, archived on the County website.
- F. Notwithstanding any other provision of this Charter, a public vote is not required to allow the harvesting or other disposition of crops, timber, or other products growing upon County land.

14.3. VOTE REQUIRED BEFORE PRIVATE PROPERTY ACQUIRED. Upon the taking effect of this Charter, neither Coos County, nor any department, agency or other instrumentality thereof, shall buy, purchase, lease, condemn, receive by gift or exchange, or acquire by any means whatsoever, any private real property, water or water rights, minerals or mineral rights without a public vote approving the private property acquisition. However, no public vote is required if a professional appraisal prepared by a neutral third-party documents the fair market value of the property is \$50,000 or less.

Tax defaulted properties shall not be subject to this section and shall be regulated as provided in State law.

14.4. COUNTY FORESTLAND. Forestlands are of primary importance to the financial welfare of Coos County, and the County shall retain a "Forester/Land Agent" with qualifications and duties described by the Board's March 2014 job description to assist the Board in its responsibility for maintaining and selling timber. The Board shall be responsible for all contracts involved in the maintenance and selling of timber and shall provide this information on the County website.

The Board shall arrange for an independent audit/cruise of the forests every four years, beginning in 2015. To assure sustainability, the Board will immediately take action if any

over-harvesting or other negative situation is determined by this audit/cruise.

Revenue from timber sales shall remain in the Forest Trust Fund in sufficient amount to pay (5) five years of "good management practices" expenses. Funds beyond these expenses shall be placed in an interest-bearing account dedicated to use for "emergency" conditions and shall not be used to balance the County budget unless approved by the voters by a percentage of votes cast equal to or greater than the percentage of votes by which this Charter was adopted.

SECTION 15

DISCLOSURE OF LEGAL SETTLEMENTS, JUDGMENTS, AND COSTS

15.1. PUBLIC DISCLOSURE REQUIRED. The people of Coos County are entitled to know the extent to which the public resources of the County are being expended on legal disputes, settlements, and judgments as well as the nature of the controversies causing these expenditures of public resources, or of any potential legal jeopardy. Toward this end, the Board of Commissioners shall issue a quarterly reports consistent with the following requirements:

- A. The reports shall disclose the total amounts the County has been required to pay in each settlement and judgment during the immediately preceding quarter.
- B. The reports shall be submitted within 30 days of the quarter's end.
- C. The reports shall not disclose any confidential information regarding the settlements or judgments, but shall disclose the true amount the County was obligated to pay in settlement and judgment, both in the aggregate and in relation to particular controversies. The report may describe particular controversies in generic terms that describe the nature of the controversy (e.g., tort, employment, contract, constitutional violation, land use). There shall not be a miscellaneous category.
- D. The reports shall disclose the aggregate amount of legal fees the County incurred during the immediately preceding quarter. The aggregate report on attorney fees shall itemize both the costs of in-house and outside counsel incurred in each case.
- E. The reports shall list all attorneys and law firms currently representing the County.
- F. The reports shall list all public dockets pertaining to litigation involving the County. The reports and information that must be disclosed under this section shall be made readily available to the public, archived on the County's website.

SECTION 16**COUNTY PREVENTATIVE MAINTENANCE PROGRAM**

16.1. PURPOSE OF PREVENTATIVE MAINTENANCE PROGRAM. The purpose of this section is to extend the useful life of County equipment, facilities, buildings, and building systems through regular preventative maintenance, thereby conserving County resources.

16.2. DEFINITIONS. For purposes of this section:

- A. "Maintenance" means work required to keep equipment, facilities, and buildings in proper working condition. Examples of maintenance include lubrication, oil changes, filter changes, corrosion control, belt replacements, surface sealing, etc.
- B. "Repair" means work required to bring equipment, facilities, and buildings back toward original condition. This definition specifically excludes upgrades or expansions from original condition.
- C. "Alterations" may include maintenance or repair but involves new construction as well as increasing or upgrading capacity or quality.
- D. "New construction" means activity that exceeds maintenance or repair and includes all alterations and equipment replacements that increase capacity or capability and cost more than \$5,000.00.
- E. "Preventative maintenance" means extending the useful life of equipment, facilities, buildings, and building systems through regularly scheduled maintenance.

16.3. CHIEF MAINTENANCE OFFICER. The Board shall appoint and maintain a Chief Maintenance Officer within 90-days after this Charter is enacted. The Chief Maintenance Officer may be selected from present qualified employees.

16.4. CREATION OF PREVENTATIVE MAINTENANCE STRATEGY. No later than the last working day of July 2015, the Board of Commissioners shall develop and publish on the Coos County website, or cause to be developed and published on the Coos County website, a Preventative Maintenance Strategy for Coos County. To facilitate inspections, alterations, and maintenance of structures, equipment, and systems, the program shall be based on best inspection and preventative maintenance practices and shall include plot and building plans of all County buildings and facilities. The Preventative Maintenance Strategy shall include:

- A. An objective process for setting priorities among projects.
- B. Strategic plans for both long and short-term preventative maintenance.
- C. A framework for operating the preventative maintenance program.
- D. A systematic method for keeping maintenance records.
- E. A system for involving appropriate building personnel in preventative maintenance decision-making.

F. A yearly budget commitment providing the necessary dedicated funds.

16.5. PREVENTATIVE MAINTENANCE RECORDS. Each department head in each facility shall have a maintenance book noting all equipment requiring scheduled periodic inspection and maintenance. The books shall contain detailed notes with dates of inspections, maintenance, and required maintenance dates, and signed by persons doing the required work. Life expectancy of equipment shall be noted with original purchase date and price to facilitate equipment replacement budgeting.

The Chief Maintenance Officer shall keep a master maintenance record to list all County equipment, its purchase price and purchase date, needed inspection and maintenance dates, dates of inspections, dates and detailed notes of maintenance completed, condition of equipment and life expectancy. The Board shall be provided with estimated dates for replacement of equipment that they will use to yearly provide proper funds into the dedicated preventative maintenance and replacement budgets.

16.6. PREVENTATIVE MAINTENANCE INVENTORY. All County facilities, buildings, building systems, components and equipment condition shall be inventoried and graded on the following scale:

Good: Components are structurally sound and only require general maintenance and minor repair; little or no deferred maintenance exists. Few building systems fail, and they allow uninterrupted daily use of the facilities.

Fair: Components show signs of slight deterioration and require some corrective maintenance and major repairs; some deferred maintenance exists. Building systems fail occasionally, causing some interruptions in daily use of the facilities.

Poor: Components show signs of severe deterioration and require corrective maintenance and emergency repairs; deferred maintenance is extensive. Building systems fail frequently, causing ongoing interruptions in daily use of facilities.

16.7. PREVENTATIVE MAINTENANCE BUDGETING. The annual County budget shall include a dedicated line item for the maintenance, repair, and eventual replacement, if needed, of equipment, facilities, buildings or building systems in the County. Taking the cost of the item and dividing it by the expected life of the item usually determines the amount of each dedicated budget line item. Funds shall be appropriated to fulfill each budget line item, and will accumulate and be carried forward for their dedicated purposes only. These funds may be placed in a dedicated interest bearing account. Any other use of such funds shall be unlawful and punishable as a violation of this Charter, in addition to other law.

16.8. BOARD REVIEW TO ENSURE COMPLIANCE. The Board of Commissioners shall review the Master Maintenance record every six months and make a determination of whether the County is in full compliance with this Section. In the event the Board of Commissioners finds the requirements of this Section are not fully complied with, the Board of Commissioners shall take such action as is necessary to achieve compliance.

+ 17

SECTION 17

TRAVEL EXPENSE REGULATIONS

17.1. REQUIREMENT TO MINIMIZE EXPENSES. All County employees and officers, including the Board, shall use available equipment and technology, such as teleconferencing, to avoid incurring travel and related meeting expenses whenever possible. Travel expenses shall only be paid or reimbursed when incurred due to specific required County business authorized by a quorum of the Board.

17.2. TRAVEL CONVEYANCE. A commissioner, officer, or other employee who is scheduled by the Board to perform special duties requiring travel beyond their normal home-to-work may be provided a vehicle or other means of transportation as necessary, upon the approval of a quorum of the Board.

17.3. TRANSPORTATION AND LODGING. Official travel arrangements for a commissioner, officer, or other authorized County employees shall be made by an employee whom the Board has assigned the duty of making travel arrangements and has given authority to use the County credit card for this purpose.

17.4. \$500 AND OVER. The Board shall be informed of requests for travel arrangements before they are implemented and estimated expenses over \$500 shall be upon approval of a quorum of the Board.

17.5. MILEAGE REIMBURSEMENT. Employees authorized by the Board to use their own vehicles for a specific County business travel engagement shall be reimbursed transportation per the official mileage rate recognized by the State.

17.6. TRAVEL EXPENSES REIMBURSEMENT. Employees shall be reimbursed for approved expenses, plus meals at a maximum of \$60.00 per day, upon providing appropriate receipts to the Board.

17.7. LIMITED-AMOUNT CREDIT CARDS. Employees using County-provided vehicles may be issued limited-amount temporary credit cards for gasoline and small emergency repairs, upon the approval of a quorum of the Board.

17.8. CREDIT CARD RESTRICTION. The County shall not issue credit cards to Commissioners, officers, or other employees. The only exception is a credit card for a designated employee in the Board's office who has need and use of such card to make authorized credit card purchases and payments for authorized County business. The Board shall review the card debt limit each year and adjust as necessary. The card shall be secured so as to prevent fraudulent use.

17.9. OUT OF STATE BUSINESS. The Board shall not fund business trips out-of-state. The County citizens have elected federal representatives and senators to provide for them in Washington, D.C. The Board will therefore keep in contact with these officials to ensure the fullest possible benefit to Coos County. The citizens will be kept informed of any pending action, which will now or in the future affect Coos County.

Departments having ongoing training requirements that are provided for in the County budget are specifically exempt from the limitations of this Section 17.9.

17.10. DISCLOSURE REQUIREMENT. The County will post a monthly accounting of all travel expenses at the Board office which will also be archived on the County website.

SECTION 18

VETERANS

18.1. VETERANS SERVICES OFFICE TO REMAIN OPEN. The Veterans Services office shall remain in Coquille and be staffed to provide service from 8:00am to 5:00pm, 5-days per week, 52-weeks per year, except for legal holidays and natural disasters. If the County organizes the County departments into groups, the Veterans Services Administration will come under the Administrative Group, not under a Health or County Community Services group.

18.2. APPOINTMENT OF VETERAN SERVICES OFFICERS. Insofar as is consistent with state law, the Board of Commissioners shall appoint experienced, qualified officers to the Veterans Services Office. When possible, veterans with previous experience shall be given preference.

18.3. CONTRACTING OUTSIDE VETERAN SERVICES. The Board may contract to pay veteran outreach organizations such as Southwest Oregon Veterans Outreach basic expenses up to \$20,000 per year without a vote of the people. If the amount exceeds \$20,000, a simple majority will pass the initiative.

SECTION 19

PRIVATE PROPERTY RIGHTS

19.1. PRIVATE PROPERTY RIGHTS. Coos County shall strictly protect the individual private and real property rights of its citizens as prescribed in the U.S. Constitution, the US Bill of Rights, and the Oregon Constitution. As federal, state, and existing County laws impose ample health and safety regulations to protect the public, Coos County shall not hereafter adopt rules or regulations imposing restrictions, conditions, regulations, or limitations on private real property without an approving vote of the citizens that is equal to or greater than the percentage of votes by which this Charter was adopted.

19.2. BUILDING MATERIALS. Coos County shall not place restrictions on the use of building materials that meet design structural and safety standards, nor give preference to one material over another.

19.3. THE COUNTY AND THE ENVIRONMENT. Private property rights of the individual come first in Coos County. Good stewardship is an individual land ideal. Any individual may choose "green" codes or suggestions as they see fit assuming these codes or suggestions, when followed, meet standard state and federal structural and safety requirements, and the requirements of this Charter. The County will not join, promote,

require or enforce programs that remove property owners from the decision-making process on their own property, such as: the International Council for Local Environmental Initiatives (ICLEI), renamed in America, "Local Governments for Sustainability," or any of the International Codes Council's numerous Codes such as: LEED certification (Leadership in Energy and Environmental Design); the International Green Construction Code; or other organizations with similar overlapping goals. Additionally, the County shall not accept any grants, awards, loans, gifts, or other items of value that stipulate compliance with the guidelines of these and other similar organizations. If state or federal laws supersede or preempt these provisions of the Charter, the Board shall inform the people of Coos County and take such action as is possible to enforce this Charter.

19.4. COUNTY WATER. Private property rights come first in Coos County. Upon the taking effect of this Charter, Coos County shall not take any action to create, promote, require, or enforce metering or taxation of water from any natural source. The County shall not accept grants, loans, gifts, trades, or other items of value that promote or conduct restrictions on water or water use within Coos County. If state or federal law preempts this section of the Charter, the Board shall inform the public and take such action as is possible to enforce this Charter.

19.5. REGULATION OF NUISANCES. Private property rights come first in Coos County. Upon the effective date of this Charter, only nuisances expressly defined in the statutes of the State of Oregon shall be recognized as nuisances in Coos County and any existing County ordinances declaring nuisances not expressly defined in the statutes of the State of Oregon shall be superseded by this Charter and rendered invalid. County ordinances to declare nuisances not expressly defined in the statutes of the State of Oregon must be limited to the protection of public health and safety and submitted to voters at an election and approved by a majority voting thereon.

SECTION 20

LAND USE

20.1. PUBLIC VOTE REQUIRED. The Board shall not submit any ordinance or other amendment or other change to the County's Comprehensive Plan to the Oregon Department of Land Conservation and Development or the Land Conservation and Development Commission or their successors until such ordinance or plan has been submitted to the voters of Coos County and approved by a percentage of votes equal to or greater than the percentage of votes by which this Charter passed, at a regularly scheduled election.

20.2. TAKINGS. The Board of Commissioners shall oppose any takings of land that remove the lands from County property taxation unless approved by the voters.

20.3. FORECLOSURES. Sales for tax foreclosures shall be coordinated with the Assessor's office to determine value.

71+

SECTION 21

HEALTH CARE FREEDOM

21.1. HEALTH GENERALLY. The health of the individual citizens of Coos County is up to the individuals themselves and to their personal choices. The County shall not demand or enforce any health initiatives, measures, programs, or regulations that violate the citizens' health care decisions, nor will the County accept any grants, gifts, endowments, or other items of value that prescribe such demands or enforcement.

21.2. RIGHT TO CONTROL HEALTH CARE DECISIONS. Except in the event of immediate emergency involving imminent danger to a person's life, no medical or surgical procedure shall be performed on any person through any employee, contractor, or agency of the County without written permission by the person, or their legal guardian (if the person is a minor or incompetent).

SECTION 22

PREDATOR CONTROL

22.1. POLICY AND BUDGETING. Predators create a financial loss to many agricultural and land owners in the County, which affects County finances. As the State owns/protects these offending predators, the Board of Commissioners shall annually aggressively bill the State for Wildlife Services officers. In addition, the Board shall create each year a dedicated line item in the budget to fully fund two (2) Wildlife Services officers until the funds are recovered from the State.

SECTION 23

PUBLIC RECORDS/PUBLIC RECORDS REQUEST

23.1 PUBLIC RECORD POLICY. As public records are recorded to benefit the citizens, as well as to assist in governing, records permissible under law shall be made available to the public conveniently, economically and without undue delay.

23.2. COMPLIANCE WITH PUBLIC RECORDS AND MEETINGS LAWS. The State of Oregon's public records law provides every person with the right to inspect any public record of a public body in this state, except as otherwise expressly provided. The State of Oregon's public meetings law requires that all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend, except as otherwise expressly provided. ORS 192.4310(3) states that a "public body" shall also include private entities that are the functioning equivalent of a "public body".

This Charter independently requires compliance with the provisions of Oregon's public records and public meeting laws (ORS 192.410-517 and ORS 192.610-710) and violation of Oregon's public records and public meeting laws is an independent violation of this Charter.

SECTION 24

COMPENSATION BOARD AND COMPENSATION

24.1. COUNTY BUDGET COMPENSATION BOARD. The Board shall appoint a County Budget Compensation Board consisting of five (5) volunteers, all of whom shall be registered voters in Coos County. Members shall be selected so as to represent a broad spectrum of County citizens and shall serve a term of three-years or less as determined by the Board. The members shall be familiar with personnel and management. Consistent with ORS 204.112(3) and 204.116 and 204.121 the Compensation Board shall yearly recommend a salary schedule to the Board of Commissioners for all elected officials and employees, taking into consideration the average income earnings and additional perks of Coos County private sector employees, as well as other relevant factors. The Compensation Board's recommendations shall be presented to the County Budget Committee, the Human Resources Director, and the Board of Commissioners annually. Raises for elected County officers will be by a vote of the people, an approval being a percentage of votes cast equal to or greater than the percentage by which this Charter was approved.

24.2. UNION EMPLOYEES. This Charter shall not affect, alter, or change the terms of any collective bargaining agreement approved by the Board. The union negotiators may opt to negotiate in public if they so choose. Collective Bargaining Agreements, including all add-ons, will be archived on the County website for five years.

24.3. NON-UNION EMPLOYEES. Except as this Section 24 otherwise provides, this Charter shall not affect the salary and benefits currently paid to Coos County employees who are not represented by a union for purposes of collective bargaining.

24.4. LONGEVITY RAISES. The County shall provide longevity raises to County employees for 10, 15, and 20 years of cumulative County employment. The Board shall adopt ordinances to implement this provision.

24.5. SPECIAL TRAINING REQUIREMENT. Employees requesting job related special training or education paid for wholly or in part by the County in an aggregate amount of \$1,500 (fifteen hundred dollars) or more shall be required to sign an agreement to return amounts paid by the County for special training or education in the event the employee leaves County employment within two-years of receiving the education or training paid for by the County.

24.6. PROBATIONARY PERIOD. The probation period for new County employees shall be one year from the date of hire.

24.7. MERIT RAISES. All merit raises provided to County employees must be at least eighteen (18) months apart. The Board of Commissioners shall establish policy for merit raises based on standard tests administered to each applicant for a merit raise by a volunteer committee in January and July of each year. Tests shall be available to all employees after their first twelve months of employment. Names of applicants shall not be available to the reviewing committee.

24.8. COLAs. The Board shall, when it wishes, submit to the voters Cost Of Living Adjustments for certain County personnel. Voter approval will be by votes cast equal to or greater than the percentage that approved this Charter.

24.9. COLLECTIVE BARGAINING CONTRACTS UNAFFECTED. This section shall not impair any collective bargaining contract in existence on the date this Charter takes effect.

SECTION 25

ENFORCEMENT

25.1. ENFORCEMENT GENERALLY. A court of competent jurisdiction may specifically enforce the provisions of this Charter and issue equitable relief to carry out its provisions.

25.2. SPECIFIC PENALTY FOR CONFLICT OF INTEREST AND STATE ETHICS LAW VIOLATIONS. A court of competent jurisdiction may impose a civil penalty not to exceed \$25,000.00 upon any person for violation of §9 of this Charter relating to potential and actual conflicts of interest and nepotism.

25.3. ADDITIONAL PENALTIES FOR PUBLIC OFFICIALS. In addition to all other penalties provided for in this Charter or permitted by law, incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office.

25.4. PRIVATE ENFORCEMENT. Any person adversely affected shall be entitled to request enforcement of this Charter, prevent a violation of this Charter, determine the applicability of this Charter, compel action under this Charter, seek imposition of civil penalties provided for in this Charter, or seek any other relief relating to this Charter in a court of competent jurisdiction. A prevailing plaintiff in any such action shall be awarded reasonable attorney fees and costs at trial and on appeal. This section shall be liberally construed to effectuate its purpose.

25.5. RESPONSIBILITY FOR PENALTIES. A civil penalty imposed against a public official pursuant to this Charter shall be the responsibility of the person against whom the penalty is assessed, and the civil penalty shall be paid from the personal funds of the person and shall not be reimbursed by the County.

25.6. CIVIL PENALTIES ACCRUE TO COOS COUNTY. All civil penalties

11

provided under this Charter, excluding remedies, awards of attorney fees, and costs, shall be paid to Coos County.

25.7. REMEDIES CUMULATIVE. The remedies and penalties provided by this section are cumulative and do not exclude any other penalty or remedy under law.

SECTION 26

MISCELLANEOUS PROVISIONS

26.1. EFFECTIVE DATE. This Charter shall become effective immediately upon certification after adoption by Coos County voters.

26.2. 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. It is the intent of the voters that all provisions of this Charter are severable and this section shall be construed consistently with this intent.

26.3. PROHIBITION ON USE OF TAXPAYER FUNDS TO CHALLENGE VOTER-APPROVED LAWS. No public funds of Coos County may be used to challenge the validity of any voter-approved Charter, Charter provision, Charter amendment, or law. Use of taxpayer money to challenge the validity of any voter approved Charter, amendment, or law shall be an unlawful expenditure. Any public official or employee who authorizes expenditure of public funds in violation of this section shall be personally liable to Coos County for treble the amount unlawfully expended. Electors of Coos County shall be entitled to enforce this Section and in any action to enforce this section a prevailing plaintiff shall be awarded reasonable attorney fees and costs.

26.4. CHARTER REQUIREMENTS SHALL NOT BE EVADED THROUGH ARTIFICE OR SUBTERFUGE. It shall be a violation of this Charter to artificially divide, fragment, or otherwise structure any transaction for the purpose of evading a requirement of this Charter.

26.5. PROHIBITION ON RETROACTIVE ACTIONS. Except as this Charter otherwise provides, no County law shall be applied retroactively and no fee, tax, assessment, or imposition, or exemption therefrom, of any nature shall ever be retroactively applied or imposed.

26.6. REDUCED FEES FOR RESIDENTS. All fees for the use of County public facilities, such as parks, shall be waived or be substantially reduced for residents of Coos County.

26.7. EMERGENCY CONTRACTING POWERS. In extraordinary circumstances, the Board of Commissioners may enter into contracts without complying with the requirements otherwise imposed by this Charter. Such emergency action shall only be permitted if there is a real, substantial, actual, and imminent danger to the health and/or safety of Coos County citizens, which is clear and present and declared to exist by a

majority of the Board able to attend a meeting to vote upon such matter. A court reviewing any emergency action taken pursuant to this section shall have authority to determine whether the emergency declared comports with the standards of this section and exists in fact. The Board of Commissioners shall have the burden of sustaining its actions and the existence of an emergency in fact by clear and convincing evidence. If the Board does not meet this burden, its actions shall be declared unlawful, invalid, and in violation of this Charter.

26.8. GENERAL EMERGENCY POWERS. When immediate prompt action is necessary, as described in §26.7 above, to protect the immediate health and safety of citizens in the event of a natural disaster, such as tsunami or earthquake, the Board is empowered to make decisions and take actions outside the confines of this Charter.

SECTION 27

TRANSITION PROVISIONS

27.1. CONTINUITY. 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.

27.2. CONTINUITY OF LAWS, ORDERS, RULES, REGULATIONS. All County rights, legislation, orders, rules, administrative proceedings, 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.

27.3. CONTINUITY OF ACTIONS AND PROCEEDINGS. All County claims, causes of action, contracts, and other legal and administrative proceedings of the County that exist when this Charter takes effect continue unimpaired by this Charter after it takes effect.

27.4. CONTINUITY OF ELECTED OFFICIALS. Elected County officials who are in office at the time this Charter takes effect shall continue in office for the term to which each was elected.

27.5. CONTINUITY OF DEPARTMENTS. Insofar as is consistent with this Charter, the County departments existing at the inception of this Charter shall continue until reorganized, unified, abolished or new departments are established. However, in the event the County has created a County Administrator, Manager, Executive or other employee position(s) that contravenes this Charter's prohibition on a County Administrator/Manager form of government, such position(s) shall be eliminated upon the taking effect of this Charter. Additionally, within 45-days after this Charter takes effect, existing County staff shall be reallocated by the Board of Commissioners to provide adequate staffing in all departments, including the Board office, to carry out the new responsibilities as stated under this Charter.

27.6. ELECTION OF ADDITIONAL OFFICERS. An election shall be held on the third Tuesday of May 2015 as provided by State statutes, following the adoption of this Charter, to elect two (2) additional persons to the Board of Commissioners so the total number of persons holding the Office of Commissioner is five (5). The two candidates

elect to fill the Office of Commissioner will be elected at large, with each voter entitled to vote for two candidates of their choice, in a manner that is consistent with this Charter and state law. The term of office for the candidate who receives the greatest number of votes shall end December 31, 2018. The term of office for the candidate who receives the second greatest number of votes shall end December 31, 2016. Following the election provided for under this section, the term of office for all persons elected to the Board of Commissioners shall be four-years as provided in Section 3.4. At the same election, a Human Resources Director will be elected from candidates who file for the position. The term of the initial office holder shall end December 31, 2018. All subsequent terms shall be four (4) years as otherwise provided in this Charter.

27.7. QUORUM. Upon certification of this Charter, a quorum for meetings of the Board of Commissioners will become three until the certification of the May 2015 election when the quorum will become four.

27.8. NUMBER OF BOARD VOTES REQUIRED. Upon certification of this Charter, all ordinances, resolutions, and other proposals coming before the Board of Commissioners shall require three "Aye" votes to be adopted until certification of the results of the May 2015 elections, at which point the required number of votes will become four.

27.9. EXISTING ORDINANCES. Within 365 days of this Charter taking effect, Coos County Counsel shall complete a review of all existing ordinances and identify all ordinances that are repealed, superseded, or in conflict with this Charter. Ordinances shall be reviewed from most recent to oldest. Any ordinance repealed or superseded shall be marked with the date the ordinance was repealed or superseded.

27.10. ELECTION RESULTS. The County Clerk shall attach the certified election results to this Charter as Exhibit A after the certified election results are finalized, and shall provide for archiving this Charter and its attached Exhibit A on the County website.

27.11. AMENDMENTS AND REVISIONS. Amendments and revisions to this Charter shall be noted in the text and referenced to an appendix at the end of the Charter. All amendments and revisions will be noted by their date of adoption or repeal.

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