

**CHARTER
FOR
JOSEPHINE COUNTY, OREGON**



Effective Date: January 5, 1981

Amended November, 1986

Amended November, 1988

Amended September, 1989

Amended May, 1990

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TABLE OF CONTENTS

Preamble

I. PRELIMINARIES

1. Name
2. Nature and Legal Capacity
3. Boundaries
4. County Seat

II. POWERS

5. General Grant of Powers
6. Construction of Powers
7. Where Powers Vested

III. BOARD OF COUNTY COMMISSIONERS

8. Board of County Commissioners
9. Terms of Office
10. Board Chairman
11. Quorum
12. Meetings
- 12.1 Emergency Board Meetings
13. Ordinances

IV. FINANCE

14. Local Budget Law
- 14.5 Library Support
- 14.6 County Animal Control Support
- 14.7 County Debt Limitation
15. Operating Budget and Capital Program Projection
- 15.5 Voter Approval Requirement for Capital Programs or Projects

V. ADMINISTRATION

16. Administrative Responsibility
17. Administrative Personnel
- 17.5 Review of County Department Heads
18. Administrative Structure
19. Elective Administrative Officers

VI. PERSONNEL

20. Qualifications
21. Nomination and Election of County Officers
22. Recall
23. Vacancies in Office
24. Filling of Vacancies
25. Compensation
26. Personnel Administration
- 26.5 Investigation of Abuse or Neglect of an Animal

VII. MISCELLANEOUS PROVISIONS

27. Initiative and Referendum
28. Elections on County Propositions
29. Charter Amendment and Repeal
- 29.1 Charter Amendment: Right to Bear Arms

- 29.2 Charter Amendment: Due Process and Just Compensation
- 29.2.1 More Due Process in the Taking of Assets
- 29.3 Charter Amendment: Prohibits Advocacy of the Forfeiture of Constitutional Rights
- 29.4 Charter Amendment: Search and Seizure
- 29.5 Charter Amendment: Fees
- 29.6 Charter Amendment: Vote on Private Management of County Properties and Fees
- 29.7 Prohibition of Income Tax
- 29.8 Charter Amendment: Speech and Religion
- 29.9 Charter Amendment: Restrict Nudity
- 29.10 Charter Amendment: Parents and Children

VIII. TRANSITIONAL PROVISIONS

- 30. Continuity
- 31. Effective Date

CHARTER FOR JOSEPHINE COUNTY, OREGON

CHAPTER I
PRELIMINARIES

Section 1. NAME.

The name of the county as it operates under this charter continues to be Josephine County.

Section 2. NATURE AND LEGAL CAPACITY.

Under this charter the county continues to be an agency of the state and a body politic and corporate.

Section 3. BOUNDARIES.

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

Section 4. COUNTY SEAT.

The county seat of the county government continues to be in the City of Grants Pass.

CHAPTER II

POWERS

Section 5. GENERAL GRANT OF POWERS.

Except as this charter provides to the contrary, the county has authority over matters of county concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each power comprised in that authority were specified in this charter.

Section 6. CONSTRUCTION OF POWERS.

In this charter no mention of a specific power is exclusive or restricts the authority that the county would have if the specific power were not mentioned. The charter shall be liberally construed, to the end that, within the limits imposed by the charter or the constitution or laws of the United States or the State of Oregon, the county has all powers necessary or convenient for the conduct of its affairs, including all powers that counties may now or hereafter assume under the home rule provisions of the constitution and laws of Oregon. The powers are continuing powers.

Section 7. WHERE POWERS VESTED.

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

(1) the legislative power of the county is vested in, and is exercisable only by the Board of County Commissioners, and

(2) all other powers of the county not vested by this charter elsewhere are vested in the Board of County Commissioners and are exercisable only by it or by persons acting under its authority.

CHAPTER III

BOARD OF COUNTY COMMISSIONERS

Section 8. BOARD OF COUNTY COMMISSIONERS.

(1) The governing body of the county is the Board of three County Commissioners, who shall be nominated and elected at-large for a four-year term. [Amended March, 1993]

(2) In addition to any other qualifications for office established by this charter, the following shall be qualifications for the office of County Commissioner:

(a) Any candidate for the office of Commissioner must be and remain a resident of the County for a period of six (6) months prior to the election in which such person is a candidate; and

(b) If elected, such person, while holding office as a Commissioner, shall remain at all times a resident of the County.

[Amended November, 1988; March, 1993]

Section 9. TERMS OF OFFICE.

Except commissioners appointed to vacancies on the Board of County Commissioners, the term of office of a county commissioner begins the first Monday after the first January 1 after the commissioner is elected to the office and continues four years and until the succeeding commissioner qualifies for the office.

Section 10. BOARD CHAIRMAN.

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

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

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

Section 11. QUORUM.

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

Section 12. MEETINGS.

(1) By ordinance the Board of County Commissioners shall prescribe rules governing its meetings, procedures and members as such.

(2) Regular meetings of the Board shall be held weekly in the county at times and places designated in the rules of the Board.

(3) Special meetings, emergency sessions and executive sessions may be held upon the call of the Chairman or of two Commissioners. Notices of such meetings shall be as provided in the rules of the Board. Notice of a special meeting shall be given to the Commissioners and the general public at least 24-hours prior to the commencement of such meeting. An emergency session may be held only in case of an actual emergency, and the notice of the session shall be appropriate to the circumstances. Notice of an executive session shall state the specific provision of law authorizing the executive session.

(4) An agenda of all action to be considered at regular and special meetings shall be posted in a conspicuous place in the county courthouse at least 24-hours immediately preceding regular meetings and 6-hours preceding special meetings. Copies of all notices and agenda and of ordinances, orders and resolutions to be considered under the agenda shall be available at the courthouse to interested persons throughout the time that the notices and agenda are required to be posted. The Board may take action on an item not on the agenda if the Board members present concur that an emergency required the action.

(5) All Board meetings shall be public, except as state law provides to the contrary. Written minutes shall be kept of all proceedings of the Board in accordance with the state law on public meetings.

(6) Voting shall be by roll call, including the Chairman, and the ayes and nays shall be recorded in the minutes. Except as this charter provides to the contrary, the concurrence of two members of the Board is necessary to decide any question before the Board.

Section 12.1. EMERGENCY BOARD MEETINGS.

INTENT: This charter amendment provides the Josephine County Board of Commissioners with the tools to effect swift remedial action in emergency situations.

Section 1. An emergency session of the Board shall be called only in case of an actual emergency as defined herein. Such emergency session shall respond only to the emergency that necessitated the session and items properly related to the emergency situation. An emergency session of the Board shall be open to the public and allow for public comment. Notice of an emergency session shall be clearly and accountably reconcilable with the urgency and the nature of the emergency for which the session is called. The nature and the urgency of the emergency, along with a clear statement of the actual emergency for which the emergency session of the Board was called, shall be entered in the minutes of that session. An emergency ordinance shall relate only to the emergency causing the emergency session to be called and shall be established only at an emergency session.

Section 2. No administrative order, administrative rule, executive order, or executive policy, or any other administrative or executive contrivance, shall be used to modify the intent or the specific mandates and definitions of this amendment.

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

SEVERABILITY: If a part of this amendment is found invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this amendment is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications. [Amended March 1996]

Section 13. ORDINANCES.

(1) An ordinance may embrace but one subject and matters properly connected therewith. The title of the ordinance shall express the subject.

(2) The ordaining clause of an ordinance shall read:

(a) in case of adoption by the Board of County Commissioners alone, "The Board of County Commissioners of Josephine County ordains as follows:";

(b) in case of adoption or ratification by the voters of the county, "The People of Josephine County ordain as follows:"

(3) Except as this section provides to the contrary, before an ordinance is adopted, it shall be read fully and distinctly in open meeting of the Board on two days at least 13-days apart. All readings of an ordinance shall be public hearings.

(4) Except as subsection (5) of this section allows to the contrary, an ordinance necessary to meet an emergency may, upon being read first in full and then by title, be adopted at a single meeting of the Board by unanimous vote of

all its members present. This subsection shall not be used by the Board in adopting an ordinance that imposes or provides exemptions from a tax, assessment, or charge for the purpose of raising revenue. An emergency ordinance shall be deemed automatically repealed 120-days from the date of its enactment.

(5) Any reading required by subsection (3) or (4) of this section may be title only:

(a) if no member of the Board present at the meeting requests that the ordinance be read in full; or

(b) if not later than one week before the first reading of the ordinance, a copy of it is provided each member, copies of it are available in the office of the Board of County Commissioners, notice of the availability is given by written notice posted at the courthouse, and notice of the availability is published at least once in a newspaper of general circulation in the County.

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

(7) Within three days after the Board adopts an Ordinance, the person who presides and the person who serves as recording secretary at the meeting at which the ordinance is adopted shall sign the ordinance and indicate its date of adoption.

(8) An ordinance adopted in accordance with this section, if not an emergency ordinance, shall take effect on the 90th day after the date of its adoption, unless it prescribes a later effective date or is referred to the voters of the county. If an ordinance is referred to the voters, it shall take effect only upon the approval of a majority of those voting on the proposed ordinance. An emergency ordinance may take effect immediately upon the date of its adoption.

(9) Any ordinance adopted by the Board and imposing, or providing an exception from, taxation shall receive the approval of the voters of the county before taking effect.

CHAPTER IV

FINANCE

Section 14. LOCAL BUDGET LAW.

Budgets shall be made and approved in accordance with the local budget law of the state provided, however, supplemental budgets shall be approved by the county budget committee prior to public hearing on the same.

Section 14.5. LIBRARY SUPPORT.

The Board shall provide for the support and maintenance of the main library and library branches. [Amended November, 1992]

Section 14.6. COUNTY ANIMAL CONTROL SUPPORT.

(1) The county shall provide full support and maintenance of all Animal Control field services and shelter operations.

(2) "Field Services" shall consist of the enforcement of all Oregon statutes relating to offenses against animals, and County Charter laws and County ordinances relating to licensing, domestic animal, poultry or livestock issues and all animal abuse or neglect investigations. These services shall include the trapping, pickup and disposal of all stray and abandoned animals, and they shall be available to meet citizen needs.

(3) "Shelter operations" shall include licensing, lost and found assistance, animal boarding in the main shelter, requirement of a strict responsible ownership contract for adoptions with no animals available for research or exploitation, active leadership for a humane educational program for adult and school-age county residents, and euthanasia services.

(4) Definitions shall follow ORS 167.310(1)(a)(c)&(d). {Amended November, 1994}

Section 14.7. COUNTY DEBT LIMITATION.

(1) The County shall not create any debt or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of \$5,000; provided however, the county may incur bonded indebtedness in excess of such \$5,000 limitation to carry out purposes authorized by statute, such bonded indebtedness not to exceed limits fixed by statute and subject to procedures such as hearings and a majority vote of the people.

(2) The county shall not alter the sense, meaning, effect or substance of above statement (1) on debt limitation, nor shall the county insert words or interpretations or disregard the commonly accepted definitions of words.

(3) The people of Josephine County reserve to themselves the right of amendment that has the effect of altering the sense, meaning, effect or substance.

(4) The county shall pay off as expeditiously as possible all debts in the estimated aggregate sum of over \$4,000,000 that were incurred prior to the filing of this amendment.

(5) The county shall revoke any county debt incurred after the date of the petitioner's filing of this petition in the County Clerk's office and prior to the collection of signatures.

[Amended March, 1993]

Section 15. OPERATING BUDGET AND CAPITAL PROGRAM PROJECTION.

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

Section 15.5. VOTER APPROVAL REQUIREMENT FOR CAPITAL PROGRAMS OR PROJECTS.

The Board shall not enter into any capital program or project agreement of any kind with any financial agent, agency or individual without prior approval of Josephine County voters at a regular election.

A capital program or project shall include, but not be limited to, real estate or construction projects, whether by the issuance of bonds or by lease purchase agreement or other type of agreement, and remodeling and furnishing.

If any section, portion, clause or phase of the ACT is for any reason held to be invalid or unconstitutional, the remaining sections, portions, clauses and phrases shall not be affected but shall remain in full force and effect, and to this end the provisions of this ACT are severable. [Amended September, 1993]

CHAPTER V

ADMINISTRATION

Section 16. ADMINISTRATIVE RESPONSIBILITY.

The Board of County Commissioners is responsible to the people of the county for the proper administration of the affairs of the county. The Board itself may carry on and may delegate administrative functions consistent with this charter. The delegation of administrative functions that create a new office or function shall follow procedures as prescribed in Section 13, Ordinances.

Section 17. ADMINISTRATIVE PERSONNEL.

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

Section 17.5. REVIEW OF COUNTY DEPARTMENT HEADS.

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

DEFINITIONS:

(1) BOARD: The Josephine County Board of Commissioners.

(2) INTENT: The reasons and purpose of this charter amendment.

(3) EXEMPT PERSONNEL: Those persons, including department heads, appointed by the Board to a specific management position, or a supervisory position, and whose salary and related benefits are determined by that Board and/or other body selected or appointed by that Board for the determination of proposed salary or benefit packages under the authority provided by the Oregon Constitution, applicable Oregon Statutes and this charter. Under the prescriptions of this authority and in compliance with any applicable United States Constitutional provisions or laws of the United States that preempt such state or local provisions, any such proposals, finally and irrevocably, shall require approval by a majority vote of the Board before they can be instituted. The personnel included in this definition are exempt from clauses of the state or national constitution or applicable state or national legislation regulating compensation negotiations between public sector employers and employees and either are not, or cannot be, directly represented by union organizations or union contract controlling such negotiations.

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

5. DEPARTMENT HEAD: Any exempt personnel selected and appointed by the Board, after a process of public announcement of such job opening, including a review of all applicants. The final choice in filling such a position (or in the case of review of existing exempt personnel, to determine whether to retain or dismiss the personnel involved) shall be decided by a majority vote of the Board. The newly selected applicant shall act as head of that specifically defined department of County government, subject to the authority and control, including the power of dismissal, of the Board. In the case of review of existing exempt personnel, the Board shall determine the appropriate action to be taken by majority vote.

Section 1. The authority defined under “Intent” of this amendment shall be accomplished as follows:

- (a) As prescribed in the Oregon Constitution, pertinent Oregon Statutes, and the provisions of this charter, the Board shall retain the absolute and irrevocable right of review, dismissal, and/or replacement over all exempt personnel and department heads. This authority shall extend to a review of all the activities occurring in the

official conduct of the duties of such exempt personnel and department heads. Such review shall be held at the discretion of the Board except as specified in Section 1(b) of this amendment.

(b) The activities, proposals, programs, achievements, and qualifications of all those Board appointed personnel as specified in Section 1(a) of this amendment shall be examined by this Board regularly during the Josephine County budget sessions of the County Budget Committee. These exempt personnel and department heads shall also be reviewed upon any change in membership of the Board, whether by election, or special appointment, or any other means by which such change in Board membership might occur. Such determination shall not preclude the combining of departments, duties, or responsibilities associated therewith, nor the establishment of new departments, or the elimination of existing departments, or the appointment of new personnel as specified in Section 1(a) of this amendment, or the dismissal of exempt personnel specified therein.

(c) The new Board shall retain the authority to use this opportunity for review to establish any changes deemed necessary to carry out the mandate of the electors of the County. This Board authority may be accomplished by the Board through personnel replacement, reestablishment of departmental policy, revision of the system of operation of the departments through the creation of newly defined goals or procedures, or the elimination or addition of any department or exempt personnel as deemed necessary by that Board, through a majority vote. The purpose of such action shall be the meeting of the goals or purposes of County government within the constraints of the Constitution of the United States of America, the Oregon State Constitution, Oregon Statutory mandate and Josephine County Charter.

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

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

If there is any conflict between this amendment and any other portion of this charter, that portion being most recent in approval by a vote of the people shall prevail.

SEVERABILITY: If a part of this amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this amendment is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications. [Amended May, 1994]

Section 18. ADMINISTRATIVE STRUCTURE.

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

Section 19. ELECTIVE ADMINISTRATIVE OFFICERS.

(1) The elective administrative officers of the county shall include, in addition to the three County Commissioners, the Sheriff, the Assessor, the Treasurer, the Clerk, the County Legal Counsel and the Surveyor. [Amended March, 1993]

(2) Unless expressly provided herein to the contrary, the regular term for all elected officers is four years.

(3) All elective administrative officers shall be nonpartisan in filing for office, election to office and subsequent performance of the duties and responsibilities of the office.

CHAPTER VI

PERSONNEL

Section 20. QUALIFICATIONS.

(1) An elective officer of the county:

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

(2) In addition to the foregoing qualifications, the Sheriff, Assessor, Treasurer, Clerk, County Legal Counsel and Surveyor shall have those qualifications as prescribed under this charter and state law. [Amended March, 1993]

(3) Appointive personnel of the county shall have whatever qualifications the Board of County Commissioners prescribes or authorizes.

Section 21. NOMINATION AND ELECTION OF COUNTY OFFICERS.

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

Section 22. RECALL.

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

Section 23. VACANCIES IN OFFICE.

A county office shall be deemed vacant:

- (1) for any cause prescribed by state law for county offices, or
- (2) upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for his term of office to begin.

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

Section 24. FILLING OF VACANCIES.

(1) The Board shall publish notice of a vacancy to be filled by appointment in newspapers of general circulation in the County. This notice shall request qualified individuals to apply to serve until the person elected at the next general election takes office by filing an application with the Board of Commissioners. The Board shall appoint a qualified person to the vacancy from the applications received. The Board shall fill a vacancy within 30-days after the occurrence of the vacancy.

If the Board does not have a quorum because of vacancies on the Board, the power to appoint, to fill such vacancy, is thereby transferred to a Temporary Board composed of the other elective administrative officers. [Amended May, 1992]

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

Section 25. COMPENSATION.

(1) The compensation and job related expenses of personnel in the service of the county shall be fixed annually by the budget committee.

(2) The combined total yearly salary and county provided fringe benefits of a Josephine County Commissioner shall not exceed thirty-thousand dollars. Any proposed increase in either salary or benefits beyond that amount shall require voter approval.

When such a proposal is presented to the people it shall be clearly worded on the ballot that it is a pay increase request and shall include both the percentage and the amount of the increase requested. Any such salary or benefit increase shall extend for no more than four years after the date of voter approval at which time it shall expire.

To eliminate cost any such salary or benefit increase proposal shall be voted on only during a statewide primary or general election ballot.

Any necessary reductions in salary or benefits to comply with the charter provision shall be implemented within 90-days after approval of this amendment.

(Federal or State mandated programs requiring employer contributions shall be exempt from this provision.)
[Amended May, 1990]

Section 26. PERSONNEL ADMINISTRATION.

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

Section 26.5. INVESTIGATION OF ABUSE OR NEGLECT OF AN ANIMAL.

Requires that Animal Control Officers make all domestic animal, poultry, livestock and abuse or neglect investigations in Josephine County. [Amended November, 1990]

CHAPTER VII

MISCELLANEOUS PROVISIONS

Section 27. INITIATIVE AND REFERENDUM.

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

Section 28. ELECTIONS ON COUNTY PROPOSITIONS.

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

(1) An election on a proposition concerning the county shall be conducted as prescribed by state law governing voting on such propositions; provided, however, that such an election may be held at a regular primary or general election or a special election called by the Board. A special election may not be held sooner than 90-days after the filing of the initiative or referendum petition, or after the measure has been referred to the voters by the Board.

(2) An initiative measure and a referendum may be proposed by the signatures of qualified county voters of a number equal to the following percentages of the total number of votes cast in the county for all candidates for Governor at the regular gubernatorial election next preceding the filing of the petition:

- (a) Initiative petitions, six percent;
- (b) Referendum petitions, four percent.

(3) An initiative petition shall include the full text of the proposed measure, which may embrace one subject only and matters properly connected therewith.

(4) An initiative petition must be filed with the County Clerk not less than 90-days before any primary or general election at which the proposed measure is to be voted upon.

(5) A referendum petition upon an ordinance may not be filed more than 90-days after enactment of the ordinance.

(6) An initiative measure takes effect on the date of its adoption. A referendum delays the effective date of an ordinance until the date of an election at which the ordinance is approved by the people.

Section 29. CHARTER AMENDMENT AND REPEAL.

(1) In accordance with state law, an initiative measure to amend, revise or repeal this Charter shall be placed on the ballot at:

- (a) the next available county election date,
- (b) a regular primary general election date, whichever comes first.

(2) An initiative petition to submit a charter amendment or repeal to the voters must be filed with the County Clerk not less than 90-days before any county election date or any primary or general election at which the proposed measure is to be voted upon.

(3) This charter shall be amended, revised or repealed only through the use of the initiative process (as defined in Chapter VII of this Charter) and no county ordinance shall prescribe to the contrary.

(4) The procedure for repeal of this charter by the initiative is as prescribed by this charter or by the authority of this charter for the initiative and referendum, except that the number of signatures required on a petition to repeal this charter is equal to at least 8 percent of the total number of votes cast in the county for all candidates for Governor at the regular gubernatorial election next preceding the filing of the initiative. [Amended May, 1992]

Section 29.1. RIGHT TO BEAR ARMS

INTENT: The intent of this Charter amendment is to provide the citizens of Josephine County with local protection of one of their inalienable rights as originally defined by our founding fathers in the United States Constitution and Bill of Rights.

Section 1: The following provision shall be adopted into the Josephine County Home Rule Charter and shall govern all actions by individuals and organizations, both public and private, within Josephine County:

The right of the people to keep and bear Arms shall not be infringed.

Section 2: No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provision of this Charter Amendment. Where any current law, ordinance, resolution, administrative rule, or statute within or outside of Josephine County may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state or local governmental body or agency.

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

Section 4: The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provisions of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class B Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

Section 5. No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violation of any of the provisions of this Charter Amendment. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter Amendment. Civil claims arising from this amendment shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

MISCELLANEOUS

(A) Conflict Clause - If any portion of this Charter Amendment is in conflict with any other provision of this Charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(B) Severability - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended November, 1994]

Section 29.2.1. MORE DUE PROCESS IN THE TAKING OF ASSETS.

INTENT: The intent of this charter amendment is to provide the citizens of Josephine County with local protection of one of their inalienable rights as originally defined by our founding fathers in the U.S. Constitution and the Bill of Rights.

Section 1. The following provision shall be adopted into the Josephine County Home Rule Charter and shall govern all actions by individuals and organizations, both public and private, within Josephine County.

No Bill of Attainder or Ex Post Facto Law shall be passed in Josephine County. No law or regulation shall be passed or enforced which confiscates property prior to due process of law, including trial by jury where required, no law or regulation shall be enforced retroactively.

DEFINITION: After the defendant has officially been charged with a crime, Josephine County officials may, if authorized by court order, freeze the sale of defendant's assets pending completion of trial and all appeals, except in

so far as assets can be sold by the defendant to obtain resources for his/her own legal expenses. If the accused is found to be innocent of the charges, then all the defendant's assets must be returned to the defendant in the same condition it was obtained, and the entire cost, including the defendant's legal expenses, shall be the entire responsibility of and reimbursed by the government or entity acting on behalf of the government making the accusation. And, as further compensation to the defendant for being falsely accused, the government or the entity acting on behalf of the government, shall pay the defendant twice the amount of the expenses incurred relating to the case. All defendants are presumed innocent until proven guilty.

Section 2: No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of this Charter Amendment. Where any current law, ordinance, resolution, administrative rule, or statute within or outside of Josephine County may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state or local governmental body or agency.

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

Section 4: The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provisions of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class B Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

Section 5: No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violations of any of the provisions of this Charter Amendment. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter Amendment. Civil claims arising from this amendment shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

Miscellaneous:

(a) Conflict Clause - If any portion of the Charter Amendment is in conflict with any other provision of this charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(b) Severability Clause - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended March 1996]

Section 29.2.1. MORE DUE PROCESS IN THE TAKING OF ASSETS.

INTENT: The intent of this charter amendment is to provide the citizens of Josephine County with local protection of one of their inalienable rights as originally defined by our founding fathers in the U.S. Constitution and the Bill of Rights.

Section 1. The following provision shall be adopted into the Josephine County Home Rule Charter and shall govern all actions by individuals and organizations, both public and private, within Josephine County.

No Bill of Attainder or Ex Post Facto Law shall be passed in Josephine County. No law or regulation shall be passed or enforced which confiscates property prior to due process of law, including trial by jury where required, no law or regulation shall be enforced retroactively.

DEFINITION: After the defendant has officially been charged with a crime, Josephine County officials may, if authorized by court order, freeze the sale of defendant's assets pending completion of trial and all appeals, except in so far as assets can be sold by the defendant to obtain resources for his/her own legal expenses. If the accused is

found to be innocent of the charges, then all the defendants assets must be returned to the defendant in the same condition it was obtained, and the entire cost, including the defendant's legal expenses, shall be the entire responsibility of and reimbursed by the government or entity acting on behalf of the government making the accusation. And, as further compensation to the defendant for being falsely accused, the government or the entity acting on behalf of the government, shall pay the defendant twice the amount of the expenses incurred relating to the case. All defendants are presumed innocent until proven guilty.

Section 2: No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of this Charter Amendment. Where any current law, ordinance, resolution, administrative rule, or statute within or outside of Josephine County may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state or local governmental body or agency.

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

Section 4: The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provisions of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class B Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

Section 5: No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violations of any of the provisions of this Charter Amendment. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter Amendment. Civil claims arising from this amendment shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

Miscellaneous:

(a) Conflict Clause - If any portion of the Charter Amendment is in conflict with any other provision of this charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(b) Severability Clause - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended March 1996]

Section 29.3. PROHIBITS ADVOCACY OF THE FORFEITURE OF CONSTITUTIONAL RIGHTS.

INTENT: The intent of this Charter amendment is to prohibit the advocacy of the forfeiture of any right guaranteed by the U. S. Constitution and shall further prohibit public officials, elected or appointed, from advocating the forfeiture of any rights guaranteed by the U. S. Constitution or to fail to uphold the rights guaranteed by the U. S. Constitution. For example the Second Amendment of the U. S. Constitution (the right to bear arms) may not be used to advocate the forfeiture of the First Amendment of the United States Constitution (guarantee of free speech) may not be used to advocate the forfeiture of rights guaranteed by the Second Amendment. By way of further example, elected or appointed officials may not advocate the need the ban the right to bear arms in contravention of the rights guaranteed by the Second Amendment of the U. S. Constitution.

DEFINITIONS: Nothing in this initiative shall be construed to prevent anyone from using the 1st Amendment Right of Free Speech, from proposing, discussing and/or debating changes in the U. S. Constitution, or from suggesting any changes. However, while the U. S. Constitution stands, as the supreme law of the land, elected or appointed public officials shall be bound by the chains of the U. S. Constitution, to uphold and preserve the rights of all citizens protecting them from the irresponsible misuse of free speech that is to say, elected or appointed public officials, shall be prohibited from advocating and conspiring to deprive law abiding citizens from their U. S.

Constitutional protections and guarantees. Legal Path - U. S. Constitution. The Constitution of the United States established in 1789 and ratified by the states forming the United States of America.

Section 1: No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of this Charter Amendment. Where any current law, ordinance, resolution, administrative rule, or statute within or outside of Josephine County may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state, or local governmental body or agency.

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

Section 3: The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provisions of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class B Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

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

MISCELLANEOUS:

(A) Conflict Clause - If any portion of this Charter Amendment is in conflict with any other provision of this Charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(B) Severability - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended November, 1994]

Section 29.4. SEARCH AND SEIZURE.

INTENT: The intent of this charter amendment is to provide the citizens of Josephine County with local protection of one of their inalienable rights as originally defined by our founding fathers in the U. S. Constitution and the Bill of Rights.

Section 1. The following provision shall be adopted into the Josephine County Home Rule Charter and shall govern all actions by individuals and organizations, both public and private, within Josephine County.

In Josephine County, the right of the people to be secure in their persons, houses, papers, and effects, against any unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

DEFINITION: UNREASONABLE: No public official, elected, appointed, or any agent of the government, or entity, is to enter private property, for the purpose of obtaining information, data, or material, without obtaining prior written consent of the property owner and tenant, or court order issued upon probable cause.

Section 2. No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of this Charter Amendment. Where any current law, ordinance, resolution, administrative rule, or statute within or outside of Josephine County

may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state or local governmental body or agency.

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

Section 4. The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provisions of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class C Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

Section 5. No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violations of any of the provisions of this Charter Amendment. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter Amendment. Civil claims arising from this amendment shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

MISCELLANEOUS:

(A) Conflict Clause - If any portion of this Charter Amendment is in conflict with any other provision of this charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(B) Severability Clause - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended September, 1995]

Section 29.5. CHARTER AMENDMENT: FEES.

Voter approval shall be required before any use fee, license fee, or any other fee may be established by the county. In no way shall this act interfere with any existing fee or license programs nor with any policy or procedures related thereto nor shall it interfere with judicial mandate or state or national law. (Definitions: FEE -- A charge fixed by law for the services of public officers or for the use of a privilege or of property under control or ownership of the county. LICENSE -- A permit or warrant issued by the county or agents thereof empowering the grantee to do some act including those made unlawful by ordinance, statute or order including that authorizing or requiring such license.) [Amended November, 1986]

Section 29.6. VOTE ON PRIVATE MANAGEMENT OF COUNTY PROPERTIES AND FEES.

INTENT: The intent of this measure is to assure the people that their authority to regulate fees or fee increases through voter approval as defined and prescribed in this charter shall not be circumvented, directly or indirectly, by any action taken by the Board or any agent or agency of county government.

Section 1. The right of the people to regulate fees by voter approval as defined in this charter shall not be circumvented by any county governmental action. The people's authority to regulate fees relating to the use of county properties or county provided services associated with those properties shall not be terminated by the transferal, consignment, assignment or any other method of conveyance, of the management of, or the lease or rental of, such properties or services to a private agency, municipality, or other governmental jurisdiction. Any private sector management, or management by any municipality or other governmental jurisdiction, of county properties, established by the Board or the County, shall conform to the provisions of this amendment. State or federally mandated consignments of such authority are excluded from this restriction. Privatization of properties, or the sale or transfer of ownership of such properties to a municipality or other governmental jurisdiction, shall be accomplished only by contractual agreement established through a nonemergency, regular ordinance and referred to the voters for their approval.

(a) This charter amendment shall become effective upon approval of the voters of Josephine County. Any agreements, consignments, assignments or transfers of authorities defined herein, or contracts, excluding those relating to the sale of county owned properties, made and agreed to subsequent to July 15, 1993 or agreed to but not placed in effect as of November 2, 1993, and in violation of this amendment, shall be brought into compliance with the intent of this amendment.

(b) This amendment shall be revised, repealed, or amended, only by a sixty percent majority vote of all votes cast at an election brought according to the requirements of this charter.

(c) If there is any conflict between this amendment and any other portion of this Charter, that portion being most recently approved by a vote of the people and consistent with the tenets of this amendment shall prevail.

DEFINITIONS:

Board: The Josephine County Board of Commissioners.

County: Josephine County and/or agents or agencies thereof.

Properties: County owned properties or facilities paid for or established by use of public revenue or by donation or gift to the county, including but not limited to, landfill sites or septic lagoons established for public use; libraries, the sheriff's department, buildings designated for use by senior citizens; the county courthouse and county administrative and service buildings; parking lots, parks, boat ramps, public rights of way including sidewalks, pedestrian rights of way, and those areas designated and labeled as bicycle paths.

Private agency: Any person, company, corporation, business, agency, or any other privately or mutually owned organization or trust or any other legal business or organizational structure.

Privatization of county properties: The sale, or disposal by any other manner, of county owned properties to a private agency.

SEVERABILITY:

If a part of this amendment is found invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this amendment is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications. [Amended September 1995]

Section 29.7. PROHIBITION OF INCOME TAX.

Josephine County shall not establish an income tax; both personal and business income taxes would be disallowed. [Amended May, 1990]

Section 29.8. SPEECH AND RELIGION.

INTENT: The intent of this charter amendment is to provide the citizens of Josephine County with local protection of one of their inalienable rights as originally defined by our founding fathers in the U. S. Constitution and the Bill of Rights.

Section 1. The following provision shall be adopted into the Josephine County Home Rule Charter and shall govern all actions by individuals and organizations, both public and private, within Josephine County.

No governmental law or regulation shall be made or enforced respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

DEFINITION: Josephine County Government officials that are petitioned for redress of grievances shall be required to respond within 5 days, and to resolve the problem in question within 60 days.

Section 2. No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of this Charter Amendment. Where any current law; ordinance, resolution, administrative rule, or statute within or outside of Josephine County

may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state or local governmental body or agency.

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

Section 4. The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provision of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class B Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

Section 5. No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violations of any of the provisions of this Charter Amendment. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter Amendment. Civil claims arising from this amendment shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

MISCELLANEOUS:

(A) Conflict Clause - If any portion of this Charter Amendment is in conflict with any other provision of this charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(B) Severability Clause - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended September 1995]

Section 29.9. RESTRICT NUDITY.

Any person wishing to establish, in Josephine County, a business that will engage in any activity such as a topless or nude bar, or as a center of entertainment established for the purpose of the display of human nudity as commonly defined and understood for that purpose, as a function of the operation of that business shall:

(1) Be required to post a ten million dollar bond for the duration of the operation of said business with the County of Josephine to insure protection to the County, the population in general, and the business involved, from incidents that might result from the operation of said business. This will provide security from liability to that business, the public and the County of Josephine from any such unforeseen occurrence.

(2) Provide a distance of at least 2 miles between said place of business and any publicly or privately owned building or gathering place commonly used by citizens of the community as a place for meetings, receptions, etc. Such places shall include, but not be limited to, public or private schools, day-care centers, playgrounds where children play, churches, parks, public halls or buildings made available to the public by the government for any of these purposes, either free or on a rental or lease basis, hospitals, police or sheriff stations, retirement centers, nursing homes, and places used for the administration of public affairs or government operations such as court houses or city or county government administrative buildings.

This amendment shall become effective immediately on approval by the voters of Josephine County.

If a part of this amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this amendment is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications. [Amended March, 1994]

Section 29.10. PARENTS AND CHILDREN.

INTENT: The intent of this charter amendment is to preserve the natural rights and authority that parents or guardians have over their minor children, should never be violated by any government body or entity acting on behalf of the government.

Section 1. The following provision shall be adopted into the Josephine County Home Rule Charter and shall govern all actions by individuals and organizations, both public and private, within Josephine County.

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

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

2. The Board of County Commissioners must provide, in layman's terms, a definition of what constitutes misdemeanor child abuse and what does not. And the definition of what misdemeanor child abuse is and is not, must be made available to all Josephine County citizens, upon request, within 30 days of the passage of this Charter Amendment, without any charge or prejudice.

The purpose of this action is so parents or guardians of minor children will not be law breakers.

3. Upon passage of this charter amendment, Josephine County Board of Commissioners are solely responsible to see that this charter amendment is fully complied with, that no entity or entity acting on behalf of the government, or any government body is to violate this charter amendment. If any outside body is to impose any laws which will take parental rights away, or violate this charter amendment, the Josephine County Board of Commissioners must, within 30 days:

- a. Put three half-page ads in at least two major newspapers, five to seven days apart, to alert parents and citizens in this county, of any law that may violate this charter amendment.
- b. Run a minimum of fifteen one-minute commercials on three different radio stations, to alert parents and citizens in this county, of any law that may violate this charter amendment.

Section 2: No elected or appointed officials of Josephine County shall pass or enforce any law, ordinance, resolution, administrative rule, or statute that denies or erodes any of the provisions of this Charter Amendment. Where any current law, ordinance, resolution, administrative rule, or statute within or outside of Josephine County may be interpreted to deny or erode any of the provisions of this Charter Amendment, that interpretation is void and is not to be enforced within Josephine County by any individual, group, or federal, state or local governmental body or agency.

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

Section 4: The Josephine County Board of Commissioners and the Josephine County District Attorney must enforce all of the provisions of this Charter Amendment. This enforcement must include citing persons charged with violating this Charter Amendment by issuing a Class B Misdemeanor Citation. No person shall be immune from such citation regardless of any personal or official capacity whatever. Judicial proceedings regarding such citations shall follow the same as in the issuance of any other Misdemeanor Citation.

Section 5: No individual within Josephine County shall be barred from seeking civil relief in the Courts of Josephine County from any injury or potential injury arising from the violations of any of the provisions of this Charter

Amendment. No person or body, public or private, shall be immune from jurisdiction by the Courts of Josephine County over matters arising from this Charter Amendment. Civil claims arising from this amendment shall be heard by a duly constituted jury in the Courts of Josephine County unless all parties named in such claims unanimously agree to adjudication of the claims solely by a Judge of the Josephine County Courts or by some other mediator.

Miscellaneous:

(A) Conflict Clause - If any portion of this Charter Amendment is in conflict with any other provision of this charter, that portion most recently approved by a 2/3rds vote of the voters of Josephine County shall prevail.

(B) Severability Clause - If a part of this Charter Amendment is invalid, all parts that are severable from the invalid part shall remain in effect. If a part of this Charter Amendment is invalid in one or more of its applications, that part remains in effect for all valid applications that are severable from the invalid applications. [Amended May 1996]

CHAPTER VIII

TRANSITIONAL PROVISIONS

Section 30. CONTINUITY.

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

Section 31. EFFECTIVE DATE.

This charter shall take effect January 5, 1981.

PREAMBLE

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