

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 09-12-16-

IN THE MATTER OF REFERRING TO ELECTION
THREE AMENDMENTS TO THE LANE COUNTY
HOME RULE CHARTER AND DIRECTING THAT IT
BE PLACED IN THE VOTERS' PAMPHLET

WHEREAS the Board of Lane County Commissioners has determined that it is in the public interest and benefit to offer the voters the option to approve an amendment to the Lane County Charter that would add a provision requiring a voluntary citizen Charter Review Committee, and

WHEREAS the Board has determined that it is also in the public interest and benefit to offer the voters the option to approve an amendment to the Lane County Charter that would bring the Charter into compliance with state election laws, and

WHEREAS the Board has determined that it is also in the public interest and benefit to offer the voters the option to approve an amendment to the Lane County Charter that would clarify the required qualifications for county elective positions, and

WHEREAS, the Board believes it is in the public interest to provide for wide dissemination and discussion of the issues regarding these measures through inclusion in the voters' pamphlet; now therefore, it is hereby

ORDERED that three measures be submitted to the voters on the May 18, 2010, ballot, as shown in Exhibits A, B, and C attached hereto and incorporated herein by reference; and it is further

ORDERED that a copy of this Board Order be presented to the County Clerk of Lane County and shall constitute our certification that these measures be placed on the May 18, 2010, ballot; and it is further

ORDERED that the measures identified as Exhibits A, B, and C be placed in the County's voters' pamphlet or the State's voters' pamphlet if available, availability to be determined by the County Clerk; and it is further

ORDERED that the County Clerk provide notice for and conduct the election in the manner provided by law, including ORS Chapter 250.

Adopted this 16th day of December 2009.

Peter Sorenson
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 12/15/09 Lane County


OFFICE OF LEGAL COUNSEL

Ballot Title

Caption: AMENDMENT OF LANE CHARTER TO CREATE CHARTER REVIEW COMMITTEE

QUESTION: Shall Lane County amend the Lane County Charter to create a voluntary citizen Charter Review Committee?.

SUMMARY: Section 39 would create a Charter Review Committee that will be appointed every 10 years, beginning in July of 2010. The voluntary citizen Review Committee's task would be to review the Charter and report back to the Board of County Commissioners by July of the following year on proposed changes to the Charter.

Section 39. CHARTER REVIEW COMMITTEE. Every ten years, beginning in 2011, the Board of County Commissioners shall convene a Charter Review Committee to review the existing charter and make recommendations to the Board of County Commissioners regarding suggested changes to the Charter.

(1) Membership

Each member of the Board of County Commissioners shall appoint a member to the Charter Review Committee by July 1, 2010. The appointees to the Charter Review committee shall nominate additional persons to fill two at-large positions. At-large appointees shall be appointed by the Board of Commissioners as a whole. The members of the Committee shall serve at the will of the appointing Commissioner(s), but for no longer than two (2) years from the date of appointment, or until the assigned tasks have been accomplished. Subsequent Charter Review Committees will be appointed in the same manner every 10 years.

(2) Timeframe

Members shall immediately begin meeting to review the current Charter, and shall report back to the Board of County Commissioners with recommendations for any suggested changes no later than July 1, 2011 and every ten (10) years thereafter.

Ballot Title

Caption: AMENDMENT OF SECTION 29 OF LANE COUNTY CHARTER

QUESTION: Shall Lane County amend the Lane County Charter to reflect state changes in elections laws?

SUMMARY: The proposed changes to this section will bring the Charter into compliance in regards to state election laws. This charter amendment will clarify the process to be followed when an individual receives a majority of votes in the primary election.

Section 29. NOMINATION AND ELECTION OF COUNTY OFFICERS. Except as this charter provides to the contrary, the manner of nominating and electing candidates for elective county offices shall be the manner now or hereafter prescribed by the laws of the state for the conduct of nonpartisan nominations and elections.

- (1) No petition, declaration, primary or general ballot for an elective county office shall make reference to any political party ballot or to a political party affiliation or designation.
- (2) When there is only one person as a candidate for nomination to an elective county office (except sheriff or to fill a vacancy), that person's name shall not be placed upon the primary ballot, but only on the November general election ballot.
- (3) A primary or general ballot, as the case may be, shall be delivered to each registered elector desiring to vote, regardless of party affiliation.
- (4) When any candidate for an elective county office receives a majority of votes cast at the primary election, that person's name alone shall appear on the ballot for the general election.
- (5) If no candidate at the primary election receives a majority of all votes cast, the two candidates receiving the highest number of votes shall be placed on the general election ballot.

Ballot Title

Caption: AMENDMENT OF SECTION 24 OF LANE COUNTY CHARTER

QUESTION: Shall Lane County amend the Lane County Charter to add required state qualifications for elected office?

SUMMARY: Section 24 of the Lane County Charter as currently written does not contain language regarding qualifications for elected officers which are required by state law. The proposed change to the language would clarify that any state-required qualifications for elected office are required qualifications for elected officials in Lane County.

Section 24. QUALIFICATIONS.

- (1) To qualify for an elective office of the county, a person
 - (a) shall be a legal voter of the state,
 - (b) shall be a resident of the county, and
 - (c) shall have resided in the county two years immediately preceding the beginning of the term of office.
 - (d) shall meet any other qualifications required by the State for such positions.
- (2) To qualify for an appointive office or position of the county a person shall have whatever qualifications the board of county commissioners prescribes for the office or position.
- (3) To qualify for the position of county commissioner, a person shall reside within the district from which said person is elected or appointed and shall have so resided for a period of not less than two months prior to appointment or any primary or general election in which said person is a candidate. A district boundary change shall not disqualify a commissioner until that commissioner's term of office has expired.

