

CODIFIED ORDINANCES OF JACKSON COUNTY

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(Repealed by Ord. 2003-4. Passed 1-22-03.)

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(Repealed by Ord. 2007-2. Passed 1-31-07.)

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CHAPTER 202
Codified Ordinances

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CROSS REFERENCES

Application of County ordinances inside cities - see ORS 203.040
 Adoption of ordinances see CHTR. §14; ORS 203.045
 Judicial review and invalidation of ordinances - see ORS 203.060
 Penalties; remedies; enforcement; disposition of fines; status of nuisance declared
 by ordinance - see ORS 203.065
 Home rule counties - see ORS 203.720, 203.760
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202.01 DESIGNATION; CITATION; HEADINGS.

(a) This document consists of all ordinances, resolutions and orders of a general and permanent nature of the County, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections. As such, they shall be known and designated as the Codified Ordinances of Jackson County, 1985, for which designation "Codified Ordinances" may be

substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of Jackson County, 1985, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of the Board of County Commissioners to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each component code shall be subdivided into titles and/or chapters, each title shall be subdivided into chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying component code 2, and the two figures "02" before the decimal signifying the chapter within the component code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the component code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

202.03 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of the Codified Ordinances does not revive the provision originally repealed nor impair the effect of any saving clause therein.

(b) The re-enactment, amendment or repeal of a provision of the Codified Ordinances does not, except as provided in subsection (c) hereof:

- (1) Affect the prior operation of the provision or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture or punishment for any violation is reduced by a re-enactment or amendment of a provision of the Codified Ordinances, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.

(E.Ord. 2003-29. Passed 10-15-03; P.Ord. 2003-28. Passed 10-29-03.)

202.04 DEFINITIONS AND INTERPRETATIONS.

In the construction of the Codified Ordinances, the following rules and definitions shall control, excepting those inconsistent with the manifest intent of the Board of County Commissioners as disclosed in a particular provision, section or chapter:

(1) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the County adopting these Codified Ordinances, in conformity with Section 14 of the County Charter.

(2) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

(3) Board. "Board" means the Board of County Commissioners of the County, being the legislative authority of the County.

(4) Calendar; Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or legal holiday, in which case it shall be excluded and the time shall expire on the next week day. If time is expressed in hours, the whole of Sunday shall be excluded.

(5) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.

(6) County. "County" means Jackson County, Oregon.

(7) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders, and words importing the feminine shall include the masculine and neuter.

(8) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

- (9) Joint Authority. Words giving authority to a board, commission or authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (10) Keeper and Proprietor. "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (11) Land and Real Estate. "Land" and "real estate" include rights and easements of an incorporeal nature.
- (12) Number. Words in the plural include the singular and words in the singular include the plural number, if the sense so requires.
- (13) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.
- (14) Occupancy. "Occupancy" or "Occupy" means to use or intend to use a premises or structure, or parts thereof, for any purpose normally or reasonably associated with such premises or structure. The definition of "Occupancy" or "Occupy" is not limited to human or animal inhabitation and can include the improvement, development or the placement of a structure or building on a premises.
- (15) Owner. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- (16) Person. "Person" means an individual, association, club, corporation, firm, partnership, body politic or any other legal entity.
- (17) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.
- (18) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.
- (19) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.
- (20) Shall and May. "Shall" is mandatory; "may" is permissive.

- (21) Sidewalk. "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (22) State. "State" means the State of Oregon.
- (23) Street. "Street" means alleys, avenues, boulevards, lanes, roads, streets, State highways and other public ways in the County.
- (24) Tenant and Occupant. "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.
- (25) Tenses. The use of any verb in the present tense includes the future.
- (26) Week. "Week" means seven consecutive days.
- (27) Whoever. "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
- (28) Written. "Written" or "in writing" includes any representation of words, letters, symbols or figures; this provision does not affect any law relating to signatures.

(Ord. 98-28. Passed 12-30-98.)

202.05 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such section or part of a section so held to be invalid.

202.06 COPY OF CODIFIED ORDINANCES ON FILE; SUPPLEMENTATION.

At least one certified copy of the Codified Ordinances shall be kept on file in the County Administration Building. It shall be the duty of County Counsel to insert in its designated place any ordinance that indicates the intention of the Board of County Commissioners to make the same a part of the Codified Ordinances when the same has been printed or reprinted in page form, and to extract from the Codified Ordinances all provisions which may be from time to time repealed by the Board or to make any appropriate notation in the certified copy of the Codified Ordinances that such

provisions have been repealed. Such certified copy of the Codified Ordinances shall be made available to all persons desiring to examine the same and shall be considered the official copy of the Codified Ordinances of Jackson County, Oregon, 1985. County Counsel shall be the official custodian of the Codified Ordinances of the County.

202.07 UNAUTHORIZED INSERTIONS OR DELETIONS PROHIBITED.

No person shall change or amend, by additions or deletions, any part or portion of the certified copy of the Codified Ordinances, or insert or delete pages or portions thereof, or alter or tamper with such Codified Ordinances in any manner whatsoever, in such manner as to cause the law of the County to be misrepresented. Whoever violates this section shall, in addition to the penalty provided in Section 202.99, be liable to the County, its officials or employees, in law, equity or otherwise, for any damage or loss sustained by it, them or any of them, because of an improper action or decision made by reason of such misrepresentation, change, addition, alteration or deletion.

202.99 GENERAL CODE PENALTY; COMPLICITY; EQUITABLE REMEDIES.

(a) Violation of any provision of these Codified Ordinances is deemed a County violation. A County violation is any offense designated as a violation in these Codified Ordinances. "Offense" and "violation" have the same meaning for purposes of these Codified Ordinances.

(E.Ord 2003-29. Passed 10-15-03; P.Ord. 2003-28. Passed 10-29-03.)

(b) Whoever violates or fails to comply with any of the provisions of these Codified Ordinances, including any provision of any standard, technical or other code adopted by reference in these Codified Ordinances, and including any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law, for which no penalty is otherwise provided in this Code, shall be fined not more than six hundred dollars (\$600) for each violation and not more than two hundred dollars (\$200) per day for a continuing violation, not to exceed ten thousand dollars (\$10,000). Unless otherwise provided, a separate violation shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Issuance of a second citation for the same violation shall constitute a continuing violation from the date of the first citation. Notwithstanding any other provision of law, a court or hearings officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than \$100.

(c) A sentence to pay a fine for a violation committed by a corporation shall be in an amount not to exceed twice the fine established under this section.

(d) If a person or corporation has gained money or property through the commission of a violation, instead of sentencing the defendant to pay the fine provided for in subsection (a) of this Section, the court or hearings officer may sentence the defendant to pay an amount fixed by the court or hearings officer, not exceeding double the amount of the defendant's gain from the commission of the violation. For purposes of this subsection, the defendant's gain is the amount of money derived from or through commission of the violation, or the value of the property on which the violation was committed at the time of citation. "Value of the property" means the market value of the property on which the violation was committed at the time of citation, or, if the market value cannot reasonably be ascertained, the value of such property as shown on the County's tax records.

(E.Ord 2003-27. Passed 10-15-03; P.Ord. 2003-26. Passed 10-29-03)

(e) Any fine imposed by the Court under Subsection (a) of this Section will be adjusted for costs and assessments imposed pursuant to ORS Chapter 137. In accordance with ORS 203.065(4), fines and costs shall be paid to the clerk of the Circuit Court. The clerk shall deduct the Court costs in the proceedings and pay the remainder to the treasurer of the County.

(1) Any fines imposed by the Hearings Officer will be adjusted for costs or assessments as may otherwise be provided under County ordinance or order. Fines recovered shall be paid to the clerk designated by the department that enforced the ordinance violated.

(E.Ord 2003-27. Passed 10-15-03; P.Ord. 2003-26. Passed 10-29-03)

(f) The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in these Codified Ordinances, or in any standard, technical or other code adopted by reference in these Codified Ordinances, or in any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law.

(g) Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared in these Codified Ordinances to be a violation, whether individually or in connection with another person, or as principal, agent or accessory, shall be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of these Codified Ordinances shall likewise be guilty of such violation.

(E.Ord 2003-29. Passed 10-15-03; P.Ord. 2003-28. Passed 10-29-03.)

(h) In addition to the penalty provided in this section, any condition caused or permitted to exist in violation of or not in compliance with any of the provisions of these Codified Ordinances, or of a technical or other code adopted by reference in these Codified Ordinances, or of a rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, shall be deemed to be a public nuisance and may be abated as such by the County as provided by law.

The County Counsel or a person whose interest is or may be affected by such a violation or noncompliance may, in addition to other remedies provided by law, institute injunction, mandamus or other appropriate proceedings to prevent or temporarily or permanently enjoin or abate the violation or noncompliance.

(Adopting Ordinance. Passed 12-10-85; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-4. Passed 5-31-00.)

THIS PAGE RESERVED FOR FUTURE EXPANSION.

CHAPTER 203
Code Enforcement

- 203.01. Prosecution; code enforcement officers; weighmasters; animal control officers.
- 203.02. Warning notices.
- 203.03. Citations required; form and contents.
- 203.04. Commencement of action for violations.
- 203.05. Service of citations.
- 203.06. Contents of summonses.
- 203.07. Responsibility of defendants.
- 203.08. Effect of statement and explanation in mitigation.
- 203.09. Notice of trial.
- 203.10. Trial discretionary with Court; fines.
- 203.11. Failure to appear.
- 203.12. Pending actions and proceedings.
- 203.13. Repealed.
- 203.14. Repealed.
- 203.15. Decision not to take enforcement action.
- 203.99. Bail, fines and court costs.

CROSS REFERENCES

Violations - see ORS Ch. 153

County Courts and Commissioners - see ORS 5.010 et seq., 203.111 et seq.

Penalties; remedies; enforcement; disposition of fines; status of nuisance declared by ordinance - see ORS 203.065

Enforcement of ordinances of County concern - see ORS 203.065

General Code penalty - see ADM. 202.99

Prosecution of County law violations - see ADM. 219.01

Citations for parking violations - see TRAF. 440.03

Citations for violations of Building Code - see B. & H. 1420.03, 1420.99(b)

Citations for violations of Sanitation Code - see H. & S. 1860.99(b)

203.01 PROSECUTION; CODE ENFORCEMENT OFFICERS; WEIGHMASTERS; ANIMAL CONTROL OFFICERS.

(a) Prosecution. The Board of County Commissioners hereby authorizes the County Counsel, any Assistant County Counsel, the District Attorney and any Deputy District Attorney to act as special prosecutor to prosecute violations of these Codified Ordinances and other County ordinances, except where provided in Section 203.04(c) or where otherwise specifically provided by any other County ordinance.

(b) Code Enforcement Officers. Subject to approval by the Board, the County Administrator may designate, from time to time, appropriate persons as enforcement officers to enforce these Codified Ordinances and other County ordinances, within the purview of this chapter. Such officers shall, when so designated, have the authority and the duty to take such actions as may be lawful and reasonably necessary for the enforcement of these Codified Ordinances and other County ordinances, including investigation, the issuance of citations and the service of notices, subpoenas, court orders and orders of the hearings officer in the course of prosecution. The County Administrator shall issue, in the name of the County, adequate identification for this function, and the code enforcement officers shall carry the same and display it upon request or as appropriate in the performance of their duties. The duties of the officers include, but are not limited to, entry upon private property to the fullest extent limited by the Fourth Amendment to the United States Constitution for the purpose of investigation, abatement of public nuisances, issuance of citations charging violations hereunder and delivery of notices and orders authorized by this chapter. The officer, after displaying his or her identification as such, may detain persons to the extent necessary to secure their identification and to issue a citation for violations for which the officer has reasonable grounds that the conduct constitutes a violation.

(E.Ord. 2003-27. Passed 10-15-03; P.Ord. 2003-26. Passed 10-29-03; E.Ord 2003-29. Passed 10-15-03. P. Ord 2003-28. Passed 10-29-03; Ord. 2003-31. Passed 11-26-03.)

(c) County Weighmasters. Subject to approval by the Board, the County Administrator shall appoint appropriate persons as County weighmasters.

County weighmasters shall have the powers and duties authorized by State law to enforce motor vehicle laws relating to weights and measures and to enforce such related regulations as are imposed by County ordinance.

County weighmasters shall be issued identification in the same manner as provided in subsection (b) hereof. County weighmasters shall carry such identification and display it upon request or as appropriate in the performance of duties.

(d) County Animal Control Officers. Subject to approval by the Board, the County Administrator may appoint appropriate persons as County animal control officers.

County animal control officers are code enforcement officers as described in subsection (b) hereof, with all the same powers and duties therein. In addition, County animal control officers shall have any additional powers and duties authorized by State law to enforce laws related to animal control and to enforce such related regulations as are imposed by County ordinance.

County animal control officers shall be issued identification in the same manner as provided in subsection (b) hereof. County animal control officers shall carry such identification and display it upon request or as appropriate in the performance of duties.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 93-26. Passed 7-28-93; P. Ord. 93-25. Passed 8-11-93; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96.)

203.02 WARNING NOTICES.

Before issuing a citation, a code enforcement officer may issue a warning notice of an alleged ordinance violation. A warning notice shall give a brief description of the violation that is alleged to exist and shall be served upon the person accused of the offense. The warning notice shall contain the name of the County department to contact regarding the violation, the date the warning was issued and a statement that failure to correct the alleged violation or to contact the appropriate County department may result in the issuance of a formal citation to the County Circuit Court or to the County hearings officer. The lack of issuance of a warning before the issuance of a citation is no defense to a complaint, and the issuance of a warning does not limit the violations which may thereafter be charged on the same facts.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03; E. Ord. 2003-29. Passed 10-15-03. P. Ord. 2003-28. Passed 10-29-03.)

203.03 CITATIONS REQUIRED; FORM AND CONTENT.

(a) Except as otherwise provided by law, a citation conforming to the requirements of this chapter may be used for all County ordinance violations and for other violations which are also chargeable as crimes or violations of statute.

(b) The citation shall consist of at least two parts. The required parts are:

- (1) A complaint, to be labeled "Complaint";
- (2) A summons, to be labeled "Summons".

(c) Each of the parts shall contain the following information or blanks in which such information shall be entered:

- (1) the name of the court;

- (2) the name of the public body in whose name the action is brought;
- (3) the name of the person cited;
- (4) the name of the enforcement officer or other person issuing the citation;
- (5) the section of the Codified Ordinances or the title and section of any other ordinance or State law violated;
- (6) a brief description of the alleged violation in such a manner as can be readily understood by a person making a reasonable effort to do so;
- (7) the date, time and place at which the violation(s) occurred;
- (8) the date on which the citation was issued;
- (9) the date, time and place at which the person cited is to appear in court;
- (10) the amount of the fine, if any, fixed for the violation.

(d) The Complaint shall contain a certificate signed by the enforcement officer certifying that the enforcement officer has reasonable grounds to believe, and does believe, that the person named in the Complaint committed the violation specified in the Complaint. The certification, if made by a duly authorized enforcement official or peace officer, need not be made before a magistrate or any other person. A certificate conforming to this section shall be deemed equivalent to a sworn statement.

A private person shall so certify before a Circuit Court judge or a clerk or deputy clerk of the Circuit Court of the County, and this action will be entered in the Court record. In a case to go before a County hearings officer, a private person shall certify before a Notary Public and the action entered in the County hearings record.

(e) The reverse side of the Complaint shall contain the Court or County hearings record and the substance of the matter.

(f) The reverse side of the Summons shall contain the following, in a form substantially as follows:

(2) In a case to go before the hearings officer of Jackson County:

THIS CITATION WILL BE FILED AGAINST YOU IN
THE JACKSON COUNTY ADMINISTRATIVE HEARINGS OFFICE
THERE ARE TIME LIMITS. AVOID PENALTIES. READ CAREFULLY.

The front of this form (Citation) shows you are charged with a County Violation. READ IT CAREFULLY.

YOUR OPTIONS: OREGON AND JACKSON COUNTY LAW REQUIRES YOU TO RESPOND. YOU MUST DO ONE (AND ONLY ONE) OF THE FOLLOWING OPTIONS:

OPTION 1 ENTER A PLEA OF GUILTY by written appearance. To choose this option AND AVOID ADDITIONAL PENALTIES, do all of the following before the "Clear Date" on the front of this Citation:

1. Sign and date the Statement of Understanding below.
2. Deliver this CITATION with **check or money order (Credit card payments are accepted) for the "Total Minimum Fine"**, to the DEPARTMENT address below, 11:00AM to 4:00PM Monday Through Friday, or call for appointment. You may also include a statement explaining the situation. (*See NOTICE "2" below*).

IMPORTANT: Choosing this option waives your right to a hearing. After accepting your plea under Option 2, the hearings officer or assigned clerk may keep all or part of the money you pay. Also, to correct the violation, the hearings officer's judgment can include further conditions with which you must comply. Such conditions would be mailed to you at the stated address on the front of this Citation.

OPTION 2 ENTER A PLEA OF NOT GUILTY by written appearance (For a new trial date and/or notice of representation.) To choose this option AND AVOID ADDITIONAL PENALTIES, do all of the following before the "Clear Date" on the front of this Citation:

1. Sign/date here: _____ (*signature*) _____ (*Date*),
2. Deliver to the DEPARTMENT address below, a copy of this CITATION with a written request for a trial date if you require a different day for a hearing and/or the name of your attorney if you are to be represented. (*See NOTICE "2" below*).

IMPORTANT: Choosing this option, the Department will mail (to the stated address on the front of this Citation) the notice of the time and place when you **MUST** appear. IF YOU FAIL TO APPEAR at the time set for hearing, the hearings officer can impose judgment, penalties, and conditions for compliance.

OR

OPTION 3 PERSONALLY APPEAR at the Jackson County auditorium at the appearance date and time (stated on the front of this Citation) to enter a plea. You have a right to a hearing, and if you plead not guilty when you appear, be prepared and ready to present your case to the hearings officer. The Hearings Officer can impose a fine greater than the "Minimum Fine", up to the "Maximum Fine", if you are found guilty. IF YOU FAIL TO APPEAR at the time set for hearing, the hearings office can and will impose judgment, additional penalties, and conditions for compliance.

NOTICE

1. In any case, the hearings office may require you to appear for a hearing to direct correction of a violation.
2. YOU MAY MAIL WRITTEN APPEARANCES to the hearings office under Violation Options 2 or 3 above, **but** the mail must arrive at the Jackson County Hearings Office by the "Clear Date" shown on the front of this Citation.

WARNING

The Hearings Officer is empowered to levy penalties up to \$10,000 per violation. Failure to pay a penalty will become a lien against your property, and it is grounds for issuance of stop work order, withholding issuance or requested permits or licenses, or revocation or suspension of any issued permits or licenses.

STATEMENT OF UNDERSTANDING:

I, the undersigned, do hereby acknowledge that I understand the following:

- 1) My payment of this CITATION is an admission of the existence of the violation alleged on this CITATION, and an admission of my responsibility for it.
- 2) My payment of this CITATION does not relieve me of my responsibility to correct the violation, and to comply with all applicable laws. I will comply with terms of the attached Compliance Agreement, if one is made. _____(Officer's Initials.)
- 3) Additional citations may be issued to me if I fail to correct the violation, or violate other applicable laws.

Signature: _____ Date: _____

MAIL CORRESPONDENCE OR HAND DELIVER AND MAKE CHECKS PAYABLE TO:

DEPARTMENT: _____

10 S. Oakdale Ave.
Medford, OR 97501
(541) 774-_____

(g) Any error in transcribing information into the blanks provided in the citation form, when determined by the Court or hearings officer to be nonprejudicial to the defendant’s defense, may be corrected at the time of trial or hearing or prior to the time of trial or hearing, with notice being given to the defendant.

(h) Except as provided in subsection (h) hereof, the Complaint shall be set aside by the Court or hearings officer only upon the motion of the defendant before plea, if it does not conform to the requirements of this section.

(i) The Citation or Complaint shall be on a form provided and printed by the County.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord 2003-27. Passed 10-15-03; P. Ord 2003-26. Passed 10-29-03.)

203.04 COMMENCEMENT OF ACTION FOR VIOLATIONS.

(a) Weights and Measures. All actions for violations of State law regarding weights and measures shall be commenced according to the provisions of State law.

(b) Action by County. A designated and appointed code enforcement officer or a deputy sheriff may issue a citation for a violation of a County ordinance committed at any location within the unincorporated area of the County and for which the officer has reasonable grounds to believe that the conduct constitutes a violation.

(c) Private Right of Action. A private person may commence an action for an ordinance violation by issuing a citation under the same conditions as provided in subsection (b) hereof. The citation form shall be the same as that described in Section 203.03 and shall be provided by the County. The commencement of an action by a private person for a violation committed in his or her presence shall be at the discretion of and in the judgment of the office of the County Counsel in his or her capacity as a special prosecutor. Certification and service shall occur as required by Sections 203.03 and 203.05, respectively. An action commenced by a private person shall be prosecuted by that person and not by the County.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; Ord 2003-31. Passed 11-26-03.)

203.05 SERVICE OF CITATIONS.

If a citation is issued pursuant to this chapter, the code enforcement officer, County weighmaster or such other person as may be authorized by ORCP Rule 7E shall serve the summons portion of the citation personally on the person cited. Such a summons may also be served in the same manner as prescribed for the service of summonses in ORCP Rule 7D(1-3).

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; E. Ord 2003-27. Passed 10-15-03; P. Ord 2003-26. Passed 10-29-03.)

203.06 CONTENTS OF SUMMONSES.

(a) A summons for a violation of State law relative to weights and measures shall be sufficient if it complies with the requirements of State law.

(b) A summons for an ordinance violation is sufficient if it contains the following:

(1) That information contained in Section 203.03(c) and (h);

(2) A notice to the person cited that a complaint will be filed with the Court or with Jackson County based upon the violation; and

(3) A statement of the fine amount, if any, fixed for the violation.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord 2003-27. Passed 10-15-03; P. Ord 2003-26. Passed 10-29-03.)

203.07 RESPONSIBILITY OF DEFENDANTS.

If the defendant is charged with a crime, the defendant must appear personally at the date, time and place set by the Summons. If the defendant is charged with a violation, the defendant must appear personally at the date, time and place set by the Summons, or, prior to such time, shall deliver the Summons to the Court or to the hearings officer, whichever is appropriate according to the citation issued, with a check or money order in the amount of the fine set forth on the Summons, and:

- (a) the executed appearance, waiver of trial or hearing, a statement of explanation in mitigation of the violation charge, and plea of guilty or no contest appearing on the Summons; or
- (b) if the case is in the Circuit Court, the executed appearance, plea of not guilty and request for trial appearing on the Summons.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord 2003-27. Passed 10-15-03; P. Ord 2003-26. Passed 10-29-03.)

203.08 EFFECT OF STATEMENT AND EXPLANATION IN MITIGATION.

If a defendant has submitted to the Court or to the hearings officer a written statement as provided in Section 203.07(a), it constitutes a waiver of trial or hearing and a consent to judgment by the Court or hearings officer and declares a forfeiture of all or any part of the fine amount as determined by the Court or hearings officer on the basis of the statement of the complainant or any other witness which may be presented to the Court or to the hearings officer.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord 2003-27. Passed 10-15-03; P. Ord 2003-26. Passed 10-29-03.)

203.09 NOTICE OF TRIAL OR HEARING.

(a) If the defendant requests a trial pursuant to Option 1 or 3 as set forth in Section 203.03(f)(1), and the Court directs that a trial be held, the Court shall fix a date and time for the trial and, unless notice is waived, shall, at least five days in advance of the trial, mail to the defendant a notice of the date and time so fixed. The notice shall set forth a warning that if the defendant fails to appear the Court may find the defendant in contempt and issue a warrant of arrest OR enter a conviction and a judgment against the defendant up to the maximum penalty allowed by law.

(b) A defendant scheduled for a hearing pursuant to Option 3 as set forth in Section 203.03(f)(2) is deemed to have received the notice required under JCC Section 294.07(b) upon having been served a citation. If at hearing defendant requests a new hearing date and the hearings officer directs that a new date be set, the hearings officer shall fix a date and time for the new hearing and, unless notice is waived, shall, at least five days in advance of the new hearing, mail to the defendant a notice of the date and time so fixed. The notice shall set forth a warning that if the defendant fails to appear the hearings officer may enter a conviction and a judgment against the defendant up to the maximum penalty allowed by law.

(c) If the defendant fails to appear in response to a citation, the Court or hearings officer may, by order mailed to the defendant, require the defendant to appear before the Court or hearings officer at a time certain OR enter a conviction and a judgment against the defendant up to the maximum penalty allowed by law.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.10 TRIAL DISCRETIONARY WITH COURT; HEARING DISCRETIONARY WITH HEARINGS OFFICER; FINES.

(a) If the defendant is appearing in the Circuit Court and does not request a trial, the Court, at its discretion, may direct that a trial be held. Otherwise, the Court may enter the appropriate judgment, and return any amount by which the fine already collected exceeds the fine imposed.

(b) If the defendant is appearing before the hearings officer and defendant does not request a hearing, the hearings officer, at his or her discretion, may direct that a hearing be held. Otherwise, the hearings officer may enter the appropriate judgment, and return any amount by which the fine already collected exceeds the fine imposed.

(c) With the exception of a Defendant who fails to appear pursuant to Section 203.11, no fine shall be imposed in excess of the fine amount deposited by the Defendant, unless a trial or hearing is held.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.11 FAILURE TO APPEAR.

(a) If the defendant in a violation proceeding does not make a first appearance in the manner required by Section 203.03 within the time allowed, and a trial or hearing is not otherwise required by the court or by the hearings officer or by law, the court or the hearings officer may enter a default judgment based on the complaint and any other evidence the judge or the hearings officer determines appropriate.

(b) If the defendant makes a first appearance in the manner required by Section 203.03 within the time allowed and requests a trial or a hearing, and the defendant subsequently fails to appear at the date, time and place set for any trial or hearing or other appearance in the matter, and if a trial or a hearing is not otherwise required by the court or by the hearings officer or by law, the court or the hearings officer shall enter a judgment based on the complaint and any other evidence the judge or the hearings officer determines appropriate.

(c) Intentional failure to appear in response to an order of the Court or hearings officer, given as prescribed in Section 203.09, or given in open Court or hearing in the defendant's presence, may be punished as contempt in the Circuit Court, if such sanction is requested by or on behalf of the County, or by a private person commencing an action under Section 203.04(c) if that person is an aggrieved party pursuant to ORS 33.055(2).

(d) No person shall knowingly fail to appear, as provided in Section 203.07, pursuant to a citation duly issued, served and filed under authority of this chapter.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.12 PENDING ACTIONS AND PROCEEDINGS.

The adoption of this chapter shall not be construed as abating any action or legal proceeding now pending under, or by virtue of, any ordinance repealed by the adoption of this chapter, as discontinuing, abating or modifying any penalty accruing or to accrue, as affecting the liability of any person or as waiving any right of the County under any ordinance existing on the effective date of this chapter.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85.)

203.13 (Ord. 86-22. Passed 7-9-86; REPEALED by E. Ord. 96-29. Passed 6-26-96; P. Ord 96-30. Passed 7-10-96.)

203.14 (Ord. 86-22. Passed 7-9-86; REPEALED by E. Ord. 96-29. Passed 6-26-96; P. Ord 96-30. Passed 7-10-96.)

203.15 DECISION NOT TO TAKE ENFORCEMENT ACTION.

The initiation of enforcement proceedings as set out herein and in Section 202.99 by authorized county personnel is permissive and not mandatory. Decisions not to initiate prosecution or a civil action are discretionary in nature and shall be made considering the severity of the alleged violation and the departmental and county staff, time and resources necessary.

(E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96.)

203.99 BAIL, FINES AND COURT COSTS.

General code penalties are provided for under Section 202.99. In addition:

- (a) A person accused of committing a violation enforceable under this ordinance who requests a trial must post the fine amount required, unless such amount is expressly waived by the judge or by the hearings officer.
- (b) Forfeiture or payment of a fine on a citation issued under this chapter does not relieve a violator of the responsibility to remedy the violation.
- (c) Whoever violates Section 203.11(d) may be fined not more than six hundred dollars (\$600) or, if proceedings are in the Circuit Court, imprisoned not more than ten days or both.
- (d) A judge or a hearings officer may suspend operation of any part of a judgment entered under this chapter and pursuant to ORS 153.090(4) upon condition that the defendant pay the nonsuspended portion of a fine within a specified period of time. If the defendant fails to pay the nonsuspended portion of the fine within the specified period of time, the suspended portion of the judgment becomes operative without further proceedings by the hearings officer and the suspended portion of the fine becomes immediately due and payable.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.

CHAPTER 204
Abandoned Personal Property

204.01	Policy
204.02	Disposition of Exempt Personal Property
204.03	Disposition of Unclaimed Personal Property
204.04	Disposition of Found Personal Property
204.05	Procedure for Disposing of Surplus Property
204.06	Procedure for Reclaiming Property

204.01 POLICY

This policy applies to lost articles as defined by OAR 736-010-0070 and Unclaimed, Found, Exempt and Surplus tangible personal property, as defined herein, in the County's possession. It does not apply to the following as they currently exist or may from time to time be amended:

- (a) Unclaimed personal property seized by the Jackson County Sheriff's office in accordance with ORS 98.245.
- (b) Intangible personal property as defined by ORS 98.302
- (c) Unclaimed consigned or bailed property governed by ORS 98.110 - 240.
- (d) Motor vehicles as governed by Jackson County Ordinance Chapters 410 and 1062.12.
- (e) Personal property left at a camping site in accordance with Ordinance Chapter 1078.06.
- (f) Weapons, illegal substances or prescription medications.
- (g) Property of a deceased person taken into possession by the County.
- (h) Property found by Transportation Security Administration (TSA) personnel pursuant to TSA Directive 200.51.

204.02 DISPOSITION OF EXEMPT PERSONAL PROPERTY

Exempt Property is defined as tangible personal property with a value of less than \$100.00 and the ownership of which cannot be determined. The value of exempt property shall be determined by the director of the department in which the property was found. If the Exempt Property is unclaimed for 30 days after the property came into the County's possession, the Exempt Property shall be deemed Unclaimed Property and disposed of as set forth in 204.03, below. If the tangible personal property is worth \$100.00 or more, ORS 98.005 governs its disposal. Exempt property with only de minimus value, such as food, newspapers or periodicals, may be disposed of immediately.

204.03 DISPOSITION OF UNCLAIMED PERSONAL PROPERTY

Unclaimed Property is defined as all tangible personal property with more than de minimus value which the County does not own and for which ownership cannot be determined and which has not been claimed per section 204.02, above. Unless excepted by State law or a specific provision of this Ordinance, all Unclaimed Property shall become the property of the County and designated as

Surplus Property after the department in possession of it has sent notice to all parties who reasonably appear to have an interest in such property and who have not reclaimed it. The procedure for the disposition of surplus property is provided below.

204.04 DISPOSITION OF FOUND PERSONAL PROPERTY

Found Property is defined as all tangible personal property which (a) is not owned by the County (b) the ownership of which is unknown and (c) is turned into the County. Found Property shall not become the property of the County until the requirements of state law regarding the rights and duties of finders and owners of such property are satisfied. Found property may be kept and used by any county department after the requirements of State law are satisfied. If the property is not usable, the County shall dispose of it as Surplus Property.

204.05 PROCEDURE FOR DISPOSING OF SURPLUS PROPERTY

Surplus Property can be Unclaimed Property, Found Property or Exempt Property. The procedure for disposing of Surplus Property is set forth in Administrative Policy #7-03. If the Surplus Property is sold, the proceeds from the sale shall be applied to the costs of sale and the balance deposited into the County general fund. The County shall assume no responsibility as to the condition of title of the property sold. In the event that for any reasons such sale shall be invalid, and the County is adjudged liable for the invalid sale, the liability of the County is limited to the return of the sale price upon application thereof to the Board of Commissioners. If any Surplus Property is neither sold nor retained by or transferred to a department, it may be resold at a later date, donated to a governmental or charitable agency or destroyed, whichever, in the opinion of the County Administrator, best satisfies the public interest.

204.06 PROCEDURE FOR RECLAIMING PROPERTY

An individual claiming an ownership interest in any unclaimed, found or exempt property before it is deemed Surplus Property or transferred to a State Agency shall submit satisfactory written evidence to the County Administrator of the individual's interest therein and tender, with said application, the costs of removing, storing and making the sale of the personal property. The County Administrator, upon being satisfied the claim is rightful, shall surrender the same to the claimant.

(Ord. 2006-2. Passed 3-29-06.)

CHAPTER 205
Official Standards

- 205.01 County logo.
205.99 Penalty.

CROSS REFERENCES

Holidays and commemorative days - see ORS 187.010 et seq.
Daylight savings time - see ORS 187.110
Grades and standards for County roads and road work - see ORS 368.036
Weights and measures - see ORS Ch. 618
County weighmasters - see ADM. 203.01(c)

205.01 COUNTY LOGO.

Each department of the County shall utilize the County logo, a copy of which is set forth below. No person shall use the County logo for the purpose of misrepresenting the status of any person or equipment.



Departments may use a modification of the standard logo depicted above to better describe their individual services. Any such modified logo must be approved by the County Administrator prior to use.

(Ord. 98-26. Passed 12-16-98.)

205.99 PENALTY.

EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.

CHAPTER 206
Elections

- 206.01 Ballot titles and explanatory statements; judicial review.
206.02 Arguments regarding measures.
206.03 Drafting of explanatory statements.

CROSS REFERENCES

County elections generally - see CHTR. Ch. VII; ORS 202.030
Dates and emergency procedures - see ORS 203.085
Charter adoption, change, repeal - see ORS 203.720, 203.760
Registration; absentee ballots - see ORS 253.135
Election crimes and offenses - see ORS 260.993

206.01 BALLOT TITLES AND EXPLANATORY STATEMENTS; JUDICIAL REVIEW.

(a) Petitions. If a County measure is, in accordance with the law of the State or the County relating to the exercise of initiative and referendum, referred to the voters of the County, and if a ballot title for the measure or an explanatory statement of the measure, or both, are filed with the County Clerk in accordance with that law, and if the Board of County Commissioners decides, as to a County measure that the board proposes, or if the chief petitioners decide, as to a County measure that the petitioners proposed by initiative or referendum, that the measure shall be published in the State voters' pamphlet, and if a County voter is dissatisfied with the title or statement, or both, on the grounds that the title is not a concise and impartial statement of the purpose of the measure, or that the explanatory statement is not an impartial, simple and understandable statement explaining the measure and its effect, then the voter may, within seven days after the ballot title is filed with the County Clerk, and within a period of seven days after the explanatory statement is filed with the County Clerk, petition the Circuit Court of the First Judicial District to prepare another ballot title or another explanatory statement for the measure as the case may be. Attached to the petition shall be a copy of the measure, a copy of the challenged ballot title or explanatory statement and a statement as to why the title or statement is not satisfactory to the petitioner.

(b) Procedures. The Court may then solicit additional written information pertinent to the measure, the ballot title and the explanatory statement, shall afford the petitioner access to the information and may then hear an oral argument about the title and statement. The review by the Circuit Court shall be conducted expeditiously to ensure the orderly and timely conduct of the election in which the measure is to be submitted to the electors.

(c) Standards.

(1) If the Court finds that the ballot title is a concise and impartial statement of the purpose of the measure, the Court shall sustain the title as being so. If the Court finds to the contrary, it shall prepare another ballot title that is a concise and impartial statement of the purpose of the measure.

(2) If the Court finds that the explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect, the Court shall sustain the statement as being so. If the Court finds to the contrary, it shall prepare another explanatory statement of the measure that is an impartial, simple and understandable statement explaining the measure and its effect.

(d) Submission to Secretary of State. When filing the measure with the Secretary of State, the County Clerk shall also file the ballot title originally prepared for the measure, if that title has not been subjected to judicial review or has been so subjected but sustained, and shall so file the title prepared by the Court if the original title has been subject to judicial review and not sustained. The County Clerk shall likewise file the explanatory statement originally prepared for the measure, if that statement has not been subjected to judicial review or has been so subjected but sustained, and shall likewise file the statement prepared by the Court if the original statement has been subjected to judicial review and not sustained. The filing of the ballot title and explanatory statement with the Secretary of State shall be not later than the seventieth day before the election.

(Ord. 76-78. Passed 2-22-78; E. Ord. 88-3. Passed 2-17-88; P. Ord. 88-4. Passed 3-16-88.)

206.02 ARGUMENTS REGARDING MEASURES.

(a) If the Board of County Commissioners decides, as to a County measure that the Board proposes, or if the chief petitioners decide, as to a County measure that the petitioners propose by initiative or referendum, that the measure shall be published in the State voters' pamphlet, then the County Clerk shall accept from any County voter or group of voters, and shall file with the Secretary of State, not later than the seventieth day before the election, together with the measure, an argument supporting or opposing the measure and a disclaimer statement in substantially the following form: The printing of this argument does not constitute an endorsement by the State of Oregon or the County of Jackson, nor does the State/County warrant the accuracy or truth of any statement made in this argument.

(b) The argument shall be typewritten and may be printed in the voters' pamphlet in 29.8 square inches.

(c) The argument shall be filed with the County Clerk at least ten days before the time when the County Clerk is required to file the measure with the Secretary of State.

(d) The voter or group, when filing the argument, shall either:

- (1) Pay the County a fee as established from time to time by the Board of County Commissioners; or
- (2) File with the County Clerk a petition signed by 1,000 voters or ten percent of the total number of voters in the County, whichever is less, ten days before the submission.
- (e) The argument shall be accompanied by the name of the person who submitted the argument, the name of the organization the person represents, if any, and a statement as to whether the argument supports or opposes the measure.

(Ord. 76-78. Passed 2-22-78.)

206.03 DRAFTING OF EXPLANATORY STATEMENTS.

The provisions of ORS 251.205 may be applied upon order of the Board of County Commissioners when it deems it in the public interest to use the State voters' pamphlet for an explanation of a County measure. In that event, the Board shall be substituted for the Legislative Assembly and may appoint knowledgeable persons representing opposing view points, and the County Clerk shall carry out all other functions designated to the Secretary of State. Judicial review and filing of explanatory statements shall be in accordance with this chapter.

(Ord. 76-78. Passed 2-22-78.)

CHAPTER 208
Contracts

208.01	Repealed.
208.02	Repealed.
208.03	Repealed.
208.04	Repealed.
208.05	Repealed.
208.06	Repealed.
208.07	Repealed.
208.08	Repealed.
208.09	Repealed.
208.10	Repealed.
208.11	Repealed.
208.12	Repealed.
208.13	Repealed.
208.14	Repealed.
208.15	Repealed.
208.16	Repealed.
208.17	Local Contract Review Board.
208.18	Fees to Other Jurisdictions.

CROSS REFERENCES

Actions on contracts - see ORS 30.320

Cooperative agreements - see ORS 190.007, 190.010, 190.020, 190.030, 190.110

Land sale contracts - see ORS 275.180, 275.200

Public Contracts and Purchasing - see ORS Ch. 279

Highway construction contracts - see ORS 366.400

Recording fees - see ADM. 217.01

Contracts for County Fairgrounds and Exposition Park - see ADM. 265.02

Local Contract Review Board - see ADM. Ch. 275

208.01 (ORS 279.029(1); Ord. 85-22. Passed 9-18-85; Ord. 93-10. Passed 4-14-93; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)

208.02 (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)

- 208.03** (E. Ord. 95-41. Passed 8-23-95; P. Ord. 95-42. Passed 9-6-95; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.04** (Ord. 87-4. Passed 5-13-87; Ord. 93-10. Passed 4-14-93; E. Ord. 95-41. Passed 8-23-95; P. Ord. 95-42. Passed 9-6-95; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.05** (E. Ord. 95-41. Passed 8-23-95; P. Ord. 95-42. Passed 9-6-95; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.06** (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.07** (Ord. 85-22. Passed 9-18-85; E. Ord. 95-41. Passed 8-23-95; P. Ord. 95-42. Passed 9-6-95; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.08** (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.09** (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.10** (Ord. 85-22. Passed 9-18-85; Ord. 93-10. Passed 4-14-93; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.11** (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.12** (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.13** (Ord. 85-22. Passed 9-18-85; Ord. 93-10. Passed 4-14-93; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.14** (Ord. 85-22. Passed 9-18-85; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)
- 208.15** (Ord. 83-25. Passed 12-28-83; Ord. 93-10. Passed 4-14-93; Ord. 94-130. Passed 12-28-94; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)

208.16 (Order 305-85. Passed 9-24-85; Ord. 93-10. Passed 4-14-93; REPEALED by Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)

208.17 LOCAL CONTRACT REVIEW BOARD.

The Local Contract Review Board for Jackson County government under ORS 279A.060 is hereby created. The Local Contract Review Board shall consist of the Jackson County Board of Commissioners, and is vested with all authority and power authorized by the laws and constitution of the State of Oregon, including the authority to make and amend, by order, rules prescribing public contracting.

(Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)

208.18 FEES TO OTHER JURISDICTIONS.

The fee to be charged other local governments who chose to utilize the Jackson County Local Contract Review Board shall be \$250 per contract reviewed; provided, however, that the Local Contract Review Board shall be authorized to modify or waive the fee upon a finding that modification or waiver is in the best interest of the public.

(Ord. 99-7. Passed 5-26-99; E. Ord. 99-17. Passed 7-28-99; P. Ord 99-18. Passed 8-18-99.)

CHAPTER 209
Formation or Change of Special District Boundaries

- 209.01 Bond required.
 209.02 Release of bonds; payment of costs.
 209.03 Amount of bonds.
 209.04 Assessment of costs.
 209.05 Failure to effect change.
 209.06 Form of bonds; deduction of costs.
 209.07 Assumption of costs.

CROSS REFERENCES

County boundaries - see CHTR. §3; ORS 201.150
 Special districts generally - see ORS Ch. 198
 Formation of special districts - see ORS 198.795 et seq.
 County roads - see ORS Ch. 368
 Road districts and road assessment plans - see ORS Ch. 371
 Fire districts - see F.P. Ch. 1610

209.01 BOND REQUIRED.

Each petition or special district request filed with the County to effect a formation or change of a special district boundary, pursuant to Chapter 198, shall be accompanied by a bond in a form approved by the Board of County Commissioners. If a change is initiated by a district board, such board shall submit the required bond.

(Order 235-83. Passed 6-29-83.)

209.02 RELEASE OF BONDS; PAYMENT OF COSTS.

Irrespective of whether or not the attempted formation, annexation, withdrawal or dissolution of a special district boundary is effected, the petitioner or the initiating district shall be liable and shall pay the costs of the bond and the bond shall not be released until such costs are paid.

(Order 235-83. Passed 6-29-83.)

209.03 AMOUNT OF BONDS.

Upon notification that a petition for the formation or change of a special district boundary will be filed with the Board of County Commissioners, the County Administrator shall advise the petitioners within ten days as to the amount of the bond. The bond amount shall be the cumulative total of the estimated costs of each department which will incur expenses to process the petition. For the purpose of ORS 198.800, the petition shall not be considered filed until the bond is received by the County.

(Order 235-83. Passed 6-29-83.)

209.04 ASSESSMENT OF COSTS.

At the time of final approval by the Board of County Commissioners of the formation or change of a special district boundary, the Board shall assess the costs incurred based upon submittals of the County departments which have incurred costs therein. The amount of each charge shall reasonably reflect the actual costs incurred and shall be supported by a detailed billing from each department. The decision of the Board in each case shall be final and binding.

(Order 235-83. Passed 6-29-83.)

209.05 FAILURE TO EFFECT CHANGE.

If, for any reason, the proposed formation or change of a special district boundary is not effected, the Board of County Commissioners shall assess costs in the manner described in Section 209.04. If no action on the petition or request is taken by the Board for 120 days by reason of failure of the petitioners or district board to furnish statutorily required materials to effect such change or formation, the petition or request shall be deemed to be not effected for purposes of this section.

(Order 235-83. Passed 6-29-83.)

209.06 FORM OF BONDS; DEDUCTION OF COSTS.

For purposes of this chapter, a bond shall be either a corporate surety bond provided by a firm licensed to provide such bonds under State law, or a deposit of cash, a certificate of deposit or registered securities. Costs assessed pursuant to this chapter shall be deducted from any such deposit and the remainder returned to the person who furnished it.

(Order 235-83. Passed 6-29-83.)

209.07 ASSUMPTION OF COSTS.

The Board of County Commissioners may, at its discretion, direct an assumption of costs by the County.

(Order 235-83. Passed 6-29-83.)

CHAPTER 211**Fees**

- 211.01 Authority of Board of County Commissioners.
211.02 Fee and service charge revenue/cost comparison system.

CROSS REFERENCES

- Liability for fees - see ORS 20.140
Fee exemptions - see ORS 21.580, 52.430
Procedures by Charter counties to enforce fee ordinances - see ORS 30.315
State boards and commissions to pay counties for services; exceptions - see ORS 182.040 et seq.
Statutory power to set; annual limitation - see ORS 203.115
Fees for recording of tax deeds and contracts - see ADM. 217.01
Refunds by County Clerk - see ADM. 217.02
Deposit of fees - see ADM. 222.04
Appeal of Animal Control Division fees and charges - see GEN. OFF. 610.06
Fees for renaming of roads - see S.U. & P.S. 1032.07, 1032.08
Fee for permits for working in County road rights of way - see S.U. & P.S. 1034.08, 1034.09
Building permit fees - see B. & H. Ch. 1448

211.01 AUTHORITY OF BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners is authorized to establish fees from time to time for the various services, licenses and permits offered by the County. The amount of such fees shall be established by order of the Board.

211.02 FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM.

(a) Intent. It is the intent of the Jackson County Board of Commissioners to require the ascertainment and recovery of costs from fees and charges levied therefor in providing regulations, products or services hereinafter enumerated in this chapter.

(b) Fee Adjustments. The Board of Commissioners shall adjust fees and charges to recover the costs of providing the regulations, products or services enumerated in this section in the percentage of costs and on the schedule of rate review and revision as hereinafter established in this section. If annual review of a particular fee is not undertaken as set out in the review

schedule, the fee will be adjusted each year, up or down, in relation to the Portland Consumer Price Index, All Urban Consumers (CPI-U) as of the end of the previous fiscal year.

(c) Cost Standards and Criteria. "Costs" shall be defined herein. The standards and criteria used in establishing "costs" as defined herein shall be the standards and criteria the Board of Commissioners shall consider in adjusting all fees and charges.

(d) Definition of Costs. "Costs," as used in this chapter, are to consist of the following elements:

(1) "Direct costs" means all applicable operational costs including, but not restricted to, salaries, wages, fringe benefits, services and supplies, operational expenses, contracted services and special supplies.

(2) "Indirect costs" means all applicable costs including, but not restricted to, building maintenance and operations, equipment maintenance, communication, printing and reproduction, and like expenses when distributed on a rational proration system.

(3) "Fixed assets" means expenses consisting of depreciation of fixed assets, and additional fixed asset expenses recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the depreciation not previously recovered and reserved in cash also shall be calculated and considered a cost so as to recover such unrecovered depreciation over the remaining life of the asset.

(4) "General overhead" means overhead, expressed as a percentage, which represents the proportion of each department's budget that is attributable to administration.

(e) Schedule of Fees and Service Charges. The County Administrator and each County department director, under the direction of the Board of Commissioners, shall review the fees and service charges listed, following, on the schedule of frequency listed in this section, and set and adjust the fee or charge schedule so as to recover the listed percentage of costs necessary to provide the listed regulations, products or services.

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
COMMUNITY DEVELOPMENT SERVICES		
S-1 Conditional Use Permit	100	Annual
S-2 Site Plan Review	100	Annual
S-3 Variance	100	Annual

<u>Regulation, Product or Service</u>		<u>Cost</u>	<u>Review</u>
		<u>Percentage</u>	<u>Schedule</u>
		<u>To Recover</u>	
S-4	Farm/Nonfarm Dwelling Permit	100	Annual
S-5	Land Use Decision Appeal	100	Annual
S-6	Comprehensive Plan Amendment	100	Annual
S-7	Temporary Mobile Home Permit	100	Annual
S-8	Major Partition Permit	100	Annual
S-9	Minor Partition Permit	100	Annual
S-10	Lot Line Adjustment	100	Annual
S-11	Flood Plain Review	100	Annual
S-12	Setback Exception	100	Annual
S-13	Building Permit	100	Annual
S-14	Mechanical Permit	100	Annual
S-15	Electrical Permit	100	Annual
S-16	Plumbing Permit	100	Annual
S-17	Mobile Home Inspection	100	Annual
S-18	Building Plan Check	100	Annual
S-19	Wood Stove Building Permit	100	Annual
S-21	Public Improvement Inspection	100	Annual
S-27	Driveway Permit	100	Annual
S-28	Encroachment Permit	100	Annual
S-29	Major Road Improvement	100	Annual
S-31	Right-of-Way Vacation	50	Annual
S-33	Subdivision Plan Check	100	Annual
S-34	Major Partitioning	100	Annual
S-35	Right-of-Way Vacation Check	100	Annual
S-36	Subdivision Plat Check (City)	100	Annual
S-37	Survey Filing	100	Annual
S-38	Affidavit of Correction	10	Annual
S-39	Assessment Segregation	100	Annual
S-0	Plat and Map Filing	100	Annual
S-0	Condominium Check (County)	100	Annual
S-0	Condominium Check (City)	100	Annual
S-0	Partition Plats	100	Annual
S-0	Water Right Search	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Zoning Clearance Sheet	100	Annual
S-0 Department Admin. Review	100	Annual
S-0 Fuelbreak Reduction	100	Annual
S-0 Lot Legality & Pre-existing Lot Det.	100	Annual
S-0 Extension of Time	100	Annual
S-0 Public Inquiry	100	Annual
S-0 Minor Road Improvement Permit	100	Annual
S-0 County Road Creation	100	Annual
S-0 Special Assessment Disqualification	100	Annual
S-0 Reference/Re-establish Corners	100	Annual
S-0 Public Land Corner Search	100	Annual
S-0 Conditional Use Permit/Aggregate	100	Annual
S-0 Urban Growth Boundary Amendment	100	Annual
S-0 Road Name/Rename	100	Annual
S-0 Pre-application Conference	100	Annual
S-0 Forest Capability	100	Annual
S-0 Forest Dwelling	100	Annual
S-0 Ownership of Record/Exclusive Farm Use	100	Annual
S-0 Ownership of Record/Forest	100	Annual
S-0 Sewer/Water Review	100	Annual
S-0 Historic Register Nomination/Designation	100	Annual
S-0 Application Inquiry	100	Annual
S-0 Street Plug	100	Annual
S-0 Watermaster Surcharge	100	Annual
S-0 Appeal to Board of Commissioners Regarding Major Partitions and Subdivisions	100	Annual
S-0 Exclusive Farm Use Extension	100	Annual
S-0 Lot Line Adjustment Final Plat	100	Annual
S-0 Major Partition Final Plat	100	Annual
S-0 Manufactured Dwelling Storage	100	Annual
S-0 Manufactured Dwelling Storage Extension	100	Annual
S-0 Minor Partition Final Plat	100	Annual
S-0 Ordinance Amendment	100	Annual
S-0 Subdivision Final Plat	100	Annual
S-0 Subdivision Replat	100	Annual
S-0 Appeal to Hearings Officer	100	Annual
S-0 Review and Clearance for Auto Sales	100	Annual
S-0 Review and Clearance for Second Hand Store	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Land Use Compatibility Statement	100	Annual
S-0 Zoning Clearance and Physical Review for Liquor License	100	Annual
S-0 Major Home Occupation Renewal	100	Annual
S-0 ORE-HO Review of High Value Soils	100	Annual
S-0 Review and Clearance for Wrecking Yard	100	Annual
S-0 Reinspection Fee	100	Annual
S-0 Land Use Application: White City Manufactured Dwelling	100	Annual
S-0 Accessory Use	100	Annual
S-0 Airport Concern/Airport Approach Overlay	100	Annual
S-0 Planned Unit/Cluster Development	100	Annual
S-0 Similar Use/Planning Director Interpretation	100	Annual
S-0 Additional Field Check Premonumented Subdivision	100	Annual
Postmonumented Subdivision	100	Annual
S-0 Additional Filing Fees - Extra Pages Extra Page after first two+narrative (Applies to partitions, subdivisions, And condos)	100	Annual
S-0 Affidavit of Deferred Monumentation	100	Annual
S-0 Farm Capability Application	100	Annual
S-0 Scanned Color Copy	100	Annual
S-0 Tax Lot Overlay	100	Annual
S-0 Community Development Fee	100	Annual
S-0 Fire Safety Inspection	100	Annual
S-0 Address Assignment - Single Address (Base Fee) Multiple Addresses/Same Site (Base Fee +)	100	Annual
S-0 Partition Checking - In City of Ashland or Medford	100	Annual
S-0 Enterprise Zone Exemption Application	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Manufactured Exemption Processing	100	Annual
S-0 Manufactured Structure Ownership Change - New Account	100	Annual
Existing Account	100	Annual
S-0 Manufactured Structure Trip Permit Fee	100	Annual
S-0 County Subdivisions (Post-Monumented)	100	Annual
S-0 Enterprise Zone Exemption Continuance Fee	100	Annual
S-0 Destination Resorts	100	Annual
S-0 Planning Condition Review - Fee Per Each Condition	100	Annual
S-0 Planning Inspection Review	100	Annual
S-0 Research and Consultation Appointment (Hourly Rate)	100	Annual
S-0 Reissue Decision and/or Notice	100	Annual
S-0 Type IV Sewer Permit (Requires Deposit Of Average Cost \$2,900)	100	Annual
S-0 Variance Permit	100	Annual
S-0 Type IV Zone/Comp Plan Map Amendment With IGA (Requires Deposit OF \$9,600)	100	Annual
S-0 Consultation Appointment (Hourly)	100	Annual
S-0 Items Remanded by LUBA	100	Annual
S-0 Type I Requiring Notice of Decision	100	Annual
S-0 Type II Site Development Plan Review	100	Annual
S-0 Special Permit	100	Annual
S-0 Electronic Survey Copy	100	Annual
PUBLIC SAFETY SERVICES		
S-40 Process Service	20	Annual
S-42 Chronic False Alarm	100	Annual
S-43 Records Check	100	Annual
S-44 Animal Control	63	Annual
S-46 Police Report Copy	100	Annual
S-47 Fingerprinting	100	Annual
S-48 Secondhand Dealer's License	100	Annual
S-49 Secondhand Dealer's License Renewal	100	Annual
S-50 Liquor License	100	Annual
S-51 Liquor License Renewal	100	Annual
S-52 Jail Services Contract	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-53 Discovery Copies	100	Annual
S-55 RICO Prosecution Reimbursement Rate	100	Annual
S-56 Probation Supervision Per Month	15	Annual
S-58 DUII Diversion	100	Annual
S-59 DUII Conviction	100	Annual
S-62 Work Release Per Day	54	Annual
S-63 Home Detention Setup (applied to per day charge with follow through) Per Day	32 100	Annual Annual
S-64 Alcohol Information School	100	Annual
S-65 Contract Detention	100	Annual
S-0 Background Checks (Gun Sales)	100	Annual
S-0 Enforcement Fee to Return Clients to Courts	84	Annual
S-0 Ambulance Franchise Fees	100	Annual
S-0 Kennel Licensing Fees	100	Annual
S-0 Public Pick-up Fee	100	Annual
S-0 Juvenile Probation Supervision--Court Ordered Monthly Fee Monthly Fee --Sex Ofenders	14 100	Annual Annual
S-0 Juvenile Probation Supervision--Diversion Agreement Monthly Fee	24	Annual
S-0 Juvenile Detention--Court Ordered	83	Annual
S-0 Sex Offender Treatment--Youth	100	Annual
S-0 Vehicle Impoundment Administration Fee	100	Annual
S-0 Booking Fee	100	Annual
S-0 Medical Visits/Prescriptions	100	Annual
S-0 Record Expungement	63	Annual
S-0 Reinstatement of License	50	Annual
S-0 Jail Process Only--Walk Away Fee	100	Annual
S-0 UA Test	40	Annual
S-0 Work Crew Reimbursement Per Hour	71	Annual
S-0 Search and rescue Services (up to max \$500)	100	Annual
S-0 Collections Fee	100	Annual
S-0 No-show for Evaluation Appointment	72	Annual
S-0 Vehicle Fines - Issued Parking Tickets	100	Annual
S-0 Expungement/Set Aside	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Jail Lodging Fee (Per Day)	100	Annual
S-0 JCSO Recruitment Testing (Refunded to applicant if subsequently hired by Jackson County)	100	Annual
S-0 Interstate Compact Investigation and Transfer of Case	100	Annual
S-0 DMV Letter Fee	100	Annual
S-0 Flagger Certification Class	100	Annual
S-0 HMDT Violation Fee	100	Annual
S-0 Community Service Sign Up	26	Annual
Monthly -After 30 Days From Sign Up	39	Annual
S-0 Intake Appointment No-Show	38	Annual
S-0 Marijuana Diversion	58	Annual
S-0 Payment Arrangement Fee	43	Annual
S-0 State Standard Firearms Qualified Card-Retired Officers	100	Annual
RECREATION AND CULTURAL SERVICES		
S-68 Interlibrary Loan Charges	20	Annual
S-0 Copy Charge--Law Library	100	Annual
S-0 Internet Access	100	Annual
MISCELLANEOUS SERVICES		
S-75 Noxious Weed Control	25	Annual
S-0 Utility Projects Photos	100	Annual
S-0 Microcomputer Class Fee	100	Annual
SOCIAL SERVICES		
S-79 Methadone Treatment Program	100	Annual
S-81 Public Conservator	100	Annual
S-82 Pregnancy Testing	25	Annual
S-83 HIV Testing	50	Annual
S-84 Well Child Clinic	10	Annual
S-86 Immunization	50	Annual
S-87 Communicable Disease Exam	11.5	Annual
S-88 Immunization Record Replacement	100	Annual
S-89 Vital Statistics Document Copy	100	Annual
S-90 Group Use Facility Inspection	100	Annual
S-91 Rural Property Water and Sewer Evaluation	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-92 Recreation & Housing Surveillance	100	Annual
S-0 Bupernorphine Dispensing	100	Annual
S-0 Temporary Restaurant Administrative Fee	100	Annual
S-93 Swimming Pool License	100	Annual
S-94 Food Service Facility License	100	Annual
S-95 Drinking Water Program	50	Annual
S-0 Mental Health Services Permit	100	Annual
S-0 Institution Inspection	100	Annual
S-0 Recreation and Housing Penalty Fees	100	Annual
S-0 Swimming Pool Penalty Fees	100	Annual
S-0 Food Service Delinquency Fees	100	Annual
S-0 Water Systems	100	Annual
S-0 Travelers Accommodations/Hostel Fee	100	Annual
S-0 Water System Construction Evaluation	100	Annual
S-0 One-Half Fee for Individuals Going Into Business After October 1st Each Calendar Year (Applies to All Licensed Facilities)	100	Annual
S-0 Client Records Copy	100	Annual
S-0 Food Handler's Certification	100	Annual
S-0 Mental Health Services Referral Screening	100	Annual
S-0 Senior and Disabled Service Counsel and Referral	100	Annual
S-0 Psychosocial Skills Training	100	Annual
S-0 Interpretive Services	100	Annual
S-0 Restaurant Extra Inspection Fee	100	Annual
S-0 Child Crisis Services	100	Annual
S-0 Respite Care	100	Annual
S-0 Venipuncture / Blood draw	100	Annual
S-0 Physician Therapy - Individual	100	Annual
S-0 Agency Consultation	100	Annual
S-0 Financial Mediation	100	Annual
S-0 Consultation With Family	100	Annual
S-0 Supported Employment	100	Annual
S-0 Dog Impound Fees Unlicensed Dog - Rabies Deposit	100	Annual
S-0 Courtesy Dosing / Initial Assessment	100	Annual
S-0 Pre-admission Screening	100	Annual
S-0 Topical Application of Fluoride	100	Annual
S-0 Yearly Assessment	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Home Assessment	100	Annual
S-0 Initial Assessment	100	Annual
S-0 Public Health Services Case Management	100	Annual
S-0 Nutritional Counseling	100	Annual
S-0 Telephone Visit	100	Annual
S-0 Vaccine Transfer Processing Fee	100	Annual
ADMINISTRATIVE AND FINANCIAL SERVICES		
S-96 Research	100	Annual
S-97 Sale of Copies, Maps and Publications	100	Annual
S-99 Sale of Aerial Map	100	Annual
S-100 Sale of Plat Map	100	Annual
S-101 Property Data Retrieval	100	Annual
S-102 District Annexation/Withdrawal	100	Annual
S-103 Foreclosed Property Sale	100	Annual
S-104 Election Label and List Production	100	Annual
S-105 Conduct Special Elections	100	Annual
S-108 Microfilm Copying	100	Annual
S-109 Returned Check Fee	100	Annual
S-110 Tax Record Research	100	Annual
S-111 Additional Lienholder Search	100	Annual
S-112 Personal Property Seizure	100	Annual
S-113 Foreclosure Processing	100	Annual
S-114 State Court Data Processing Service	100	Annual
S-115 Computer File Access	100	Annual
S-116 Archives Search	100	Annual
S-0 Marriage Certificate	100	Annual
S-0 Lists (Death, Birth) Per Name	100	Annual
S-0 Interest on Delinquent Billings	100	Annual
S-0 Microfiche Copy	100	Annual
S-0 Tape Copy (Cassette)	100	Annual
S-0 Accounts Receivable Billing Charge	100	Annual
S-0 Bid Prequalification Review-Initial Application	100	Annual
S-0 Bid Prequalification Review Renewal	100	Annual
S-0 Bid Document Charge	100	Annual
S-0 113 Fee-Mobile Home Move	100	Annual
S-0 Duplicate 113	100	Annual
S-0 Easements-Description Provided By Applicant	100	Annual
S-0 Easements-Description Provided By County	100	Annual
S-0 Laser Printer Copy	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Reminder Notices	100	Annual
S-0 County Counsel Hourly Rates	100	Annual
S-0 Individual Notification of Scheduling	100	Annual
S-0 Fuel Permits		
Initial Setup	100	Annual
Thereafter/Biannually	100	Annual
S-0 Employee Parking Lot Fee (Quarterly Fee)	100	Annual
S-0 Security ID Badge Replacement (Nonrefundable)	100	Annual
S-0 Conference Room Rental		
Full Day	100	Annual
Half Day	100	Annual
S-0 Plat Processing Fee Per Lot	100	Annual
S-0 Owned Exemption Application Fee	100	Annual
S-0 Leased Exemption Application Fee	100	Annual
S-0 Special Assessment Application Fee	100	Annual
S-0 Research and Faxing		
First Page	100	Annual
Each Additional Page	100	Annual
S-0 Notary Fee	100	Annual
S-0 Marriage Witness Fee	100	Annual
S-0 Satisfaction of Money Judgment	100	Annual
S-0 Repurchase Administrative Fees	100	Annual
S-0 Summary Seizures (ORS 21.410)	100	Annual
S-0 Ground Transportation Agencies	100	Annual
S-0 Gate User Fees	100	Annual
S-0 Fax / Scan / Email Service - Private Information	100	Annual
S-0 Fax / Scan / Email Service - County Information	100	Annual
S-0 Annexation Processing		
Per Annexation +	100	Annual
Each Lot > 35 Lots	100	Annual
S-0 Off Airport Car Rental	10(of gross	
S-0 Airport Flight Kitchen	10(of gross	Annual
	revenue)	
S-0 Noncounty Owned Airport Parking Lots	30(of gross	Annual
	revenue)	
S-0 Personal Property Correction	100	Annual
S-0 Assessment Inspection	100	Annual
S-0 GIS Research	100	Annual
S-0 Finance Research	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Information Services Customized Reports/Downloads	100	Annual
S-0 Information Services Technical Consultation	100	Annual
S-0 Certified Copy Fee	100	Annual
S-0 Conference Room Equipment (if requested)		
Electrical	100	Annual
Non-Electrical	100	Annual
S-0 Sales Listing Fee	100	Annual
S-0 Stocking Report Processing Fee	100	Annual
S-0 Diverted Funds Fee	100	Annual
S-0 Media Fee	100	Annual
S-0 Public Hearing/Meeting-CD Copy	100	Annual
S-0 Sales of Property Fee-Base Fee + Per Hour (after 1.5 hour base fee)	100	Annual
S-0 Print Screens - Information easily obtained (< 1 minute)	100	Annual
S-0 Compact Disc Copy (County Provided CD)	100	Annual
S-0 Boot Fee -	100	Annual
First Day + Long-term Parking Max Daily Rate For Each Day Thereafter		
S-0 KC 97 Rental Fee -	100	Annual
Full day (4-8 Hours)		
Half Day (Less than 4 Hours)		
Cleaning Deposit (Refundable)		
S-0 Parking Lot Rates -	100	Annual
Short-term (Per Hour)		
Short-term (Per Day Max)		
Long-term (Per Hour)		
Long-term (Per Day Max)		
S-0 Penalty Fee -	100	Annual
Non-returned Parking Permit Handtags		
S-0 Marriage License Waiting Period Waiver	100	Annual
S-0 Property Data Online - Clerk Access	100	Annual
S-0 Payment Declination Fee	100	Annual
S-0 Security Escort Fee - ½ Rate	100	Annual
S-0 Expressive Activities Permit -		
Initial Permit	100	Annual
Re-application	100	Annual
S-0 Key Fee		
Refundable Deposit	100	Annual

<u>Regulation, Product or Service</u>	<u>Cost Percentage To Recover</u>	<u>Review Schedule</u>
S-0 Badge Access Charge		
With Fingerprinting	100	Annual
Without Fingerprinting	100	Annual
S-0 Badge Transfer Fee	100	Annual
S-0 Fingerprinting (No Badge Issued)	100	Annual
S-0 Key Fee -		
Penalty Fee - Replace Lock	100	Annual
Penalty Fee - Change Tumblers	100	Annual
S-0 Aircraft Parking Fee - Per Day	100	Annual
S-0 Custom GIS Work (Hourly Rate - 1 Hour Minimum)	100	Annual
S-0 Photograph / Print	25	Annual

(f) Fees Set by Order of the Board. All fees and service charges established herein and any changes thereto shall be set pursuant to an order of the Jackson County Board of Commissioners.

(g) Severability. If any portion of this section is found to be unconstitutional or invalid, the Jackson County Board of Commissioners hereby declares that it would have enacted the remainder of this section regardless of the absence of any such invalid part.

(h) Repealer. All ordinances and sections of the Codified Ordinances, all resolutions, all Board of Commissioners' motions, and all actions of all County boards and commissions in conflict herewith are hereby repealed. The fees and charges established by this chapter shall supersede all previously established fees or charges for the same regulation, product or service, and all such previous fees and charges are repealed on the effective date of the executive order of the Board of Commissioners provided in subsection (d) hereof.

(Ord. 89-11. Passed 10-4-89; Ord. 91-22. Passed 12-18-91; Ord. 92-6. Passed 6-24-92; Ord. 93-16. Passed 5-19-93; Ord. 94-12. Passed 6-8-94; Ord. 95-4. Passed 2-1-95; Ord. 95-44. Passed 9-6-95; Ord. 97-7. Passed 4-9-97; Ord. 98-19. Passed 9-2-98; Ord. 98-29. Passed 12-30-98; Ord. 99-1. Passed 2-3-99; Ord. 99-3. Passed 3-31-99; Ord. 2000-3. Passed 3-10-00; Ord. 2001-3. Passed 6-5-01; Ord. 2002-15. Passed 7-3-02; Ord. 2003-22. Passed 7-16-03; Ord. 2003-23. Passed 8-20-03; Ord 2004-9. Passed 9-1-04; Ord. 2004-18. Passed 12-22-04; Ord. 2005-11. Passed 8-31-05; Ord. 2006-9. Passed 9-20-06; Ord. 2007-23. Passed 8-29-07. Ord. 2008-7. Passed 8-27-08; Ord. 2009-5. Passed 8-26-09.)

THIS PAGE RESERVED FOR FUTURE EXPANSION.

CHAPTER 212
Law Enforcement Duties to Inventory Property

- 212.01 Purpose.
 - 212.02 Definitions.
 - 212.03 Inventories of Impounded Vehicles.
 - 212.04 Inventories of Persons in Law Enforcement Custody.
-

212.01 PURPOSE.

This ordinance is meant to apply exclusively to the process of conducting an inventory of the personal property in an impounded vehicle and the personal property of anyone in law enforcement custody and shall not be interpreted to affect any other statutory or constitutional rights(s) that law enforcement officers may employ to search or seize possessions for other purposes.

Further, this ordinance is meant to protect the county and its officers and employees from the very real possibility of false claims related to the theft of personal property incident to vehicle impoundment or arrest. It will also have the effect of protecting citizens from the theft of their property while in the control of the county. With the unfortunate increase in the illegal use and manufacture of drugs, comes a growing concern that containers carried within vehicles and on the person of individuals lawfully detained might contain toxic, flammable or explosive substances. This fear is confirmed by the recent increase in the number of home made bombs found in the valley. The county is justifiably concerned with the safety of its officers and employees and of the public and has the duty to protect against harm when possible.

There is a further concern with the safety and integrity of the county's detention facilities. Due to lack of space and the cost of security, it is not possible to secure personal property stored for those in custody in vaults or places where absolute security can be guaranteed. Thus, for all of the reasons set out above, it is necessary to inventory the contents of all containers that can be opened without resort to force.

It is also true that people being detained often carry with them containers storing food and other perishable items. It is essential to maintain sanitary conditions within the county's detention facilities, thus making it necessary to open containers that can be opened without the use of force in order to search for perishable items and reduce the possibility of attracting rats and other vermin.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

212.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

(a) "Open container" means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

(b) "Closed container" means a container, the contents of which are not exposed to view.

(c) "Law enforcement custody" means either:

(1) The imposition of restraint as a result of an "arrest" as that term is defined in ORS 133.005(1);

(2) The imposition of actual or constructive restraint by a law enforcement officer pursuant to a court order;

(3) The imposition of actual or constructive constraint of an individual pursuant to ORS 430.399.

(4) The imposition of actual or constructive restraint by a law enforcement officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.

(d) "Law enforcement officer" means the Sheriff or any Deputy Sheriff of Jackson County and probation officers employed by Jackson County having the powers of peace officers as set out in ORS 137.620.

(e) "Other county personnel authorized to carry out inventory searches" means the director of a detoxification center or other treatment facility as those terms are defined in ORS 430.306 and the juvenile director or these individuals' designees.

(f) "Sheriff" means the Sheriff of Jackson County or his designated representative.

(g) "Personal property" means all property other than real property or an interest in real property.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

212.03 INVENTORIES OF IMPOUNDED VEHICLES.

(a) The contents of all vehicles impounded by a law enforcement officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is transferred to a third-party towing company except under the following circumstances:

(1) If there is reasonable suspicion to believe that the safety of either the law enforcement officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or

(2) If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

(b) The purpose for the inventory of an impounded vehicle will be to:

(1) Promptly identify property in order to reduce and tend to prevent the assertion of false claims against the county;

(2) Protect the owners' property while in police custody and assist in the prevention of theft of property;

(3) Locate toxic, dangerous, flammable or explosive substances; and

(4) Reduce the danger to persons and property.

(c) Inventories of impounded vehicles will be conducted according to the following procedure:

(1) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats;

(2) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

A. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to unlocked vehicle trunks and unlocked car-top containers; and

B. Any locked compartments including, but not limited to locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(3) A closed container left either within the vehicle or any of the vehicle's compartments will have its contents inventoried only when the closed container is designed for carrying money and/or valuables, including but not limited to closed purses, closed coin purses, closed wallets, closed fanny packs and backpacks, and unlocked suitcases, attache or brief cases. The contents of locked suitcases, attache or brief cases shall be inventoried if and only if the key to the suitcase is available to be released with the vehicle to the third-party towing company.

(4) Upon completion of the inventory, the law enforcement officer will complete a report as directed by the Sheriff or appropriate department director.

(5) Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such manner as directed by the Sheriff or appropriate department director.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

212.04 INVENTORIES OF PERSONS IN LAW ENFORCEMENT CUSTODY.

(a) A law enforcement officer or other county personnel authorized to carry out inventory searches will inventory the personal property in the possession of anyone taken into law enforcement custody and such inventory will be conducted whenever:

(1) Such person will be either placed in a secure law enforcement holding room or transported in a law enforcement vehicle; or

(2) Custody of the person will be transferred to another law enforcement agency, correctional facility, or "detoxification" or "treatment facility" as those phrases are defined in ORS 430.306 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.

(b) The purpose of the inventory of a person in law enforcement custody will be to:

(1) Promptly identify property in order to reduce and tend to prevent the assertion of false claims against the county;

(2) Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the law enforcement officer for safekeeping;

- (3) Protect the owners' property while in police custody and assist in the prevention of theft of property;
 - (4) Locate toxic, dangerous, flammable or explosive substances;
 - (5) Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel;
 - (6) Reduce the danger to persons and property; and
 - (7) Locate perishable items which may endanger the health and safety of those inside a custodial facility by attracting rats and other vermin.
- (c) Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
- (1) An inventory will occur prior to placing such person into a holding room or law enforcement vehicle, whichever occurs first. However, if there is reasonable suspicion to believe that the safety of the law enforcement officer(s), the person in custody, or others are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
 - (2) To complete the inventory of the personal property in the possession of such person, the law enforcement officer or other county personnel authorized to carry out inventory searches will remove all items of personal property from the clothing worn by such person. In addition, all items of personal property will be removed from all open containers in the possession of such person.
 - (3) A closed container in the possession of such person will have its contents inventoried only when:
 - A. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, law enforcement vehicle or secure law enforcement holding room;
 - B. Such person requests that the closed container be with him/her in a law enforcement vehicle or a secure law enforcement holding room;

C. The closed container is designed for carrying money and/or valuables on or about the person, including but not limited to closed purses, closed coin purses, closed wallets, closed fanny packs and backpacks and unlocked suitcases, attache or brief cases; or

D. When a closed container is to be stored by the county while the person from whom it is taken is in law enforcement custody inside a jail, juvenile detention facility or detoxification center. Only those closed containers that can be opened without the use of force shall be opened and their contents inventoried. Those containers that are locked without access to the key and those containers that are taped and secured in a fashion which would require the removal of the securing mechanism, may not be opened unless there is an independent statutory or constitutional purpose for opening the container.

(d) Valuables found during the inventory process will be noted by the individual doing the search in a report as directed by the Sheriff or appropriate department director.

(e) All items of personal property, neither left in the immediate possession of the person in custody, nor left with the facility or agency accepting custody of the person, will be handled in the following manner:

(1) A property receipt will be prepared listing the property to be retained in the possession of the county and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;

(2) The property will be dealt with in such manner as directed by the Sheriff or appropriate department director.

(f) All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 212.04(e) above, will be released to the facility or agency accepting custody of the person so that they may:

(1) Hold the property for safekeeping on behalf of the person in custody, and

(2) Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

TITLE FOUR - Legislation

- Chap. 213. Board of County Commissioners.
 Chap. 214. Ordinances and Orders.
-

CHAPTER 213 Board of County Commissioners

- 213.01 Meetings.
 213.02 Notice of meetings.
 213.03 Agendas, notices and legislation.
 213.04 Agenda items; information required.
 213.05 Consent calendar.
 213.06 Order of business.
 213.07 Rules for the conduct of public hearings.
 213.08 Travel expenses.
 213.09 Subdivision Plat approval.

CROSS REFERENCES

Board of County Commissioners - see CHTR. Ch. III; ORS 203.230 et seq.
 County governing bodies - see ORS 203.111 et seq.
 County home rule - see ORS 203.710 et seq.
 Authority re appointments of officers and employees - see ADM. 246.06
 Board as Local Contract Review Board - see ADM. Ch. 208, 275
 Traffic control powers see TRAF. 410.07
 Authority re sewer and water project review - see S.U. & P.S. 1044.06
 Communication of County Counsel with Board of County Commissioners -
 see ADM. 219.02.

213.01 MEETINGS.

- (a) Regular meetings of the Board of County Commissioners shall be held each Wednesday at 9:30 a.m. in the County Courthouse or at such time(s) and place(s) as the Board, by order, may designate.
- (b) If the regular meeting date falls on a holiday, the regular meeting shall be held at 9:30 a.m. on the next weekday that is not a holiday. The Board, at its discretion, may, by order, dated not

less than three days prior to any regularly scheduled Board meeting, change the date and time for such weekly Board meeting, provided that such meeting is held within the calendar week of such regularly scheduled meeting.

(c) The Board, at its discretion, may cancel such weekly Board meeting by order. Cancellation due to lack of a quorum shall not require an order by the Board. Notice of any cancellation shall be given pursuant to section 213.02.

(Ord. 21-78/79. Passed 1-24-79; Ord. 80-30. Passed 11-26-80; E.Ord. 2007-16. Passed 04-11-07; Ord. 2007-17. Passed 04-25-07.)

213.02 NOTICE OF MEETINGS.

Notices of regular and special meetings and of emergency and executive sessions of the Board of County Commissioners shall be given in a manner appropriate to the circumstances and shall be reasonably calculated to give notice to the general public and to persons affected by matters under consideration.

(Ord. 21-78/79. Passed 1-24-79.)

213.03 AGENDAS, NOTICES AND LEGISLATION.

An agenda of all action to be considered at a regular or special meeting of the Board of County Commissioners shall be posted in a conspicuous place in the County Courthouse at least twenty-four hours immediately preceding the meeting. An executive or emergency session will be held after giving notice to members of the Board and the general public, stating the specific provision of the law authorizing the executive session. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances. Copies of all notices and agendas and of ordinances, orders and resolutions to be considered thereunder shall be available at the Courthouse to interested persons throughout the time that such notices and agendas are required to be posted. The Board may take action on an item not on an agenda if the Board members present concur that an emergency requires the action.

(Ord. 21-78/79. Passed 1-24-79.)

213.04 AGENDA ITEMS; INFORMATION REQUIRED.

An agenda item for a regular Wednesday meeting shall be submitted to the Board of County Commissioners not later than 4:00 p.m. on the Friday preceding the meeting. The following information relating to the item shall be submitted:

- (a) The item title and a brief description of the item;
- (b) A statement of any relevant issues of which the Board should be aware prior to the action;
- (c) Action on the item requested by the submitting agency; and

(d) Any supporting material (reports, studies, correspondence, etc.) necessary or convenient for the Board's consideration of an action on the item.

(Ord. 21-78/79. Passed 1-24-79.)

213.05 CONSENT CALENDAR.

(a) The Secretary of the Board of County Commissioners shall prepare a consent calendar of items which are routine in nature and concerning which no debate is expected. When a vote on the consent calendar is taken, all items on the consent calendar shall be disposed of by a single motion to adopt the consent calendar, which shall not be debatable. The adoption of the consent calendar shall require the unanimous vote of all Commissioners present and shall have the same effect as a separate vote on each item. If the vote for adoption is not unanimous, then each item on the consent calendar shall be voted on separately.

(b) Any item on the consent calendar shall be removed at the request of any Commissioner prior to the time a vote is taken on the consent calendar. Any item removed from the consent calendar shall be disposed of in the same manner as any other separate item.

(Ord. 21-78/79. Passed 1-24-79.)

213.06 ORDER OF BUSINESS.

The order of business at a meeting of the Board of County Commissioners shall be as follows:

(a) Requests for nonagenda items;

(b) Discussion of nonagenda items;

(c) Consent calendar;

(d) Public hearings; and

(e) Discussions/deliberations.

(Order 358-81. Passed 11-25-81. Ord. 2003-7. Passed 2-26-03.)

213.07 RULES FOR THE CONDUCT OF PUBLIC HEARINGS.

(a) Rules for the conduct of public hearings are hereby established as follows:

(1) Only the Chairperson or a member of the Board of County Commissioners may question a speaker.

- (2) There will be no interruption of a speaker from the audience and no debates on the floor.
- (3) Applause is not permitted.
- (4) A speaker may criticize a proposal, the Board or an agency of the County, but the speaker shall not argue with another speaker directly.
- (5) Any speaker may present an opposite view, but not in personal terms.
- (6) A person wishing to speak shall raise his or her hand and be recognized by the Chairperson conducting the hearing.
- (7) After being recognized, the speaker shall state his or her name and address before proceeding with his or her statement.
- (8) The Chairperson may limit the duration of any presentation to the time necessary to cover factual information. Repetition by a speaker shall be avoided.
- (9) The Commissioner conducting a public hearing shall read these rules prior to the presentation of testimony.

(Order 90-73. Passed 10-31-73.)

(b) No person shall violate any of the rules set forth in subsection (a) hereof. Whoever violates any of such rules shall first be warned by the Chairperson to desist from such violation. In the event that such person does not so desist, he or she may be ordered by the Chairperson to leave the hearing. In the event that such person refuses or otherwise fails to leave such hearing upon being ordered to do so, he or she shall be deemed to be a trespasser and may be arrested, prosecuted and punished for such offense.

(Adopting Ordinance. Passed 12-10-85.)

213.08 TRAVEL EXPENSES.

(a) Members of the Board of County Commissioners are expected to file for reimbursement for all legitimate expenses directly related to County business incurred during travel outside of the County, consistent with County policy for other management employees.

(b) All mileage, meals and other expenses directly incurred for the purpose of performing County business, whether inside or outside the County, shall be reimbursed by the County, consistent with County policy for other management employees. Commissioners shall keep and submit adequate

documentation of the County business purpose and the amount of expenses to be reimbursed. Reimbursement for out-of-County incurred expenses shall be as directed by the Board.

(Order 486-83. Passed 12-28-83.)

213.09 SUBDIVISION PLAT APPROVAL.

(a) All subdivision plats must be approved by the County Assessor before the plat is recorded. Additionally, all subdivision plats must be approved by the Chair of the Jackson County Board of Commissioners before the plat is recorded. In the event that the Chair is for any reason unavailable or unable to approve a subdivision plat, the Vice Chair of the Jackson County Board of Commissioners, another Commissioner, the County Administrator or his/her designee may approve the subdivision plat in place of the Chair.

(b) Notwithstanding paragraph (a) of this Section, a subdivision plat which dedicates land to the use of the public in an unincorporated area of Jackson County must be approved by a majority of the Jackson County Board of Commissioners.

(Ord. 05-14. Passed 09-14-05.)

CHAPTER 214
Ordinances and Orders

EDITOR'S NOTE: There are no sections in Chapter 214. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Ordinances - see CHTR. § 14

Application of County ordinances inside cities - see ORS 203.040

Procedure for adoption of ordinances; exception by charter or certain statutes -
see ORS 203.045

Referral of revenue related ordinances see ORS 203.055

Judicial review; invalidation - see ORS 203.060

Codified Ordinances - see ADM. Ch. 202

Copies for Board of County Commissioners - see ADM. 213.03

TITLE SIX - Administration

- Chap. 216. County Administrator.
- Chap. 217. County Clerk.
- Chap. 219. County Counsel.
- Chap. 220. District Attorney.
- Chap. 222. County Treasurer.
- Chap. 223. County Assessor.
- Chap. 225. County Surveyor.
- Chap. 226. Public Guardian and Conservator.
- Chap. 228. Finance Department.
- Chap. 229. Sheriff's Department.
- Chap. 231. Parks and Recreation Department.
- Chap. 232. Public Works Department.
(Repealed by Ord. 2003-4. Passed 1-22-03.)
- Chap. 234. Community Human Services Department.
(Repealed by Ord. 89-10. Passed 9-13-89.)
- Chap. 235. Health Department.
(Repealed by Ord. 89-10. Passed 9-13-89.)
- Chap. 236. Health and Human Services Department.
- Chap. 237. Planning and Development Department.
- Chap. 238. Airport Department.
- Chap. 240. Library Department.
- Chap. 241. Juvenile Department.
- Chap. 243. Correctional Services Department.
- Chap. 244. Organization for Emergency Management.

CHAPTER 216 County Administrator

- 216.01 Appointment by Board of County Commissioners.
- 216.02 Removal from office.
- 216.03 General responsibilities.
- 216.04 Specific duties.
- 216.05 Attendance at Board meetings.
- 216.06 Appointment of administrative officers.
- 216.07 Absence or disability.
- 216.08 Vacancy in office; Acting County Administrator.
- 216.09 Authority re personnel program.
- 216.10 Delegation of authority; records.

- 216.11 Budgetary control; appropriations.
- 216.12 Examination of proposed expenditures.
- 216.13 Authorization of disbursements.
- 216.14 Reassignment of duties.
- 216.15 Purchasing of insurance policies and other approved services.
- 216.16 Claims against County.
- 216.17 Authority to transfer titles to County vehicles.
- 216.18 Ownership of assets of agencies receiving County grant funds.
- 216.19 Repealed.
- 216.20 Acquisition of rights of way.
- 216.21 Tax refunds.
- 216.22 Repealed.
- 216.23 No Eminent Domain for Purely Private Benefit

CROSS REFERENCES

- Actions against County officers and employees; defense - see ORS 30.285
- Appointment of deputies and other County employees generally - see ORS 204.601
- Chief Executive Officer to file statement of economic interest - see ORS 244.050
- Interest in contracts - see ORS 279.990
- Supervision of department directors - see ADM. 246.45
- Authority re traffic control - see TRAF. 410.01 et seq.
- Authority re parking - see TRAF. 440.02

216.01 APPOINTMENT BY BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners is hereby authorized to enter into an agreement, for such term as the Board may specify, for the engagement of a person, selected on the basis of his or her executive and administrative qualifications and his or her experience in and knowledge of generally accepted practices in municipal administration, to act as the County Administrator. The relationship between the County and the County Administrator shall be as set forth in this chapter and any contract between the County and the County Administrator.

(Ord. 81-1. Passed 1-7-81.)

216.02 REMOVAL FROM OFFICE.

(a) The County Administrator may be removed by a majority vote of the Board of County Commissioners. Upon such a majority vote, the Board shall adopt a preliminary resolution stating the reasons for his or her removal. The County Administrator may reply, in writing, and may request an opportunity to be heard at a meeting of the Board, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request.

(b) After such hearing of the Board, if one is requested, and after full consideration, the Board may adopt a final resolution of removal. By the preliminary resolution, the Board may suspend the County Administrator from duty, but shall cause to be paid to him or her forthwith any salary and fringe benefit amounts due him or her as the result of the duly executed employment agreement in effect at the time of the preliminary resolution. No such payment shall be made if his or her removal is for any reason involving his or her moral turpitude or lack of integrity pursuant to the terms of the duly executed employment agreement.

(Ord. 83-25. Passed 12-28-83.)

216.03 GENERAL RESPONSIBILITIES.

The County Administrator shall be the Chief Administrative Officer, shall be responsible to the Board of County Commissioners for the administration and management of the County and shall have control and supervision of all administrative departments, divisions, offices and agencies subject to his or her jurisdiction, except as otherwise provided by the County Charter.

(Ord. 81-1. Passed 1-7-81.)

216.04 SPECIFIC DUTIES.

The duties of the County Administrator shall include the following:

- (a) To see that all terms and conditions imposed in favor of the County in any contract or franchise are faithfully kept and performed;
- (b) To keep the Board of County Commissioners informed, at all times, concerning the financial condition and needs of the County and other pertinent matters related to its administration;
- (c) To recommend to the Board such measures as he or she may consider necessary or expedient;
- (d) To prepare and recommend to the Board and the Budget Committee an annual budget;
- (e) To prepare and present to the Board a comprehensive annual report on the financial transactions and other activities of the County following the close of each fiscal year;
- (f) To make any study or investigation which, in his or her opinion, may be for the best interest of the County or which may be ordered by the Board;

(g) To exercise full supervisory authority over the several administrative officers and departments under his or her jurisdiction, including appointment, discharge, adjustment of compensation and administration of discipline; and

(h) The County Administrator is delegated authority to adopt procedures and guidelines to implement the federal Health Insurance Portability Accountability Act to the extent it applies to work performed by Jackson County departments which is covered by that law.

(i) To perform such other duties as may be required by the Board.

(Ord. 81-1. Passed 1-7-81; Ord. 83-25. Passed 12-28-83; Ord. 2003-9. Passed 4-23-03.)

216.05 ATTENDANCE AT BOARD MEETINGS.

The County Administrator shall attend meetings of the Board of County Commissioners when requested to do so.

(Ord. 81-1. Passed 1-7-81.)

216.06 APPOINTMENT OF ADMINISTRATIVE OFFICERS.

Except as otherwise provided in this chapter, the County Administrator shall recommend, in writing, to the Board of County Commissioners, the appointment and compensation of all administrative heads of departments that are not under the authority of an elected official. All such appointments shall be for indefinite terms at the pleasure of the County Administrator.

The County Administrator may serve as the head of any administrative department when a vacancy exists or when the department head is absent or incapacitated.

(Ord. 81-1. Passed 1-7-81.)

216.07 ABSENCE OR DISABILITY.

The County Administrator may designate an administrative officer of the County to exercise and perform his or her powers and duties during his or her temporary absence or disability. Such designation shall be made in writing and filed with the Board of County Commissioners.

(Ord. 81-1. Passed 1-7-81.)

216.08 VACANCY IN OFFICE; ACTING COUNTY ADMINISTRATOR.

The Board of County Commissioners shall appoint a capable person as the Acting County Administrator during a vacancy in the office of County Administrator. Such appointment shall

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be on a temporary basis until a County Administrator is appointed and has assumed his or her duties. Such person, while he or she is the Acting County Administrator, shall have all powers and duties conferred by this chapter on the County Administrator.

(Ord. 81-1. Passed 1-7-81.)

216.09 AUTHORITY REGARDING PERSONNEL PROGRAM.

The County Administrator shall establish a personnel program which provides for the employment of appropriate personnel to effectively meet the needs of the County under the policy of the County, and shall carry on such recruitment programs as are necessary to seek out and secure the most qualified individuals to fill positions at all levels of County service. In so doing, the County Administrator is hereby authorized to execute all appropriate personnel actions, including hiring, appointments, terminations, wage changes, etc., not superseded by other sections of this chapter.

(Ord. 83-25. Passed 12-28-83.)

216.10 DELEGATION OF AUTHORITY; RECORDS.

(a) The County Administrator may delegate, in writing, to a department director, the authority to promote, suspend, transfer or take any other established personnel action for an employee in the particular department. This authority may not be redelegated by the department director and the delegation shall not change any provision of the County Charter.

(b) The County Administrator shall cause to be maintained an adequate record of his or her official acts and the employment record of every employee.

(c) A department director shall promptly submit data on a proposed appointment, status change or separation pertaining to an employee at such time, in such form and with such supporting information as the Board of County Commissioners prescribes or as the County Administrator deems necessary.

(Ord. 81-1. Passed 1-7-81.)

216.11 BUDGETARY CONTROL; APPROPRIATIONS.

(a) Generally. The County Administrator shall exercise budgetary control over each office, department and agency and shall work with those elected officials who, by the County Charter, are separate from the Board of County Commissioners, to cause separate accounts to be kept for the items of appropriation, as necessary. Unless the County Administrator is satisfied that there is a sufficient unencumbered balance and available funds in an account, no appropriation shall be valid and no liability shall be incurred or expenditure made on or from such account.

(b) Revising Appropriations. Approved allotments shall be reviewed by the County Administrator during the fiscal year, and if, in so doing, he or she ascertains that the total available income for the year is less than total appropriations, the County Administrator may reconsider and revise the appropriations so as to prevent the making of expenditures in excess of income.

(c) Reduction in Appropriations. Upon a determination that actual revenue receipts will not equal the original estimates upon which appropriations were based, the County Administrator shall make such reductions in appropriations as, in his or her judgment, will prevent the occurrence of a deficit. (Ord. 81-1. Passed 1-7-81.)

(d) Transfer of Appropriations. The County Administrator may transfer any unencumbered appropriation or balance, or portion thereof, from any office, department, agency or division to another, and may transfer from within any office, department, agency or division any unencumbered appropriation, so long as the amount transferred within one fund in any one fiscal year does not exceed ten percent of the applicable fund total.

No transfer of any appropriation shall be made which is prohibited by statute or ordinance or which is committed by existing contracts.

(Adopting Ordinance. Passed 12-10-85; P. Ord. 95-49. Passed 10-11-95.)

216.12 EXAMINATION OF PROPOSED EXPENDITURES.

The County Administrator shall examine all purchase orders, payrolls and other items of proposed expenditures. Any proposed expenditure not specifically authorized by an appropriation or by the intent of the budget may be disapproved by the County Administrator, and no payment of any item so disapproved shall be made by any officer of the County.

(Ord. 81-1. Passed 1-7-81.)

216.13 AUTHORIZATION OF DISBURSEMENTS.

The County Administrator is hereby authorized to represent the Board of County Commissioners in the authorization of the disbursement of County funds.

(Ord. 81-1. Passed 1-7-81.)

216.14 REASSIGNMENT OF DUTIES.

The County Administrator may rearrange or reassign the work and duties of the divisions of the departments of the County that are not under the direction of an elected official, in such manner as, in his or her judgment, will promote efficiency and economy in the departments.

(Ord. 81-1. Passed 1-7-81.)

216.15 PURCHASING OF INSURANCE POLICIES AND OTHER APPROVED SERVICES.

The County Administrator may designate such agents or brokers as are necessary to purchase insurance policies and other services approved for purchase by the Board of County Commissioners.

(Ord. 83-25. Passed 12-28-83.)

216.16 CLAIMS AGAINST COUNTY.

The County Administrator shall be responsible for the administration of claims filed against the County. Claims in excess of fifty thousand dollar (\$50,000) settlement amounts require approval by the Board of County Commissioners. The County Administrator or his or her designee may settle claims of thirty thousand dollars (\$30,000) or less. Claims for thirty thousand dollars (\$30,000) to fifty thousand dollars (\$50,000) may be settled by the County Administrator and County Counsel or by the County Administrator and one member of the Board.

(Adopting Ordinance. Passed 12-10-85; Ord. 93-18. Passed 6-16-93; Ord. 2008-4. Passed 4-9-08.)

216.17 AUTHORITY TO TRANSFER TITLES TO COUNTY VEHICLES.

The County Administrator or his or her delegate is hereby authorized to transfer titles to County owned motor vehicles, pursuant to standard County procedures for such transfers.

(Order 140-82. Passed 4-7-82.)

216.18 OWNERSHIP OF ASSETS OF AGENCIES RECEIVING COUNTY GRANT FUNDS.

(a) Funds granted or provided by the County, once disbursed to the recipient, do not represent any further interest or contingent ownership in assets which may be acquired by the recipient, unless such an interest is required as a condition of receipt of the specific funds by the County from another agency or source.

(b) At the request of a recipient agency or the director of a County department administering such County grant, and within budgetary authority otherwise available, the County Administrator may approve the rental or lease of assets of the County, whether previously owned or specifically acquired for the recipient agency.

(Order 258-81. Passed 9-23-81.)

216.19 (Order 381-81. Passed 12-9-81; REPEALED by E. Ord. 98-4. Passed 1-21-98.)

216.20 ACQUISITION OF RIGHTS OF WAY.

The County Administrator is hereby authorized to execute agreements for the acquisition of rights of way, the individual value of which does not exceed five thousand dollars (\$5,000).

(Adopting Ordinance. Passed 12-10-85.)

216.21 TAX REFUNDS.

(a) Delegation of Refund Authority. Subject to the conditions and limitations prescribed in subsection (b) hereof, the County Administrator or his or her designate may authorize the Finance Director to refund to a taxpayer taxes levied and collected in cases where the County Administrator or his or her designate finds that ORS 311.806(1) requires that such refund be made.

(b) Limitations. The County Administrator may exercise the delegated authority only upon application, order or request conforming with ORS 311.806(2). In no event shall the County Administrator authorize any such refund in violation of ORS 311.808. Nothing herein is intended to delegate the functions of the Board of County Commissioners under ORS 311.815 or 311.821.

(c) Appeals. Before taking any action to deny all or part of a proposed refund under ORS 311.806(1)(b), (c) or (d), the County Administrator shall refer the matter to the Board for a decision if the applicant taxpayer objects to the proposed denial of a refund, or the amount thereof, and requests a hearing. If the taxpayer does not object, within ten days after notification, the County Administrator shall proceed as proposed and his or her action shall be final and unappealable, except as otherwise prescribed by law.

(Ord. 85-6. Passed 7-17-85.)

216.22 (Ord. 91-4. Passed 1-2-91; REPEALED by Ord 2003-3. Passed 1-8-03.)

216.23 NO EMINENT DOMAIN FOR PURELY PRIVATE BENEFIT

Jackson County shall not use the power of eminent domain for the sole benefit of private entities. Jackson County's use of the power of eminent domain shall continue to be limited by Article I, Section 18 of the Oregon Constitution.

(Ord. 05-13. Passed 9-14-05.)

CHAPTER 217
County Clerk

- 217.01 Tax deeds and contracts; recording fees.
217.02 Refunds.
217.03 Repealed.

CROSS REFERENCES

Election - see Const. Art. VI, Sec. 6; CHTR. Sec. 20; ORS 204.005
Duties and powers - see Const. Art. VI, Sec. 8; ORS 205.110
Bond - see ORS 204.020
Fees - see ORS 205.320
Actions, suits and proceedings see ORS 205.510, 205.990
Home rule counties - see ORS 306.005
Public land corner preservation account - see ADM. 225.02

217.01 TAX DEEDS AND CONTRACTS; RECORDING FEES.

The buyer or purchaser of tax deeds and contracts for the sale of tax-deeded property presented by the Board of County Commissioners is hereby required to pay the cost of recording all documents received by him or her. However, the Property Management Division may record tax deeds without a fee when it is determined by the County Administrator to be in the best interest of the County to do so. In any case, a recording fee may be assessed at the time of redemption of the property or when final payment is made on the purchase of the property.

The County Administrator is hereby authorized to sign the "Record Without Fee" statement on deeds and documents where such waiver of fee is authorized by law, ordinance or the Board of County Commissioners.

(Order 429-82. Passed 10-6-82; Order 147-84. Passed 5-9-84; Order 389-84. Passed 10-31-84.)

217.02 REFUNDS.

Effective July 1, 1980, refunds of taxes, fees and other collections shall be processed in a manner similar to any other request for disbursement, by use of the appropriate forms and authorized signatures, and disbursements shall be made by the Finance Department.

(Adopting Ordinance. Passed 12-10-85.)

2001 Replacement

217.03 (Ord. 85-29. Passed 12-11-85; E. Ord. 86-14. Passed 4-9-86; P. Ord. 86-15. Passed 4-23-86; REPEALED, Ord. 2001-12. Passed 7-5-01.)

CHAPTER 218
County Auditor

- 218.01 Position Established.
 - 218.02 Scope of Audits.
 - 218.03 Annual Audit Plan
 - 218.04 Audit Report.
 - 218.05 Records.
 - 218.06 Abuse, Wrongdoing and Illegal Acts.
 - 218.07 Contract Auditors, Consultants and Experts.
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218.01 POSITION ESTABLISHED.

The County Administrator is hereby authorized to establish the position of County Auditor. The County Auditor shall be appointed by the County Administrator based upon professional qualifications and experience. The County Auditor shall report directly to the County Administrator, but shall have the authority to report directly to the Board of Commissioners if the County Administrator may be a party to abuse, wrongdoing or illegal acts.

(Ord 2003-3. Passed 1-8-03.)

218.02 SCOPE OF AUDITS.

The auditor shall have responsibility to conduct audits of all County departments, offices, activities, subcontractors and agencies receiving funds from Jackson County. Audits shall be conducted in accordance with generally accepted government auditing standards applicable to financial and performance audits. The audits performed by the County Auditor shall be conducted so as to independently determine whether:

- (a) Activities and programs being implemented have been authorized by the Jackson County Board of Commissioners, State law or applicable Federal law and regulations;
- (b) Activities and programs are being conducted in an efficient and effective manner that, in fact, accomplishes the objectives intended by the authorizing entity or enabling ordinance, statute or regulation;

- (c) Activities and programs are being conducted and funds expended in compliance with applicable laws;
- (d) Revenues are being properly collected, deposited and accounted for;
- (e) Resources, including funds, property and personnel, are adequately safeguarded and controlled and are being used efficiently and effectively and in a manner consistent with the objectives intended by the authorizing entity or enabling ordinance, statute or regulation;
- (f) Financial and other reports are being provided that disclose fairly and fully all information required by law and, further, that all information that is necessary to ascertain the nature and scope of programs and activities, and that is necessary to establish a proper basis for evaluating the programs and activities is being provided;
- (g) There are indications of fraud, misuse or abuse of public funds, or illegal acts;
- (h) There are adequate operating and administrative procedures and practices, systems or accounting internal control systems, and internal management controls that have been established by management.

(Ord 2003-3. Passed 1-8-03.)

218.03 ANNUAL AUDIT PLAN.

- (a) At the beginning of each calendar or fiscal year, the Auditor will submit an annual audit plan to the Board of Commissioners for review and comment. The plan shall include the departments, offices, activities, subcontractors and agencies scheduled for audit during the year. This plan may be amended during the year. Additionally, the Auditor may conduct any other audit deemed necessary by the County Administrator.
- (b) In the selection of audit areas, the determination of audit scope and the timing of audit work, the Auditor should consult with Federal and State auditors and external auditors so that the desirable audit coverage is provided and audit effort may be properly coordinated.

(Ord 2003-3. Passed 1-8-03.)

218.04 AUDIT REPORT.

- (a) Each completed audit shall result in a written report that is issued directly to the Board of Commissioners and made available to the public.
- (b) A final draft of the audit report shall be forwarded to the auditee and the Audit Committee for review and comment regarding factual content before it is released. The auditee must respond in writing specifying agreement with the audit findings and recommendations or reasons for disagreement with the findings and/or recommendations, plans for implementing solutions to identified problems and a time table to complete such activities. The response must be forwarded to the auditor within thirty days of the date of the audit report.
- (c) The Auditor shall retain a copy of each completed audit report in the Auditor's office as a permanent record.
- (d) The Auditor shall include the following in each audit report:
- (1) A statement of the objectives, scope and methodology of the audit;
 - (2) A statement that the audit was performed in accordance with generally accepted auditing standards and that discloses if a standard was not followed and why it was not followed;
 - (3) If applicable, a statement that an examination for compliance with applicable laws, policies and regulations was conducted and presentation of the findings associated with that examination;
 - (4) A statement of the significant audit findings, including a statement of the evaluative criteria used and the current and prospective significance of the findings;
 - (5) A statement that internal control systems were examined and a report regarding any material strengths and weaknesses found;

- (6) If appropriate, the professional opinion of the Auditor or the contract auditor concerning the financial statements issued by the auditee; or, if the audit was a performance audit, the professional conclusions of the Auditor regarding the activities audited;
- (7) The full text of all responses submitted by the auditee;
- (8) A concise statement of any corrective actions previously taken or contemplated as a result of the audit findings and a time table for their accomplishment;
- (9) Recommendations for any necessary or desirable actions in addition to the above.

(Ord 2003-3. Passed 1-8-03.)

218.05 RECORDS.

- (a) The Auditor shall retain a complete file of each audit report and each report of other examinations, investigations, surveys and reviews made under legislative authority for at least three years. The file shall include audit work papers and other supportive material directly pertaining to the audit report.
- (b) All officers and employees of Jackson County shall furnish the Auditor with requested information and records within their custody and shall provide access for the Auditor to inspect all property, equipment and facilities within their custody. Further, all contracts with outside contractors and subcontractors shall provide for County access to all financial and performance-related records, property and equipment purchased either in whole or in part with County funds and facilities.

If such officers, employees or outside contractors or subcontractors fail to produce the aforementioned information, then the Auditor, subject to Board of Commissioners or County Administrator authority approval, may cause a search to be made and exhibits to be taken from any book, paper or record of any such official, employee or outside contractor or subcontractor, excepting personal information.

(Ord 2003-3. Passed 1-8-03.)

218.06 ABUSE, WRONGDOING AND ILLEGAL ACTS.

If, during an audit, the Auditor becomes aware of abuse, wrongdoing or illegal acts or indications of such acts that could affect the government entity, he or she shall promptly report it to the County Administrator. If the County Administrator may be a party to such acts or otherwise implicated, including attempts by the County Administrator to unduly influence the County Auditor or Internal Audit Program activities, the Auditor shall report such acts or other implications to the Board of Commissioners.

(Ord 2003-3. Passed 1-8-03.)

218.07 CONTRACT AUDITORS, CONSULTANTS AND EXPERTS.

Through the normal budgetary process, the Auditor may obtain the services of professional experts or consultants, either to conduct an audit or, as necessary, to assist the Auditor in his or her duties. The Auditor shall coordinate and monitor auditing performed under contract. Contracting for external audits will be awarded in accordance with Jackson County's usual contracting procedures. All contracted audits are the responsibility of the Internal Audit Program, even if funding for the audit will be recovered from a specific County department.

(Ord 2003-3. Passed 1-8-03.)

CHAPTER 219
County Counsel

- 219.01 Prosecution of violations of County law.
219.02 Communication with hearings officers, the Planning Commission and the Board of Commissioners.

CROSS REFERENCES

Included in definition of District Attorney - see ORS 131.005, 312.005
County Counsel generally - see ORS 203.145
Offenses under County law jurisdiction; prosecutions - see ORS 203.810
County Counsel as special prosecutor - see ADM. 203.01

219.01 PROSECUTION OF VIOLATIONS OF COUNTY LAW.

Violations of County law, as defined by ORS 203.810, shall be prosecuted by the County Counsel.

(Res. 156-79. Passed 4-4-79.)

219.02 COMMUNICATION WITH HEARINGS OFFICERS, THE PLANNING COMMISSION AND THE BOARD OF COMMISSIONERS.

As legal counsel for Jackson County and its representatives, County Counsel may communicate with, render oral and written legal advice to, and draft proposed findings and recommended orders for County hearings officers, the Planning Commission and/or the Board of Commissioners involved in adversary proceedings, such as land use hearings and other contested matters. Such communication will not be considered a violation of DR 7-110(B)(4) of the Oregon Code of Professional Conduct.

(Ord. 93-24. Passed 8-11-93.)

CHAPTER 220
District Attorney

EDITOR'S NOTE: There are no sections in Chapter 220. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Duties and powers re advising County officers - see ORS 8.690

Defined - see ORS 131.005, 135.881

Appointment; special officers; laws not faithfully executed - see ORS 131.815, 131.855

County offenses; prosecution by County Counsel; election see - ORS 203.810

Duties and powers re County home rule - see ORS 203.810

Duties and powers re County lands - see ORS 275.100

Law enforcement - see ADM. Ch. 203

CHAPTER 222
County Treasurer

- 222.01 Repealed.
222.02 Repealed.
222.03 Repealed.
222.04 Repealed.

CROSS REFERENCES

Election - see Const. Art. VI, Sec. 6; CHTR. Sec. 20; ORS 204.005
Finance generally - see CHTR. Ch. IV
Duties and powers generally - see Const. Art. VI, Sec. 8
Term - see ORS 204.010, 204.020
Oath - see ORS 204.020
Deposit of fees with Treasurer - see ORS 206.020
Investments - see ORS 294.035
Finance Department - see ADM. Ch. 228

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- 222.01** (Order 175-81. Passed 7-22-81; REPEALED by Ord. 2003-4. Passed 1-22-03.)
- 222.02** (Adopting Ordinance. Passed 12-10-85; REPEALED by Ord. 2003-4. Passed 1-22-03.)
- 222.03** (Res. and Order 448-82. Passed 10-27-82; REPEALED by Ord. 2003-4. Passed 1-22-03.)
- 222.04** (Order 66-72. Passed 10-18-72; REPEALED by Ord. 2003-4. Passed 1-22-03.)

CHAPTER 223
County Assessor

EDITOR'S NOTE: There are no sections in Chapter 223. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Election - see Const. Art. VI, Sec. 6; CHTR. Sec. 20; ORS 204.005

Term see ORS 204.010, 204.020

Qualifications - see ORS 204.016

Oath and bond - see ORS 204.020; Defined see ORS 306.005, 308.005

Failure to perform duties - see ORS 308.055

Authority re late tax levies or supplemental tax rolls - see B.R. & T. 880.01

CHAPTER 225
County Surveyor

- 225.01 Definitions.
225.02 Public land corner preservation fund established.

CROSS REFERENCES

Election - see Const. Art. VI, Sec. 6; CHTR. Sec. 20; ORS 204.005
Duties and powers - see Const. Art. VI, Sec. 8; CHTR. Sec. 20
Travel expenses - see ORS 92.100
Term - see ORS 204.010, 204.020
Recording fee for public land corner preservation account - see ADM. 217.03
Oath and bond - see ORS 204.020
Filling vacancies - see ORS 236.210, 236.220

225.01 DEFINITIONS.

For purposes of Section 225.02, the following definitions apply:

- (a) "Government corners" means and includes all government established corners and boundary lines as defined in the U.S. Department of Interior, Bureau of Land Management Manual of Surveying and Instructions and its supplements, such as section, quarter section, donation land claim, meander, closing, witness, state boundary and line trees.
- (b) "Corner" means the point determined by the surveying process.
- (c) "Monument" means the object where the physical structure marks the corner point.
- (d) "Establishment" means the surveying of an original government corner for the purpose of documenting and preserving its position.
- (e) "Re-establishment" means the resurveying of an original government corner to preserve its position.
- (f) "Maintenance" means surveying and marking corners and bearing monuments to perpetuate preservation.

(Ord. 85-29. Passed 12-11-85; E. Ord. 86-14. Passed 4-9-86; P. Ord. 86-15. Passed 4-23-86.)

225.02 PUBLIC LAND CORNER PRESERVATION FUND ESTABLISHED.

A fund known as the Public Land Corner Preservation Fund is established for the purposes described in ORS 203.148. All moneys collected for this fund pursuant to Order No. 250-01 shall be deposited with the County Treasurer at least once each month to be credited to the fund. Moneys in the fund shall be used only to pay the expenses incurred or authorized by the County Surveyor in the establishment, reestablishment and maintenance of government corners in connection therewith.

(Ord. 85-29. Passed 12-11-85; E. Ord. 86-14. Passed 4-9-86; P. Ord 86-15. Passed 4-23-86; Ord. 93-38. Passed 11-24-93; Ord. 2001-11. Passed 7-5-01.)

CHAPTER 226
Public Guardian and Conservator

- 226.01 Establishment of office.
226.02 Bond.

CROSS REFERENCES

Termination of office - see ORS 125.700
Tenure - see ORS 125.705
Appointment - see ORS 125.705, 125.710, 125.730
Duties and powers - see ORS 125.710, 125.715, 125.720
Bond - see ORS 125.715
Compensation; expenses - see ORS 125.725

226.01 ESTABLISHMENT OF OFFICE.

There is hereby established in and for the County the office of Public Guardian and Conservator.

(Order 100-74. Passed 7-24-74.)

226.02 BOND.

(a) Pursuant to ORS 125.715, the Public Guardian and Conservator for the County is hereby directed to file, with the County Clerk, an official bond in an amount to be set by order of the Board of County Commissioners, which bond shall inure to the joint benefit of the several guardianship or conservatorship estates for which the Public Guardian and Conservator may serve.

(b) The Public Guardian and Conservator is not required to file bonds in individual estates.

(Order 417-80. Passed 10-8-80; Ord. 90-3. Passed 3-21-90.)

CHAPTER 228
Finance Department

- 228.01 Establishment; functions and responsibilities.
- 228.02 Personnel.
- 228.03 Authority for Loans to General Fund; Investment of Funds.
- 228.04 Segregation of special assessments.
- 228.05 Purpose.
- 228.06 Definitions.
- 228.07 Authority of County to make reassessment.
- 228.08 Basis for, amount and method of reassessment.
- 229.09 Effect of reassessment; exceptions.
- 228.10 Governing body order to reassess.
- 228.11 Publication of notice of reassessment; contents.
- 228.12 Personal notice to each owner; right to file objections.
- 228.13 Hearing on objections; revision of reassessment.
- 228.14 Reassessment ordinance.
- 228.15 Lien docket entry; crediting prior payments.
- 228.16 Review of assessment.
- 228.17 Foreclosure of special assessments.
- 228.18 Procedures for special assessments.

CROSS REFERENCES

Finance generally - see CHTR. Ch. IV

Duties and powers of County Accountants generally - see ORS 210.210

Payment of fines from ordinance violations into General Fund - see ORS 203.065

Refinancing indebtedness; refunding bonds - see ORS 287.074

Warrants - see ORS 294.027

Exceeding amount and purpose of expenditures - see ORS 294.100

Authority for loans to General Fund - see ADM. 222.01

Budget Committee - see ADM. Ch. 259

228.01 ESTABLISHMENT; FUNCTIONS AND RESPONSIBILITIES.

(a) The Finance Department is established as an agency of the County and shall consist of such staff heretofore or hereafter appointed to perform the functions assigned to that department. Functions may be added to, removed from or amended as determined by the County.

(b) The Finance Director shall perform the following duties:

- (1) Treasurer, as described in the Home Rule Charter of Jackson County, Oregon.
- (2) County Accountant, as described in ORS Chapter 210.
- (3) Tax Collector, pursuant to ORS Chapter 311.

(Ord. 82-22. Passed 8-18-82; Ord. 2003-4. Passed 1-22-03.)

228.02 PERSONNEL.

(a) The Finance Director and all personnel of that department are under the general administration and control of the County Administrator, pursuant to Chapter 216 of the Jackson County Codified Ordinances, subject to the County personnel ordinances. However, nothing herein shall be construed to interfere with the County's statutory responsibilities. The Finance Director shall be responsible to the County Administrator for all aspects of the Finance Department.

(Ord. 82-22. Passed 8-18-82; Ord. 2003-4. Passed 1-22-03.)

228.03 AUTHORITY FOR LOANS TO GENERAL FUND; INVESTMENT OF FUNDS.

(a) Authority for Loans to General Fund.

- (1) The Finance Director shall notify the County Administrator of the need for additional funds in the General Fund, of the approximate anticipated amount of the need and of the approximate unencumbered cash balances available in other funds.
- (2) If there is insufficient money in the General Fund to pay warrants outstanding or expected to be outstanding prior to the receipt of revenues by the General Fund, the County Administrator may authorize a loan to the General Fund from such other fund as he or she may designate, subject to the limitations of ORS 294.460, and as allowed by Oregon and federal law. Such loan authorization shall be in writing and shall specify the purpose for such loan, the amount of such loan and the fund from which such loan is to be made.
- (3) The Finance Director is hereby authorized to make such loan, as directed by the County Administrator, and the Finance Director shall restore the money to the appropriate fund when money is available in the

General Fund, without further order.

(4) Each such loan shall not be interest-bearing, unless otherwise directed by the County Administrator, or otherwise required by Oregon or federal law.

(5) The Finance Director shall provide appropriate entries to the accounting system to maintain the current balance of such interfund loans in the official records of the County.

(6) Each such loan shall be repaid to the fund from which it was borrowed by the end of the ensuing fiscal year.

(b) Investment of Funds. The Finance Director is directed to serve as custodial officer to invest any sinking fund, bond fund or surplus of funds in the custody of the Finance Director pursuant to the requirements of ORS 294.035 and the Finance Director's investment policy.

(Order 1-83. Passed 1-5-83; Ord. 2003-4. Passed 1-22-03.)

228.04 SEGREGATION OF SPECIAL ASSESSMENTS.

(a) Definitions. As used in this section:

(1) "Local improvement" has the meaning given that term in Section 228.06(a) of the Codified Ordinances of Jackson County. (Ord. 92-7. Passed 7-1-92.)

(2) "Local improvement district" means an area within which real property is found by the Board of County Commissioners to be specially benefitted by a proposed local improvement.

(3) "Owner" has the meaning given in ORS 371.605.

(4) "Special assessment" means a monetary obligation imposed by the County as a lien on real property within a local improvement district for the purpose of defraying all or part of the cost of a specific local improvement which specially benefits that real property.

(b) Conditions; Board Order.

(1) The County may segregate a special assessment imposed upon a single tract or parcel of real property among all the parcels formed from a subsequent partition or other division of that tract or parcel, if the subsequent partition or division is in accordance with ORS 92.010 to 92.170 and regulations governing the division of lands. The proportionate

distribution of an unpaid special assessment may be made if the special assessment is not delinquent.

(2) The County may segregate a special assessment when requested to do so, on proper application, as specified in paragraph (b)(3) hereof, by an owner, mortgagee or lienholder of a parcel of real property that was formed from the lawful division of a larger tract of real property against which the special assessment was originally levied.

(3) The segregation of a special assessment under this section shall be entered in the record of liens pursuant to and in accordance with an order adopted by the Board. The order shall describe each parcel of real property affected by the segregation, the amount of the assessment levied against each parcel, the name and address of the owner of each parcel, as determined from the information represented on the application, and such additional information as the Board finds necessary to make a complete record of the assessments. A copy of the order shall be filed with the County Clerk and the County Clerk shall make any necessary changes or entries in the lien docket.

(4) If the special assessment is being paid in installments under the Bancroft Bonding Act, the assessments remaining unpaid shall be prorated among the smaller parcels resulting from the division so that each parcel shall be charged with that percentage of the remaining installment payments equal to the percentage of the unpaid assessment charge to the parcel upon segregation.

(c) Application for Segregation; Procedures.

(1) An application to segregate shall be filed with the County Clerk or such other officer as may be designated by the Board as custodian of the assessment lien records. The application shall include:

A. A lot book report from a title company showing ownership of all the subject parcels segregated;

B. If available, the original and segregated tax lot numbers and the names and addresses of the owners of the resulting lots or parcels as shown in the County Assessor's records; and

C. An express waiver of defects, jurisdictional or otherwise, in the original assessment, unless such a waiver has already been filed.

(2) The application shall be accompanied by a fee as established from time to time by the Board of County Commissioners.

(3) If the application is complete, copies shall be submitted to the County Engineer and to the Roads and Parks Director. (Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

(4) The County Engineer shall prepare a proposed segregation of the assessment lien between or among the parcels proposed to be divided. The segregation shall be based upon the same criteria as those applied in apportioning the original assessment among the properties benefitted in the local improvement district, and, in any event, shall fairly and equitably reflect a division of the benefits among the resulting parcels. The applicant for segregation shall have an opportunity to endorse approval of the proposed segregation or to be heard by the Board before the application is approved by Board order. The application form shall make provision for owners to sign advance approval of a proposed segregation or to request a hearing.

(5) Unless the owners have endorsed their approval of the proposed segregation, a notice of the proposed segregation of amounts shall be mailed to all persons shown by the application to have interests in the subject property, at least seven days before the Board meeting at which the order of segregation will be considered. The notice shall state the time of the meeting and that written objections filed with the Board prior to the meeting will be considered by the Board. If all persons with an interest in the parcel being divided have endorsed approval of the proposed segregation of assessment, no notice need be given and no hearing need be held.

(d) Board Approval; Filing. The Board shall approve, modify or disapprove the proposed segregation by Board order. If all parties have endorsed their approval, the Board will approve the apportionment and segregate the lien, unless it finds that the proposed segregation unduly impairs the security interest of the County. Following Board approval, the segregated liens shall be entered in the lien docket, and the segregated amounts, with interest accrued to the date of segregation, shall thereupon constitute separate liens on the parcels resulting from the division in accordance with the order. (Ord. 85-5. Passed 6-26-85.)

(e) Subdivision and Land Partition Approval. Whenever an application for partition or subdivision involves a parcel on which there is an unpaid special assessment lien, the division approval shall include a condition that the parties submit an application for segregation of the lien in accordance with this section. All the owners of the land to be subdivided may present, concurrently with the tentative plat application, an application for segregation, accompanied by a fee as prescribed by this section. The County Engineer may recommend, and the Board may approve, a segregation of the assessment lien among the lots in the proposed subdivision, to become effective at the time the final plat is approved and filed. The applicant may present a certified copy of the Board order approving the segregation to the County Clerk at the time of recordation of the final plat, and the segregation shall thereupon become effective and shall be entered in the assessment lien docket.

(Ord. 85-5. Passed 6-26-85; Ord. 86-31. Passed 1-14-87.)

228.05 PURPOSE.

The purpose of Sections 228.06 through 228.16 is to provide a procedure for the reassessment of any local improvement.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.06 DEFINITIONS.

As used in this chapter:

(a) "Local improvement" means:

- (1) The grading, graveling, paving or other surfacing of any street, or opening, laying out, widening, extending and altering, changing the grade of or constructing any street;
- (2) The construction or reconstruction of sidewalks;
- (3) The installation of ornamental street lights;
- (4) The installation of underground wiring or related equipment;
- (5) The reconstruction or repair of any street improvement subject to a local improvement district;
- (6) The construction, reconstruction or repair of any sanitary or storm, sewer or water main;
- (7) The acquisition, establishment, construction or reconstruction of any off-street motor vehicle parking facility;
- (8) The construction, reconstruction or repair of any flood control dike or dam;
- (9) The construction, reconstruction, installation and equipping of a park, playground or neighborhood recreation facility;
- (10) Any other local improvement for which an assessment may be made on the property specially benefitted.

(b) "Governing body" means the Board of County Commissioners or its designate.

(c) "Clerk" means the County Clerk.

- (d) "Lots" means lots, blocks or parcels of lands.
- (e) "Objections" includes remonstrances.

(E. Ord. 86-12. Passed 4-9-88; P. Ord. 86-13. Passed 4-23-86.)

228.07 AUTHORITY OF COUNTY TO MAKE REASSESSMENT.

Whenever all or part of any assessment for local improvements is declared void or set aside for any reason by either the governing body or any court, or the enforcement of such assessment is refused by any court by reason of jurisdictional or other defects in procedure, whether directly or by virtue of any court decision, or when the governing body is in doubt as to the validity of all or part of any such assessment by reason of such defects in procedure, the governing body may by ordinance make a new assessment or reassessment with respect to all or part of the original assessment upon the lots which have been benefitted by all or part of the local improvement to the extent of such lots' respective and proportionate shares of the full value of such benefit.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.08 BASIS FOR, AMOUNT AND METHOD OF REASSESSMENT.

The reassessment shall be based upon the special benefit of the improvement to the respective lot or lots at the time of the original making of the local improvement. The amount of the reassessment shall not be limited to the amount of the original assessment, but the reassessment shall not include any property not embraced in the original assessment. However, property on which the original assessment was paid in full shall not be included in the reassessment. Interest from the date of delinquency of the original assessment may be added by the governing body to the reassessment in cases where the property was included in the original assessment, but such interest shall not apply to any portion of the reassessment that exceeds the amount of the original assessment. The reassessment shall be made in an equitable manner as nearly as may be in accordance with the law in force at the time the improvement was made, but the governing body may adopt a different plan of apportioning benefits or excluding portions of the district when, in its judgment, it is essential to secure an equitable assessment. Credit shall be allowed on the new assessment for all payments made on the original assessment.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.09 EFFECT OF REASSESSMENT; EXCEPTIONS.

The reassessment, when made, shall become a charge upon the property upon which it is laid, notwithstanding the omission failure or neglect of any officer, body or person to comply with the provisions of the law connected with, or relating to, the local improvement and original assessment or any previous reassessment, and although the proceedings of the governing body

or the acts of any officer, contractor or other person connected with the improvement or assessment may have been irregular or defective, whether such irregularity or defect was jurisdictional or otherwise. The reassessment shall not be made in case of any improvement wherein a remonstrance sufficient in law to defeat it was timely filed prior to the construction of the local improvement.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.10 GOVERNING BODY ORDER TO REASSESS.

The reassessment shall be initiated by adoption of a Board order designating the local improvement as to which a reassessment is contemplated, describing the boundaries of the district or part thereof that the governing body contemplates for the reassessment, and directing the County Administrator or his or her designate to prepare a proposed reassessment upon the property included within the district. After the passage of such Board order, the County Administrator or his or her designate shall prepare a proposed reassessment and file it in the Office of the Clerk.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.11 PUBLICATION OF NOTICE OF REASSESSMENT; CONTENTS.

After the proposed reassessment is filed in the Office of the Clerk, the County Administrator or his or her designate, shall give notice thereof by not less than four successive publications in a newspaper of general circulation in Jackson County. The notice shall show that the proposed reassessment is on file in the Office of the Clerk, giving the date of the passage of the Board order and the boundaries of the district or, in lieu of giving the boundaries of the district, a statement may be made of the specific property to be affected by the proposed reassessment. The notice shall specify the time and place where the governing body will hear and consider objections to the proposed reassessment by any parties aggrieved thereby.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.12 PERSONAL NOTICE TO EACH OWNER; RIGHT TO FILE OBJECTIONS.

The County Administrator or his or her designate shall, within five days after the date of first publication of the notice, mail or cause to be personally delivered to the owner of each lot to be affected by the proposed reassessment, or to the agent of such owner and to any other person who is entitled to notice by law, a notice of the proposed reassessment stating the matter set out in the printed notice and also the amount proposed to be charged against the lot. If the address of the owner or of the owner's agent or the mortgagee, if any, is unknown to the County Administrator or his or her designate and cannot be ascertained from the County's records, he or she shall mail the notice addressed to the owner or owner's agent or the mortgagee, if any, at that city where the

property is located. Any mistake, error, omission or failure with respect to such mailing shall not be jurisdictional or invalidate the reassessment proceedings. The owners of any property included in the description of the printed notice, or any person having an interest in that property, may, within ten days from the date of last insertion of the printed notice, file in writing with the County Administrator or his or her designate objections against the proposed reassessments.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.13 HEARING ON OBJECTIONS; REVISION OF REASSESSMENT.

At the time and place appointed in the notice, the governing body shall hear and determine all objections filed under Section 228.12. The governing body may continue the hearing to correct, modify or revise the proposed reassessment, or the governing body may set the reassessment aside and order the making of a new proposed reassessment. However, if the proposed reassessment is corrected or revised so as to increase the amount proposed to be charged against any property, such reassessment shall not be made until after a new notice has been given, as stated in Section 228.12, to the owners of property against which the amount of assessment is proposed to be thus increased. The publication of the notice may be for not less than two successive insertions in a newspaper of general circulation in Jackson County as provided in Section 228.11, and the time when action may be taken thereon may be not less than five days after the date of last insertion in a newspaper of general circulation. If the proposed reassessment is set aside and a new apportionment ordered, notice shall be given of the new apportionment in the manner stated in Section 228.11 and Section 228.12 and action taken thereon as provided in this section and in Section 228.12.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.14 REASSESSMENT ORDINANCE.

When the governing body has determined what is, in its judgment, a fair, just and reasonable reassessment, it shall pass an ordinance setting out and making that reassessment. The reassessment so made shall be deemed to be regular, correct, valid and just, except as it may be modified under Sections 228.12 and 228.13.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.15 LIEN DOCKET ENTRY; CREDITING PRIOR PAYMENTS.

When the reassessment is duly made, it shall be entered in the County Lien Docket. All provisions for bonding and paying by installment shall be applicable, and such County liens shall be enforced and collected in the manner provided by law for collection of liens for a local improvement. All sums paid upon the former assessment or any previous reassessment shall be credited to the property on the account of which it was paid and as of the date of payment.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.16 REVIEW OF REASSESSMENT.

Notwithstanding any of the provisions of this chapter, the owner or other person with a legally protectible interest in any property against which a reassessment for local improvements has been imposed may seek a writ of review under the provisions of ORS 34.010 to 34.100.

(E. Ord. 86-12. Passed 4-9-86; P. Ord. 86-13. Passed 4-23-86.)

228.17 FORECLOSURE OF SPECIAL ASSESSMENTS.

(a) Subject to subsection (b) hereof, special assessment liens shall be foreclosed in the manner provided by ORS 371.660.

(b) Not less than sixty days prior to the date of sale, notices containing the same information as that contained in the published notice of sale shall be sent by first class mail and by certified mail to the owner or owners of record of the real property and to the occupant, if any, of such property, and to any person having a lien or other interest in the property if such a lien or interest appears of record, said notices to be sent to the post office addresses last known to the Board of County Commissioners. Failure to send notice to any such person does not affect the validity of the foreclosure as to any other person.

(E. Ord. 87-11. Passed 9-30-87; P. Ord. 87-12. Passed 10-14-87.)

228.18 PROCEDURES FOR SPECIAL ASSESSMENTS.

(a) Except as below provided, the procedures prescribed in ORS 371.605 to 371.655 shall be followed in proceedings relating to the assessment of properties for special benefits accruing from public improvements, as those terms are defined in this chapter and in ORS 371.605.

(Ord. 92-7. Passed 7-1-92.)

(b) At the time that the Board of Commissioners directs the mailing of the written notice specified in ORS 371.630(1), it shall set a time for public hearing to be held at a regular meeting within thirty days after the twenty-day period for objections, at which time any objections to the proposed improvement filed within the twenty days shall be heard and considered. Notice of the hearing shall be included in the mailed, written notice.

(E. Ord. 87-17. Passed 10-28-87; P. Ord. 87-20. Passed 11-10-87.)

THIS PAGE RESERVED FOR FUTURE EXPANSION.

CHAPTER 229
Sheriff's Department

229.01 Repealed.

CROSS REFERENCES

Election - see CHTR. Sec. 20; Const. Art. VI, Sec. 6; ORS 204.005

Term - see Const. Art. VI, Sec. 6; ORS 204.010, 204.020

Duties and powers - see Const. Art. VI, Sec. 8; ORS 206.010

Fees - see ORS 21.410

Concealed weapon seizure, destruction, exception, sale - see ORS 166.280

Oath and bond - see ORS 204.020

Overtime - see ADM. 246.16(b)

Holidays - see ADM. 246.50

Authority re special uses of County roads - see TRAF. 420.03

Authority re secondhand dealers - see B.R. & T. 868.08, 868.10.

Unclaimed property in possession of law enforcement agency - see ORS 98.245

229.01 (Ord. 159-76. Passed 9-1-76; E. Ord. 93-29. Passed 8-4-93; P. Ord. 93-28. Passed 8-18-93; REPEALED by Ord. 99-4. Passed 4-21-99.)

CHAPTER 230
Development Services Department

230.01 Establishment.

230.01 ESTABLISHMENT.

The Development Services Department is established as an agency of the County and shall consist of such staff heretofore or hereafter appointed to perform the functions assigned to that department. Functions may be added to, removed from or amended as determined by the County. The Development Services Director and all personnel of that department are under the general administration and control of the County Administrator, pursuant to Chapter 216 of the Jackson County Codified Ordinances, subject to the County personnel ordinances. However, nothing herein shall be construed to interfere with the County's statutory responsibilities. The Development Services Director shall be responsible to the County Administrator for all aspects of the Development Services Department.

(Ord. 2003-4. Passed 1-22-03; Ord 2007-2. Passed 1-31-07.)

THIS PAGE IS RESERVED FOR FUTURE EXPANSION.

CHAPTER 231
Parks and Recreation Department

231.01 Repealed.

CROSS REFERENCES

Parks and recreation areas - see ORS 275.320, 275.330, 275.370; S.U. & P.S. Ch. 1064

Jurisdiction of parks and recreation areas; acquisition by State - see ORS 366.205

Bear Creek, Jackson County - see ORS 390.250, 390.255, 390.260; P. & Z. Ch. 1228

Fairgrounds - see ORS 565.230; S.U. & P.S. Ch. 1066

Parks and Recreation Advisory Committee - see ADM. Ch. 277

Appeal of Animal Control Division fees and charges - see GEN. OFF. 610.06.

231.01 (Ord. 215-77. Passed 6-29-77; REPEALED by Ord 2003-4. Passed 1-22-03.)

CHAPTER 232
Public Works Department

(REPEALED by Ord. 2003-4. Passed 1-22-03.)

CROSS REFERENCES

Actions on contracts - see ORS 30.310, 30.320

Awarding contracts - see ORS 279.029

Public works defined - see ORS 279.348

Unlawful interest in contracts - see ORS 279.990

County roads - see ORS 366.320, S.U. & P.S. Ch. 1020, Ch. 1024

Authority of Public Works Director re special uses of County roads - see TRAF. 420.03

Public works operations - see S.U. & P.S. Ch. 1020

CHAPTER 234
Community Human Services Department

- 234.01 Repealed.
234.02 Repealed.

CROSS REFERENCES

Mental disease or defect - see ORS 161.295 et seq.
County Service Officer - see ORS 408.410
Community work and training programs - see ORS 411.855 et seq.
Community corrections programs - see ORS 423.535 et seq.
Assistance of County Counsel - see ORS 426.100
Local mental health programs - see ORS 430.620
Community Human Services Advisory Committee - see ADM. Ch. 260

- 234.01** (Order 278-82. Passed 7-14-82; REPEALED by Ord. 89-10. Passed 9-13-89.)
234.02 (Order 278-82. Passed 7-14-82; REPEALED by Ord. 89-10. Passed 9-13-89.)

CHAPTER 235
Health Department

Repealed (Ord. 89-10. Passed 9-13-89.)

CROSS REFERENCES

County advisory board - see ORS 431.410, 431.412
Duties and powers - see ORS 431.415, 431.416
Enforcement of Health Division rules - see ORS 431.416
Local health officers - see ORS 431.418
Records - see ORS 431.520
Health care facilities - see ORS 443.225
Board of Health - see ADM. Ch. 257
Emergency medical care for prisoners - see S.U. & P.S. 1072.01

CHAPTER 236
Health and Human Services Department

- 236.01 Establishment; general functions.
- 236.02 Mental health program.
- 236.03 Formation of Jefferson Behavioral health, an intergovernmental entity.
- 236.04 Animal Control Program

CROSS REFERENCES

- Mental disease or defect - see ORS 161.295 et seq
- County Service Officer - see ORS 408.410
- Community work and training program - see ORS 411.855 et seq.
- Community corrections programs - see ORS 423.535 et seq.
- Assistance of County Counsel - see ORS 426.100
- Local mental health programs - see ORS 430.620
- County advisory board - see ORS 431.410, 431.412
- Duties and powers - see ORS 431.415, 431.416
- Enforcement of Health Division rules - see ORS 431.416
- Local health officers - see ORS 431.418
- Records - see ORS 431.520
- Health care facilities - see ORS 443.225
- Board of Health - see ADM. Ch. 257
- Community Human Services Advisory Committee - see ADM. Ch. 260
- Emergency medical care for prisoners - see S.U. & P.S. 1072.01

236.01 ESTABLISHMENT; GENERAL FUNCTIONS.

The Health and Human Services Department is established as an agency of the County and shall consist of such staff heretofore or hereafter appointed to perform the functions assigned to that department. Functions may be added to, removed from or amended as determined by the County. The Health and Human Services Director and all personnel of that department are under the general administration and control of the County Administrator, pursuant to Chapter 216 of the Jackson County Codified Ordinances, subject to the County personnel ordinances. However, nothing herein shall be construed to interfere with the County's statutory responsibilities. The Health and Human Services Director shall be responsible to the County Administrator for all aspects of the Health and Human Services Department.

(Ord. 89-10. Passed 9-13-89; Ord. 2003-4. Passed 1-22-03.)

236.02 MENTAL HEALTH PROGRAM.

All responsibility for the mental health program in the County, pursuant to ORS 430.620(1), shall be with the Health and Human Services Department.

(Ord. 89-10. Passed 9-13-89.)

236.03 FORMATION OF JEFFERSON BEHAVIORAL HEALTH, AN INTERGOVERNMENTAL ENTITY.

(a) Ratification of Formation. The Jackson County Board of Commissioners hereby ratifies the formation of an intergovernmental entity pursuant to the terms of ORS Chapter 190. The newly formed entity is to be called Jefferson Behavioral Health. It is the intention of the Jackson County Board of Commissioners to enter into an intergovernmental agreement with Coos, Curry, Douglas, Josephine and Klamath Counties which will provide for the formation of the Jefferson Behavioral Health and set out the duties, powers and functions of the entity. This ordinance authorizes the Board of Commissioners to enter into this intergovernmental agreement.

(b) Effective Date of Intergovernmental Agreement. The effective date of the intergovernmental agreement for formation of Jefferson Behavioral Health is June 15, 1997.

(c) Public Purpose for Which the Intergovernmental Entity is Formed. The public purposes for which the intergovernmental entity is formed are as follows:

- (1) To create an intergovernmental entity that will administer and provide mental health services on behalf of the parties to the agreement;
- (2) To provide and promote accessibility to mental health benefits and continuity of care for all consumers through comprehensive community mental health programs;
- (3) To preserve the integrity of community mental health programs while obtaining the economic benefits of cooperation among counties, the Mental Health and Developmental Disabilities Services Division of the Oregon Department of Human Resources ("Division") and the Office of Medical Assistance Programs of the Oregon Department of Human Resources ("OMAP");
- (4) To connect the Oregon Health Plan and community mental health programs in a manner that gives full force and effect to ORS 414.705 to 414.750 and ORS 430.610 to 430.685;

- (5) To administer regional Medicaid funds in ways that preserve and enhance local management and operation of community mental programs;
 - (6) To coordinate and integrate mental health services with physical health care services in the Service Area which is defined as the geographical area of the participating counties;
 - (7) To promote accountability, continuity and efficiency in the use, allocation, and investment of public funds for mental health services;
 - (8) To provide a regional management information system for planning and developing mental health services in the Service Area; and
 - (9) To promote the involvement of county commissioners, local mental health advisory committees, consumers, and advocates in development and delivery of mental health services.
- (d) Powers, Duties and Functions of the Jefferson Behavioral Health. Jefferson Behavioral Health shall have as its function the duty and power to do the following things:
- (1) The provision and administration of mental health services together with ancillary services, including labor, goods, personal services and incidentals ("Services") within the Service Area. Each party to the intergovernmental agreement forming Jefferson Behavioral Health, reserves exclusive control over these Services provided by its community mental health program within its county boundary other than Oregon Health Plan Services. However, Jefferson Behavioral Health may provide such Services pursuant to an agreement with a particular party.
 - (2) The power to enter into and administer the Oregon Health Plan Service Agreement, other contracts and subcontracts for Services, and employment contracts;
 - (3) Performance of any functions and activities that any party to the intergovernmental agreement forming Jefferson Behavioral Health has the authority to perform with respect to the provision for Services;
 - (4) Performance of all lawful acts that are necessary to fulfill the purposes set out above.
- (E. Ord. 97-13. Passed 4-30-97; P. Ord. 97-14. Passed 5-14-97.)

236.04 ANIMAL CONTROL PROGRAM

(a) There is hereby established in and for the County an Animal Control Program within the Health and Human Services Department. Animal Control and the members thereof shall have all of the powers and authority of dog control enforcement officers under ORS 609.010 through 609.190.

(b) Animal Control shall have such enforcement responsibilities, in addition to those specified in subsection (a) hereof, as may be assigned to it by the Board of County Commissioners.

(Ord. 2003-4. Passed 1-22-03.)

THIS PAGE RESERVED FOR EXPANSION.

CHAPTER 237
Planning and Development Department

EDITOR'S NOTE: Provisions relating to the Planning and Development Department are codified in Chapter 1220 of Part Twelve the Planning and Zoning Code.

- 237.01 Repealed.
 237.02 Repealed.
 237.03 Repealed.

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- 237.01** (E. Ord. 2000-44. Passed 12-6-00; REPEALED by E. Ord. 2000-45. Passed 12-13-00. REPEALED by Ord. 2003-4. passed 1-22-03.)
- 237.02** (E. Ord. 2000-44. Passed 12-6-00; REPEALED by E. Ord. 2000-45. Passed 12-13-00. REPEALED by Ord. 2003-4. passed 1-22-03.)
- 237.03** (E. Ord. 2000-44. Passed 12-6-00; REPEALED by E. Ord. 2000-45. Passed 12-13-00. REPEALED by Ord. 2003-4. passed 1-22-03.)

CHAPTER 238
Airport Department

- 238.01 Findings and Purpose.
- 238.02 Definitions.
- 238.03 Privilege Fee.
- 238.04 Renumbered to 238.99.
- 238.05 Renumbered to 238.98.
- 238.06 Maintenance of Records.
- 238.07 Inspection and Audit of Records.
- 238.98 Savings Clause.
- 238.99 County Violations.

CROSS REFERENCES

Development and maintenance - see ORS 836.210
Disposition of proceeds from operation - see ORS 836.230, 836.245
Local government airports generally - see ORS 836.245
Acquisition of contiguous territory - see ORS 836.250
Airport Advisory Committee - see ADM. Ch. 251
Rogue Valley International-Medford Airport - see S.U. & P.S. Ch. 1062

238.01 FINDINGS AND PURPOSE.

(a) Findings. Jackson County, hereinafter called County, finds:

- (1) That the County owns and controls that certain airport and air navigation facility located in Jackson County, State of Oregon, being generally shown on Exhibit A, attached hereto and known as the Rogue Valley International-Medford Airport ("Airport"), said Airport which includes the ingress and egress road named Airport Road and Historic Biddle Road; and
- (2) That the aviation facilities it owns and operates promote a strong economic base for the community, assist and encourage world trade opportunities, and are of vital importance to the health, safety, and welfare of Jackson County; and
- (3) That the deregulation of the airline industry, the restructuring of airline ownerships, and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the Airport and airport operators in general; and

- (4) That the County will require substantial capital investment of landside and airside development to meet the future demand for air travel; and
- (5) That the unregulated use of its airports pose a threat to the peace, health, economic vitality, and safety of persons living in the community, the state of Oregon, and other citizens utilizing the Rogue Valley International-Medford Airport; and
- (6) That the revenues received from commercial users of the airport facilities are vital to the economic well-being of the Airport; and
- (7) That non-tenant commercial users of the Airport receive substantial economic benefit from their use of the Airport which benefit is being received without compensation resulting in lost revenue to the Airport; and
- (8) That it is essential that the Airport remain financially healthy to perform its economic role in the community and to provide the community with cost-effective aviation facilities; and
- (9) That, in order to raise revenue for purposes of providing facilities for the traveling public including customers of car rental, parking lot and flight kitchen businesses as hereinafter defined, pay for Airport equipment; protect the public; preserve order; provide for the public health, safety and welfare; enhance the welfare of the County; and govern use of the Airport property; it is necessary to adopt and implement a Privilege Fee for said businesses who are granted the privilege of accessing Airport customers and thereby utilizing Airport facilities; and
- (10) In establishing and implementing this Privilege Fee, the County finds that Rental Car, Parking Lot and Flight Kitchen Businesses constitute specific classes of business operations on Airport property; and
- (11) The County finds that the Privilege Fee adopted herein is reasonable and uniform for the privileges or services affected; and
- (12) The County has heretofore publicly advertised for rental car concession contract proposals with the Airport by persons or corporations wishing to use any of the designated rental car business areas in the terminal on the Airport, requiring that submitted concession contract proposals substantially conform to the reasonable contract terms, conditions, fees, and bid instructions in the rental car concession contract bid documents, which are on file at the administrative offices of the Airport and pursuant to which leases and operating agreements were awarded and signed; and

(13) The County has heretofore publicly advertised for parking lot concession contract proposals with the Airport by persons or corporations wishing to operate a parking lot business area at the Airport, requiring that submitted concession contract proposals substantially conform to the reasonable contract terms, conditions, fees, and bid instructions in the parking lot concession contract bid documents, which are on file at the administrative offices of the Airport and pursuant to which leases and operating agreements were awarded and signed; and

(14) The County has heretofore publicly advertised for flight kitchen concession contract proposals with the Airport by persons or corporations wishing to operate a flight kitchen business at the Airport, requiring that submitted concession contract proposals substantially conform to the reasonable contract terms, conditions, fees and bid instructions in the flight kitchen contract bid documents, which are on file at the administrative offices of the Airport and pursuant to which leases and operating agreements were awarded and signed; and

(15) The aforementioned rental car, parking lot and flight kitchen concession contracts have reasonable requirements, regulations, charges, and fees for the privilege of supplying goods, commodities, and services at the Airport, based on the property and improvements used, the expenses of Airport operation, the cost of Airport facilities, including Airport debt retirement; and

(16) Rental Car Businesses, Parking Lot Operators, and Flight Kitchen Operators not having said operating agreements and leases may, nevertheless, desire the privilege of accessing Airport customers and supplying services at the Airport from their off-site locations; and

(17) That, in order to protect the public, to provide for public safety, to preserve the good order and peace of the County, and to raise revenue for purposes of maintaining and expanding Airport facilities, it is necessary to enact and provide for implementation of reasonable standards, controls, rules, regulations, and procedures for business.

(b) Purpose. The purpose of Sections 238.01 to 238.99 is to enact regulations of off-Airport rental car, parking lot and flight kitchen operators consistent with the above findings and said sections, and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed herein.

(Ord. No. 98-20. Passed 8-26-98; Ord. No. 2001-14. Passed 8-15-01.)

238.02 DEFINITIONS.

As used in Sections 238.01 through 238.99:

- (a) "Airport" shall mean the area of Rogue Valley International-Medford Airport with the boundaries as shown and outlined on Exhibit A attached hereto and incorporated herein by this reference.
- (b) "Airport Customer" or "Passenger" shall mean any person who arrives at, or departs from, the Airport by aircraft, and (1) who is transported to or from a Rental Car Business or Parking Lot Operator's off-site location via a Ground Transportation Vehicle for the purpose of entering into a car rental or parking lot space agreement, and (2) who enters into a motor vehicle rental or parking lot space agreement within the same calendar day or day after (12:00 o'clock midnight to 11:59 p.m.).
- (c) "Director" shall mean the Airport Director of the Rogue Valley International-Medford Airport.
- (d) "Flight Kitchen" shall mean a licensed food establishment that caters and provides food and refreshments to the airlines.
- (e) "Gross Receipts," for the purpose of determining the Privilege Fee under Sections 238.01 to 238.99, shall mean, unless specifically excluded herein:
- (1) The total amount charged by car rental facility or parking lot operator during an agreement year, including any separately stated fees and charges, in connection with: (A) off-site Rental Car Business or Parking Lot Operator under an agreement; (B) any activities related directly or indirectly to that business; and (C) any other business of off-site operator elsewhere at the Airport.
 - (2) The term "Gross Receipts" will also include the rental or leasing of cars and related transactions to Airport users, or the delivery of which occurs at the Airport or rental cars returned to the off-site operator, regardless of the ownership, area, fleet, or location assignment of the cars, and regardless of where payment is made or where the cars are returned. For example, if a car originally rented by an Airport user is exchanged for another car at another of Rental Car Business's locations, the entire transaction, including any revenue received for the second car, shall be included in Gross Receipts. The term "rental of cars" includes, but is not limited to, time and mileage charges, LDW/CDW, fueling, charges for personal accident insurance and other insurance, cellular phones, child restraints, and all other transactions and charges of whatever nature arising from or incidental to off-site Rental Car Business under permit unless expressly excluded by an agreement.

- (3) The term "Gross Receipts" shall specifically exclude the following:
- A. Sales Tax. The amount of any federal, state, or local sales taxes separately stated or collected by off-site Car Rental Business from its customers.
 - B. Recovery of Damages. Any sums received from damage to cars or other properties of off-site Car Rental Business. Payments for loss, conversion or abandonment of cars. Amounts paid by customers of off-site Car Rental Business as additional charges for waiver of Car Rental Business of its right to recover from customers for damage to a rented car.
 - C. Returns of Rentals from Other Airports. Rentals which are returns of automobiles originally rented at another airport, if Car Rental Business or an affiliate paid a privilege or concession fee on such rental transaction to the originating airport and no privilege or concession fee is received by off-site Car Rental Business for this transaction.
 - D. Sales Proceeds. Proceeds from the sale of used cars or disposal of personal property of the off-site Rental Car Business and Parking Lot Operator used by operator in the operation of Rental Car Rental Business and Parking Lot Operators.
 - E. Discounts. Corporate or volume rebates where Car Rental Business or Parking Lot Operator can establish for each corporate or volume customer: (A) the amount of the rebate; (B) that the customer has a contractual right to the rebate; and (C) that the amount of Car Rental Business's and Parking Lot Operator's claims as an exclusion from Gross Receipts is attributable to rental car transactions at the Airport by that corporate or volume customer. Gross Receipts may not be reduced by volume discounts unless the discounts are documented for each transaction and the documentation is submitted with Car Rental Business's and Parking Lot Operator's monthly report.
 - F. Express Exclusions. Unless receipts from Rental Car Business or Parking Lot Operator is expressly and particularly excluded from "Gross Receipts" under a permit, such receipts shall be included in Gross Receipts. Receipts that may be derived from sources similar but not identical to those described herein shall be included in Gross Receipts unless expressly excluded by the permit.
- (f) "Ground Transportation Vehicle" shall mean any form of transportation traveling on streets, roads, or highways that is owned by, leased by, used by or at the request of, or procured by or at the request of, a Rental Car Business or Parking Lot Operator, their agents, employees, officers, contractors, or subcontractors for the purpose of transporting Airport Customers or Passengers, whether said transportation is for hire or provided without charge.

(g) "Parking Lot Operator" shall mean a person, association, corporation, partnership, joint venture, or any other business arrangement or organization, also referred to in Sections 238.01 to 238.99 as "Permittee," which utilizes the Airport by accessing Airport Passengers for the purpose of picking up or delivering Passengers and transporting Passengers to the Airport from parking lot facilities or from the Airport to parking facilities where said parking lot facilities are at locations other than on the Airport.

(h) "Permittee" shall mean, and be synonymous with, Rental Car Business, Parking Lot Operator, and Flight Kitchen Operator.

(i) "Privilege Fee" shall mean the fee as described in Sections 238.01 to 238.99 and imposed on Rental Car Businesses, Parking Lot Operators and Flight Kitchen Operators for the privilege granted to said businesses and operators of accessing Airport Customers.

(j) "Rental Car Business(es)" shall mean a person, association, corporation, partnership, joint venture, or any other business arrangement or organization, also referred to in Sections 238.01 to 238.99 as "Permittee," which utilizes the Airport by accessing Airport Customers or Passengers for the purpose of conducting an off-Airport commercial business of renting or leasing motor vehicles to said Customers or Passengers using the Airport facilities, but does not include On-Airport Rental Car Businesses.

(Ord. No. 98-20. Passed 8-26-98; Ord. No. 2001-14. Passed 8-15-01.)

238.03 PRIVILEGE FEE.

(a) Any Permittee, as defined by Sections 238.01 to 238.99, that desires to operate from an off-site location, shall obtain a permit from the County, prior to engaging in any business operation. The acceptance of such permit will indicate agreement to the following minimum terms and conditions:

(1) Fee on Gross Receipts: To pay to the County during the applicable term of the permit such percentage of Gross Receipts as the County from time to time may set, provided that any change of percentage rate shall not take effect before ninety days after the date of written notice sent to all the then current permit holders, said notice being mailed to the last known address on file with the County for said permit holders; and further provided that said percentage rate, as it relates to off-site Businesses, shall not exceed the percentage rate charged to the Businesses holding an executed and valid operating agreement and lease for property located at the Airport. Said Gross Receipts payment shall be due and payable on or before the twentieth day of each month for the preceding month's Gross Receipts.

(b) Permittee shall provide to the County the following:

- (1) Written proof of commercial general liability insurance, including automobile liability covering owned, hired, and nonowned vehicles in the amount of at least \$1,000,000 combined single limit, for each occurrence for bodily injury, death, or property damage occurring by reason of concessionaire's operations on the Airport. The policy or policies providing said coverage shall include premises, operations, independent contractors, personal injury (deleting any exclusion relating to employees), products, and contractual liability including, but not limited to, the liability assumed by concessionaire under the hold harmless provisions of this Permit.
- (2) The make, model, color, identification number, and motor vehicle registration number of all vehicles to be operated on Airport property.
- (3) The names and job titles of local management personnel, as well as, all business employees engaged in the operation of vehicles to be operated on Airport property.
- (4) Written proof of all business and/or motor vehicle permits and licenses required by local, state, and federal regulations.
- (5) Written proof to the County of all Gross Receipts at the time payment is due on a form approved by the Director and accompanied by a statement certified by an officer of the company attesting to the accuracy of payments due the County.
- (6) Permittee shall be deemed an independent contractor and is not an agent or employee of County with respect to its acts or omissions.
- (7) Permittee shall defend (using legal counsel acceptable to County), indemnify fully and save and hold harmless County, its officers, agents and employees, boards and commissions from and against all losses, damages, claims, liabilities, and causes of action of every kind and character and nature, as well as costs and fees including reasonable attorney's fees connected therewith, and expenses of the investigations thereof, based upon or arising out of damages or injures to third persons or their property caused wholly or in part by Permittee's operations or activities under any agreement. County shall give to Permittee prompt and reasonable notice of any such claims or action, and Permittee shall have the right to investigate, compromise, and defend the same to the extent of its own interest.
- (8) Agreement to pay interest and delinquency charges at a rate established by ordinance, on any amount not paid when due, which charge shall apply to amounts determined to be due as a result of an audit pursuant to Section 238.03(b)(6) herein if such amount is not paid within fifteen days after written notice from the County that such amount is due.

(c) The County is authorized to issue and publish additional rules and regulations to implement Sections 238.01 to 238.99 and to include additional terms and conditions in the permit form as deemed necessary by the County.

(Ord. No. 98-20. Passed 8-26-98; Ord. No. 2001-14; Passed 8-15-01.)

238.04 (Ord. No. 98-20. Passed 8-26-98; RENUMBERED to Section 238.99, Ord. No. 2001-14. Passed 8-15-01.)

238.05 (Ord. No. 98-20. Passed 8-26-98; RENUMBERED to Section 238.98, Ord. No. 2001-14. Passed 8-15-01.)

238.06 MAINTENANCE OF RECORDS.

(a) Maintenance of Accounting Records. The Permittee shall maintain adequate accounting records in accordance with generally accepted accounting principals, generally accepted auditing standards and the requirements of its permit, for (1) all transactions relevant to its permit (collectively, "Books and Records"); and (2) all exclusions from Gross Receipts claimed by Permittee. Permittee shall cause to be installed on Permittee's Operating Area, and shall at all times use, such cash registers, invoicing machines, sales slips and other accounting equipment, devices and firms as are reasonably necessary to record properly, accurately and completely all sales at the Airport of Permittee's Gross Receipts. Permittee shall maintain during the term of its permit and for three (3) years thereafter, all records and books of account or computerized records recording all transactions for Permittee's conduct under its permit. All records and books of account shall be made available within the County at such location as may be approved in writing by the Airport Director. The records requirements of this section shall also extend to any of Permittee's subsidiaries, partners, and joint ventures.

(b) Location of Records. Permittee shall keep all original rental agreements, or accurate copies thereof, or contracts utilized by Permittee in the operation of the concession granted to Permittee. Said documents are to be kept by Permittee within the County or in such other location as may be approved in writing by the Airport Director, and shall be kept for a period of three (3) years from date of the closing of such rental agreements.

(c) Books and Records. Books and Records shall include analysis listing all of Permittee's operations at the Airport in form of printed, written or electronic media. The rental contract forms shall be sequentially numbered in a series designated for use only with the permit granted to Permittee. Books and Records shall also include, but is not limited to:

- (1) all original accounting source documents detailing transactions relevant to the permit granted to Permittee (collectively, "Records"), including but not limited to:

- A. original rental contracts
- B. operating/financial statements
- C. a complete (cumulative) general ledger
- D. monthly sales journals detailing each rental transaction for the month
- E. reconciliations between the financial records and monthly reports submitted to the Authority
- F. bank statements applicable to the operation of the permit granted to Permittee
- G. corporate trial balances
- H. corporate contracts with corporate customers
- I. annual audited financial statements and related reports on internal controls (including management representation letters); and
- J. other sales related documents

(2) all exclusions from Gross Receipts claimed by Permittee. For exclusions or adjustments to Gross Receipts, the Records shall include, but are not limited to:

- A. all agreements between Permittee and corporate or volume customers establishing the customers' rights to rebates;
- B. lists of all individual rental transactions with all corporate or volume customers;
- C. all individual rental agreements with all corporate or volume customers; and
- D. any documentation or records supporting additional reductions to Gross Receipts.

(d) Standard Forms. Permittee shall provide, maintain, and use standard forms of rental agreements, contracts or such other documents for accurately recording and reflecting Gross Receipts (as defined in Section 1 hereof) chronologically and sequentially from all rentals of automobiles transacted pursuant to the permit granted to Permittee.

(e) Computer Records. In those situations where Permittee's records have been generated from computerized data (whether mainframe, minicomputer, or PC-BASED computer systems), Permittee shall provide to the County's representative with extracts of data files in a computer readable format on data disks, E-mail with attached files or suitable alternative computer data exchange formats.

(f) Cooperation by Permittee. Permittee shall provide the name and telephone number of Permittee's accounting manager or the like who has a thorough knowledge of the accounting system as it pertains to the permit granted to Permittee and who will assist the County with its audit. Permittee will also allow interviews of past and present employees who were involved in the financial or operational activities of Permittee.

(Ord. No. 2001-14. Passed 8-15-01.)

238.07 INSPECTION AND AUDIT OF RECORDS.

(a) Permittee shall, during the term of its permit and a specified number of years thereafter, upon reasonable notice to Permittee, allow inspections and audits by the County, through its employees and/or representatives, of all records and books of account, including such records as may be required by the County to be maintained by the Permittee and information required to be maintained. It is further understood and agreed that Permittee shall make all of the aforesaid records, books of account, and other documentation available at a location designated in writing by the County.

(b) If such Books and Records are maintained outside the County of Jackson and cannot be provided locally, Permittee shall reimburse the County for expenses incurred in sending representatives to wherever such records are maintained. Such expenses will include transportation, lodging, food and other out-of-pocket expenses resulting from the necessity to leave the County of Jackson.

(c) In the event that any inspection or audit made by or on behalf of the County discloses any underpayment in any statement(s) of Gross Receipts of the Permittee and/or in the amount of any sums of money owed by the Permittee to the County, the Permittee shall forthwith pay the sum of money owed to the County plus a monthly service charge in accordance with then current County Ordinance of said sum for each month from the date said sum should have been paid to the County to the date payment is made to the County. Further, in the event any of the aforesaid audit(s) or inspection(s) discloses a single or cumulative underpayment of five percent (5%) or more which is owed by the Permittee to the County, the Permittee, in addition to paying the sum owed and service charge, shall forthwith pay to the County the cost(s) of the audit(s) and/or inspection(s).

(Ord. No. 2001-14. Passed 8-15-01.)

238.98 SAVINGS CLAUSE.

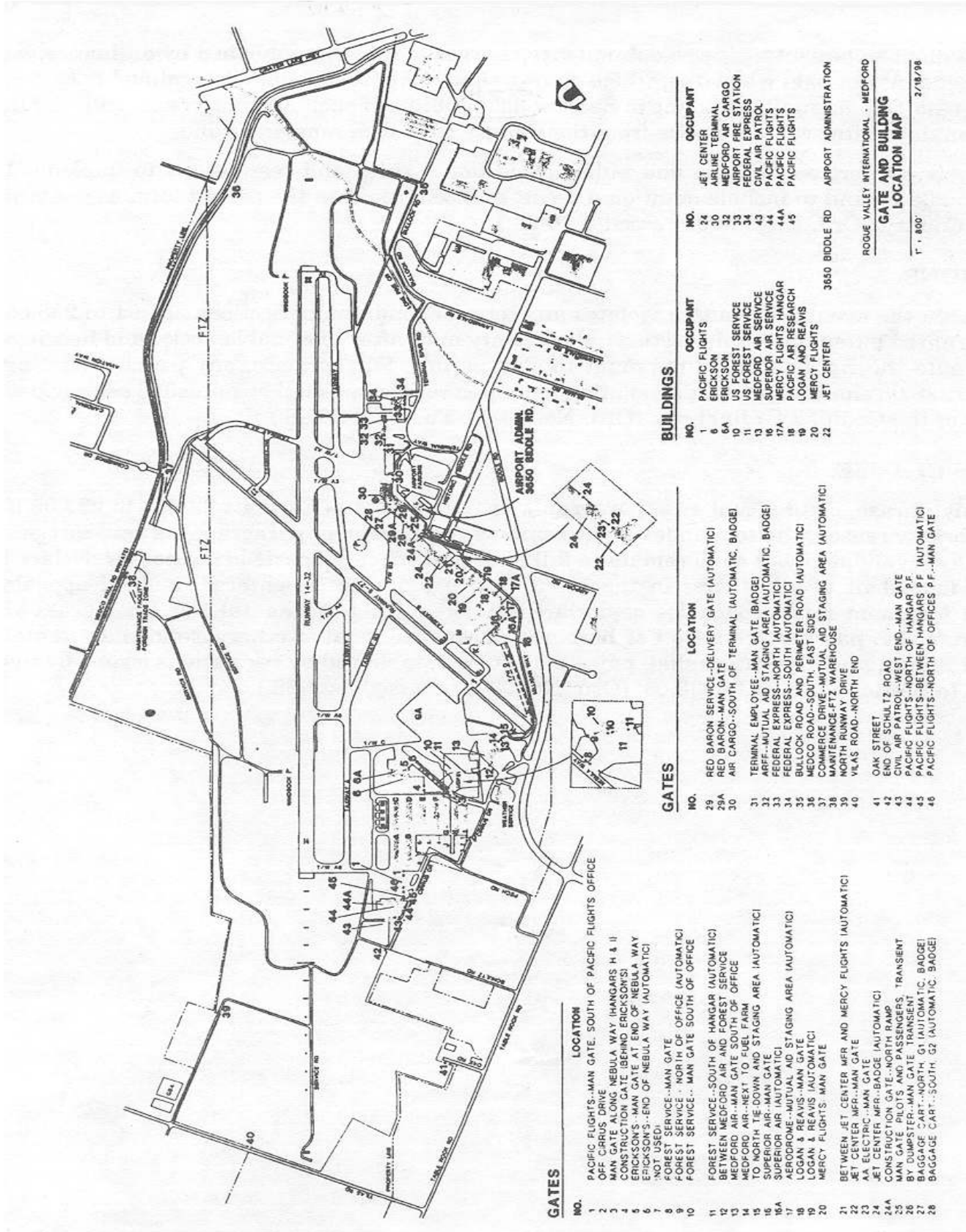
In the event any phrase, clause, sentence, paragraph or paragraphs of Sections 238.01 to 238.99 is declared invalid for any reason, the remainder of the sentence, paragraph or paragraphs of said sections shall not be thereby invalidated, but shall remain in full force and effect, all parts being hereby declared separable and independent of all others. In the event that a judgment is entered, and all appeals exhausted, which judgment finds, concludes or declares that requiring the Rental Car Businesses, Parking Lot Operators and Flight Kitchen Operators to pay the Privilege Fee herein is unconstitutional or otherwise invalid, Rental Car Business, Parking Lot Operators and Flight Kitchen Operators shall pay equivalent to any Privilege Fee established by regulations issued by the County pursuant to Sections 238.01 to 238.99.

(Ord. No. 98-20. Passed 8-26-98; Ord. No. 2001-14. Passed 8-15-01.)

238.99 VIOLATIONS.

Civil Sanctions: In the event a Permittee violates any term or condition of Sections 238.01 to 238.99 or of the permit granted pursuant to said sections, the County may, after reasonable notice and hearing, suspend or terminate the rights granted pursuant to said permit. Furthermore, any person violating Sections 238.01 to 238.99 shall be guilty of a County Code violation and upon conviction shall be punished as provided in Section 202.99 of the Codified Ordinances.

(Ord. No. 98-20. Passed 8-26-98; Ord. No. 2001-14. Passed 8-15-01.)



GATES

NO.	LOCATION
1	PACIFIC FLIGHTS--MAN GATE. SOUTH OF PACIFIC FLIGHTS OFFICE
2	OFF CHRYSLER DRIVE
3	MAN GATE ALONG NEBULA WAY (HANGARS H & I)
4	CONSTRUCTION GATE (BEHIND ERICKSON'S)
5	ERICKSON'S--MAN GATE AT END OF NEBULA WAY
6	ERICKSON'S--END OF NEBULA WAY (AUTOMATIC)
7	NOT USED
8	FOREST SERVICE--MAN GATE
9	FOREST SERVICE--NORTH OF OFFICE (AUTOMATIC)
10	FOREST SERVICE--MAN GATE SOUTH OF OFFICE
11	FOREST SERVICE--SOUTH OF HANGAR (AUTOMATIC)
12	BETWEEN MEDCO ROAD AND FOREST SERVICE
13	MEDCO AIR--MAN GATE SOUTH OF OFFICE
14	MEDCO AIR--NEXT TO FUEL FARM
15	TO NORTH TIE-DOWN AND STAGING AREA (AUTOMATIC)
16	SUPERIOR AIR--MAN GATE
16A	SUPERIOR AIR (AUTOMATIC)
17	AERODROME--MUTUAL AID STAGING AREA (AUTOMATIC)
18	LOGAN & REAVIS--MAN GATE
19	LOGAN & REAVIS (AUTOMATIC)
20	MERCY FLIGHTS--MAN GATE
21	BETWEEN JET CENTER MFR AND MERCY FLIGHTS (AUTOMATIC)
22	JET CENTER MFR--MAN GATE
23	AA ELECTRIC--MAN GATE
24	JET CENTER MFR--BARGE (AUTOMATIC)
24A	CONSTRUCTION GATE--NORTH RAMPERS
25	BY DUMPS--MAN GATE TRANSIENT
26	BAGGAGE CART--NORTH G1 (AUTOMATIC, BARGE)
27	BAGGAGE CART--SOUTH G2 (AUTOMATIC, BARGE)
28	BAGGAGE CART--SOUTH G2 (AUTOMATIC, BARGE)

GATES

NO.	LOCATION
29	RED BARON SERVICE--DELIVERY GATE (AUTOMATIC)
29A	RED BARON--MAN GATE
30	AIR CARGO--SOUTH OF TERMINAL (AUTOMATIC, BARGE)
31	TERMINAL EMPLOYEE--MAN GATE (BARGE)
32	ARFF--MUTUAL AID STAGING AREA (AUTOMATIC, BARGE)
33	FEDERAL EXPRESS--NORTH (AUTOMATIC)
34	FEDERAL EXPRESS--SOUTH (AUTOMATIC)
35	BULLOCK ROAD AND PERMETER ROAD (AUTOMATIC)
36	MEDCO ROAD--SOUTH, EAST SIDE
37	COMMERCE DRIVE--MUTUAL AID STAGING AREA (AUTOMATIC)
38	NORTH RUNWAY DRIVE
39	VEAS ROAD--NORTH END
40	OAK STREET
41	END OF SCHULTZ ROAD
42	CIVIL AIR PATROL--WEST END--MAN GATE
43	PACIFIC FLIGHTS--NORTH OF HANGAR P.F.
44	PACIFIC FLIGHTS--BETWEEN HANGARS P.F. (AUTOMATIC)
45	PACIFIC FLIGHTS--NORTH OF OFFICES P.F. (AUTOMATIC)
46	PACIFIC FLIGHTS--NORTH OF OFFICES P.F. (AUTOMATIC)

BUILDINGS

NO.	OCCUPANT
1	PACIFIC FLIGHTS
6	ERICKSON
6A	ERICKSON
10	US FOREST SERVICE
11	MEDCO AIR SERVICE
13	MEDCO AIR SERVICE
16	SUPERIOR AIR SERVICE
17A	MERCY FLIGHTS--HANGAR
18	PACIFIC AIR RESEARCH
19	LOGAN AND REAVIS
20	MERCY FLIGHTS
22	JET CENTER

NO.	OCCUPANT
24	JET CENTER
30	AIRLINE TERMINAL
32	MEDCO AIR CARGO
33	MEDCO AIR STATION
34	FEDERAL EXPRESS
43	PACIFIC FLIGHTS
44A	PACIFIC FLIGHTS
45	PACIFIC FLIGHTS

3650 BIDDLE RD
 AIRPORT ADMINISTRATION
 ROGUE VALLEY INTERNATIONAL - MEDFORD
**GATE AND BUILDING
 LOCATION MAP**
 T. 1:400.
 2/18/98

(This page reserved for expansion.)

CHAPTER 240
Library Department

- 240.01 Title.
 240.02 Ratification of formation.
 240.03 Effective date of intergovernmental agreement.
 240.04 Public purpose for which the intergovernmental entity is formed.
 240.05 Powers, duties and functions of Southern Oregon Library Information System.
 240.06 Severability.

CROSS REFERENCES

Establishing libraries - see ORS 357.410, 357.417, 357.490
 Duties and powers of local government units - see ORS 357.410
 Local library boards - see ORS 357.460 et seq.
 Annual report - see ORS 357.520
 Application of statutes - see ORS 357.610
 Library Advisory Committee - see ADM. Ch. 274
 County Library System - see S.U. & P.S. Ch. 1068
 County Law Library - see S.U. & P.S. Ch. 1070
 Formation of intergovernmental entity - see ORS Chapter 190

240.01 TITLE.

Sections 240.01 to 240.06 shall be known as the Southern Oregon Library Information System, or SOLIS, ordinance.
 (Ord. 99-6. Passed 5-26-99.)

240.02 RATIFICATION OF FORMATION.

The Jackson County Board of Commissioners hereby ratifies the formation of an intergovernmental entity pursuant to the terms of ORS Chapter 190. The newly formed entity is to be called Southern Oregon Library Information System (SOLIS). It is the intention of the Jackson County Board of Commissioners to enter into an intergovernmental agreement with Josephine County, Klamath County and Rogue Community College which will provide for the formation of the Southern Oregon Library Information System and set out the duties, powers, and functions of the entity.
 (Ord. 99-6. Passed 5-26-99.)

240.03 EFFECTIVE DATE OF INTERGOVERNMENTAL AGREEMENT.

The effective date of the intergovernmental agreement for formation of Southern Oregon Library Information System is July 26, 1999, or no later than July 26, 1999.
 (Ord. 99-6. Passed 5-26-99.)

240.04 PUBLIC PURPOSE FOR WHICH THE INTERGOVERNMENTAL ENTITY IS FORMED.

The public purpose for which the intergovernmental entity is formed is as follows:

- (a) To provide and uniformly administer an automated library resource system;
- (b) To promote accountability, continuity and efficiency in the use, allocation, and investment of public funds for automated library services on behalf of the parties; and
- (c) To administer the Library Services and Technology Act (LSTA) grant in accordance with the LSTA provisions, the Educational Department General Administrative Regulations, and the regulations of the LSTA State Administered Program.

(Ord. 99-6. Passed 5-26-99.)

240.05 POWERS, DUTIES AND FUNCTIONS OF SOUTHERN OREGON LIBRARY INFORMATION SYSTEM.

Southern Oregon Library Information System shall have as its function the duty and power to do the following things:

- (a) The provision and administration of a cooperative automated library information system, including labor, goods, personal services and incidentals ("Services") within the service area. Each party to the intergovernmental agreement forming Southern Oregon Library Information System reserves exclusive control over those Services provided by its community library program within its county, district or other boundary;
- (b) The power to enter into and administer contracts and subcontracts for Services, and employment contracts;
- (c) Performance of any functions and activities that any party to the intergovernmental agreement forming Southern Oregon Library Information System has the authority to perform with respect to the provision for Services; and
- (d) Performance of all lawful acts that are necessary to fulfill the purposes set out above.

(Ord. 99-6. Passed 5-26-99.)

240.06 SEVERABILITY.

If any provision of this chapter is held by a court to be invalid, it will not affect the validity of the remaining provisions.

(Ord. 99-6. Passed 5-26-99.)

CHAPTER 241
Juvenile Department

- 241.01 Repealed.
241.02 Repealed.

CROSS REFERENCES

County programs and activities - see ORS 418.025
Juvenile courts and proceedings - see ORS Ch. 419A
Director of Department - see ORS 419A.010 et seq.
Local citizen review boards - see ORS 419A.090 et seq.
Commission on Children and Families - see ADM. Ch. 271

241.01 (Ord. 88-5. Passed 3-2-88; REPEALED by Ord. 2003-4. Passed 1-22-03.)

241.02 (Ord. 88-5. Passed 3-2-88; REPEALED by Ord. 2003-4. Passed 1-22-03.)

CHAPTER 243
Community Justice Department

243.01 Establishment; Personnel.

CROSS REFERENCES

County jails as places of confinement - see ORS 137.124, 137.140

Disposition of earnings of County Jail inmates - see ORS 137.520

Local correctional facilities - see ORS 169.030 et seq.

County authority for city prisoners - see ORS 169.180

Juvenile detention facilities - see ORS 169.730 et seq.

Administration and management of Corrections Division - see ORS 179.040, 179.321, 423.010, 423.020

County jail and work release center - see S.U. & P.S. Ch. 1072

243.01 ESTABLISHMENT; PERSONNEL

The Community Justice Department is established as an agency of the County and shall consist of such staff heretofore or hereafter appointed to perform the functions assigned to that department. Functions may be added to, removed from or amended as determined by the County. The Community Justice Director and all personnel of that department are under the general administration and control of the County Administrator, pursuant to Chapter 216 of the Jackson County Codified Ordinances, subject to the County personnel ordinances. However, nothing herein shall be construed to interfere with the County's statutory responsibilities. The Community Justice Director shall be responsible to the County Administrator for all aspects of the Community Justice Department.

(Ord. 2003-4. Passed 1-22-03.)

CHAPTER 244
Organization for Emergency Management

- 244.01 Repealed.
- 244.02 Repealed.
- 244.03 Repealed.
- 244.04 Repealed.
- 244.05 Repealed.
- 244.06 Repealed.
- 244.07 Repealed.
- 244.08 Repealed.
- 244.09 Repealed.
- 244.10 Repealed.
- 244.11 Repealed.
- 244.12 Repealed.
- 244.13 Statement of purpose and authority.
- 244.14 Definitions.
- 244.15 Declaration of state of emergency.
- 244.16 Authority, control, and management of resources during state of emergency.
- 244.17 Scope and effect of rules and orders during a state of emergency.
- 244.18 Responsibility for Emergency Management within Jackson County.
- 244.19 Jackson County Emergency Operations Plan.
- 244.20 Emergency Operations Center.
- 244.21 Termination of state of emergency.
- 244.22 Penalties.
- 244.23 Separability.

CROSS REFERENCES

- State emergency operations center - see ORS 401.270
 - Local government emergency services - see ORS 401.305 et seq.
 - Reciprocal emergency aid and resources, State, counties and cities - see ORS 401.480
 - Nuclear accidents and catastrophes - see ORS 469.535
 - Emergency medical services plans - see ORS 682.205
 - Ambulance Service Advisory Committee - see ADM. Ch. 253
 - Mass gatherings - see GEN. OFF. Ch. 620
 - Emergency medical care for prisoners - see S.U. & P.S. 1072.01
 - Ambulance service areas - see S.U. & P.S. Ch. 1075
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- 244.01** (Ord. 84-13. Passed 5-30-84; REPEALED by E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86.)
- 244.02** (Ord. 84-13. Passed 5-30-84; REPEALED by E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86.)
- 244.03** (Ord. 84-13. Passed 5-30-84; REPEALED by E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86.)
- 244.04** (Ord. 84-13. Passed 5-30-84; REPEALED by E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86.)
- 244.05** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.06** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.07** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.08** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.09** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.10** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.11** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)
- 244.12** (E. Ord. 86-28. Passed 11-17-86; P. Ord. 86-3. Passed 11-17-86; REPEALED by E. Ord. 92-12. Passed 7-1-92; P. Ord. 92-11. Passed 7-15-92.)

244.13 STATEMENT OF PURPOSE AND AUTHORITY.

It is the policy of the State of Oregon that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local government level. Pursuant to State statute, the executive officer or governing body of each county or city is responsible for the emergency services system within the respective jurisdiction. It is the purpose of this

ordinance to comply with these State requirements and to set out procedures for emergency response so that the County is better able to protect the health and welfare of its citizens.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.14 Definitions.

As used in Sections 244.13 to 244.22:

- (a) "Board" means the Jackson County Board of Commissioners.
- (b) "Disaster" means an actual or potential emergency that exceeds the capacity of either local government or the emergency services system to effectively respond and that requires immediate action in order to protect life and property.
- (c) "Disaster response" means a response by organizational units of local government exceeding mutual aid directed toward any emergency in an attempt to mitigate the effects of the emergency upon the public welfare. The effects of the emergency, either actual or potential, must be of such magnitude that available resources must be directed to the response effort.
- (d) "Emergency" means any manmade or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering, or financial loss and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, and war.
- (e) "Emergency response" means prompt action directed at safeguarding the public's welfare through procedures designed to minimize danger to life, health, property loss, or related impacts. The level of response is a function of the severity of the emergency, the impact or potential impact upon persons or property, and the ability of government to respond given limitations of budget, personnel, and equipment.
- (f) "Emergency Service Agency" means an organization within a local government that performs essential services for the public's benefit prior to, during, or following an emergency. Emergency service agencies include:
 - (1) Primary response organizations which are organizations within local governments that provide law enforcement, fire suppression, responses to spills or releases of oil or hazardous material as defined in ORS 466.605, medical treatment, and medical transportation; and
 - (2) Secondary response organizations which are organizations within local governments that provide for public works, road engineering and repair, and public health.

(g) "Incident Command System (ICS)" means an all risk system enabling emergency organizations to function in a multi-agency environment through the use of standardized organization, terminology, procedures, and communications. It provides a generic organizational structure with the five functional areas of command, operations, planning, logistics and finance.

(h) "Mutual aid" is a concept that allows resource sharing between two or more response organizations that are separately funded and whose jurisdictional areas do not overlap. Use of the resources is based upon written operational agreements (Mutual Aid Agreements) between two or more response organizations through which resources are shared and the functions of command and control have been agreed upon beforehand.

(i) "State of emergency" is an operational condition of government declared pursuant to Section 244.15 wherein the usual and customary procedures of government may be suspended to enable immediate resource deployment to safeguard life and property in accordance with the Jackson County Emergency Operations Plan.

(j) "Unified Command Concept" means the method by which local, State, and Federal agencies will work with the incident commander to:

- (1) Determine their roles and responsibilities for a given incident.
- (2) Determine their overall objectives for management of an incident.
- (3) Select a strategy to achieve agreed upon objectives.
- (4) Deploy resources to achieve agreed upon objectives.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.15 DECLARATION OF STATE OF EMERGENCY.

(a) The authority to declare a state of emergency rests with the Board of County Commissioners. If the chairman of the Board finds that circumstances prohibit timely action of the Board, the chairman of the Board is empowered to declare a state of emergency. In the event the chairman of the Board is unavailable or unable to perform his/her duties under this section, the duties shall be performed by the following individuals in the order listed: the vice-chair of the Board, the third member of the Board, or the County Administrator or the County Administrator's designee as set out in writing and filed with the Jackson County Emergency Operations Plan.

(b) A declaration of a state of emergency made other than by majority vote of the Board shall be deemed to be affirmed by the Board unless the Board, by majority vote, sets aside the declaration within forty-eight hours after the declaration was made.

(c) When, in the judgment of the person or persons authorized under subsection (a) hereof, a state of emergency exists, or when a state of emergency has been declared by the President of the United States or the Governor of Oregon, the person or persons thus authorized may declare and publicize the existence of such state of emergency by any means that are deemed appropriate and will achieve notice throughout the County.

(d) Any declaration of a state of emergency must specify the geographical area covered by the declaration and shall state the factors that necessitate such action.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.16 AUTHORITY, CONTROL, AND MANAGEMENT OF RESOURCES DURING STATE OF EMERGENCY.

When a state of emergency has been declared, the Board or those persons then in the position of authority under Section 244.15(a) are empowered, to the extent otherwise authorized by statute, to order and enforce emergency measures, including, but not limited to, the power to:

- (a) Redirect County funds for emergency use;
- (b) Suspend standard County procurement procedures;
- (c) Extend governmental authority to nonpublic resources (i.e. personnel and equipment) required to support regular County resources. When property is taken under such power, the owner of the property is entitled to reasonable compensation.
- (d) Enter into mutual aid agreements and agreements with other public and private agencies for use of resources, including police and law enforcement;
- (e) Establish a curfew for the emergency area;
- (f) Evacuate persons from the emergency area;
- (g) Limit the number of persons who may congregate in public within the emergency area;
- (h) Restrict and regulate vehicular and pedestrian traffic to, from, and within the emergency area;
- (i) Curtail or suspend commercial activity within the emergency area;
- (j) Direct all rescue and salvage work, and do all things deemed advisable and necessary to alleviate the immediate condition;

(k) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work;

(l) Control, restrict, and regulate the distribution and use of food, feed, fuel, clothing, other commodities, materials, goods, and services by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation, or other means;

(m) Direct activities in connection with the use, conservation, and salvage of essential materials, services, and facilities. These materials, services, and facilities may include production, transportation, power and/or communication facilities, the training and supply of labor, health and medical care, housing, rehabilitation, education, child care, recreation, and consumer protection; and

(n) Take any other action that may be necessary for the management of resources following an emergency.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.17 SCOPE AND EFFECT OF RULES AND ORDERS DURING A STATE OF EMERGENCY.

(a) The authority to issue or promulgate rules and orders under this chapter may be exercised with respect to the entire area over which the Board has jurisdiction or to any specified part thereof.

(b) All rules and orders issued under authority conferred by this chapter shall have the full force and effect of law during a declared state of emergency. All previously existing ordinances, rules, and orders inconsistent with this chapter shall be inoperative during the period of time and to the extent such inconsistencies exist.

(c) The County Administrator, on behalf of the County, shall have the authority to enter into mutual aid agreements between the County and cities within the County or neighboring counties. These agreements may provide for the support of the activities of these other jurisdictions during a state of emergency but may not provide for the assumption of control over non-Jackson County personnel, equipment, or resources.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.18 RESPONSIBILITY FOR EMERGENCY MANAGEMENT WITHIN JACKSON COUNTY.

There is hereby formed in Jackson County an Emergency Management Program. The County Administrator has responsibility for the organization, administration, and operation of the Jackson County Emergency Management Program, subject to the direction and control of the County governing body (ORS 401.305), and this chapter.

The County Administrator shall appoint a Manager to administer the Emergency Management Program. The appointed manager shall be responsible for day-to-day operations defined in ORS 401.025(6).

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.19 JACKSON COUNTY EMERGENCY OPERATIONS PLAN.

The Emergency Management Program shall be responsible for the preparation of an emergency operations plan, hereinafter referred to as "plan." This plan shall be a written document detailing mitigation, preparedness, response, and recovery processes for use in dealing with actual or potential disasters, and shall provide a framework within which emergency response agencies may function to safeguard life and property. The plan is intended to be used only as a guide and does not carry the force of law. All County departments are authorized to take immediate action outside of the plan when human life is threatened. Nothing within this section requires the County to provide services to a city exceeding provisions of the Emergency Operations Plan.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.20 EMERGENCY OPERATIONS CENTER.

(a) To facilitate emergency response, an Emergency Operations Center (EOC) may be established as needed. The EOC will be staffed and equipped to enable radio communications with field units and on-site command posts, and with the State of Oregon Emergency Operations Center, the State of Oregon Emergency Management (OEM), and Emergency Management Program.

(b) The EOC shall be established in one of the following locations:

- (1) The Southern Oregon Regional Communications (SORC) board room on the fourth floor of the Jackson County Courthouse;
- (2) The State Police Office located at 2700 North Pacific Highway, Medford.

(c) A mobile EOC will be deployed to field locations as needed. The Sheriff's Department shall be responsible for the deployment of the mobile EOC.

(d) The EOC shall be operated pursuant to the Incident Command System. The County Administrator or his/her designee appointed pursuant to Section 244.15(a) shall perform the duty of incident commander and shall make all personnel assignments according to need. Whenever an emergency affects two or more political subdivisions, the concept of Unified Command shall be put into effect.

(e) The EOC will be staffed by personnel from County government and other public and private entities as needed.

(f) The Emergency Management Program Manager will schedule quarterly training for EOC personnel.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.21 TERMINATION OF STATE OF EMERGENCY.

The Board shall declare the termination of the existence of a state of emergency. A state of emergency shall be terminated at the earliest date conditions warrant. The Board shall publicize said termination throughout the County. Upon such declaration of termination, all emergency rules and orders and extraordinary authority and controls allowed by this chapter shall have no further force or effect and shall cease to exist.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.22 PENALTIES.

Any person, firm, corporation, association or entity that violates any emergency measure taken under authority of this ordinance shall be subject to all of the penalties and provisions of Section 202.99 of these Codified Ordinances.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

244.23 SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

(E. Ord. 94-1. Passed 1-12-94; P. Ord. 94-2. Passed 1-26-94.)

TITLE EIGHT - Employment Provisions

- Chap. 246. Officers and Employees Generally.
 Chap. 247. Pension Plans.
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CHAPTER 246 Officers and Employees Generally

EDITOR'S NOTE: The Board of County Commissioners executes Agreements, from time to time, with representatives of various classes of County employees, which Agreements provide for compensation, benefits and various incidents of employment. The provisions of this chapter, therefore, apply only to those employees and subjects not otherwise provided for in such Agreements. The Board also executes Agreements, from time to time, with a private carrier, which Agreements provide for deferred compensation for County officers and employees. Copies of the latest relevant legislation and of such Agreements may be obtained, at cost, from the office of the County Counsel.

- 246.01 Purposes.
- 246.02 Definitions.
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- 246.26 Pay for permanent part-time and temporary employees.
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- 246.38 Paid absences; workers' compensation.
- 246.39 Unpaid leaves.
- 246.40 Appearances before courts, committees, etc.
- 246.41 Hours of work and attendance.
- 246.42 Political activity.
- 246.43 Nepotism.
- 246.44 Discipline and disciplinary discharge.
- 246.45 Supervision of department directors.
- 246.46 Separation from service.
- 246.47 Grievance procedure.
- 246.48 Employee representation.
- 246.49 Fringe benefits.
- 246.50 Holidays for Sheriff's Department.

CROSS REFERENCES

- Officers and employees generally - see CHTR. Ch. VI
 - Administrative officers - see CHTR. Sec. 18, 20; ADM. 216.06
 - Appointments - see Const. Art. VI, Sec. 7; ORS 204.601
 - Actions against County officers and employees; defense - see ORS 30.285
 - County officers - see ORS 204.005 et seq.
 - Compensation; civil service - see ORS 204.121
 - Fee disposition and accounting - see ORS 210.230
 - Interest in contracts - see ORS 279.990
 - Bonds generally - see ORS 742.354, 742.358, 742.360
 - Authority of County Administrator re personnel program - see ADM. 216.09
 - Pension plans - see ADM. Ch. 247
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246.01 PURPOSES.

The purposes of this chapter are to establish a system of personnel administration based on merit, fitness and systematic and equitable principles governing appointment, compensation, status, promotion, transfer, layoff, removal and discipline of County officers and employees and other considerations of County employment; to efficiently and economically utilize manpower in County service; to maintain a uniform plan of classifications and compensation based upon the relative key performance areas and responsibilities of positions in the County service; to develop and maintain a program of recruitment, training and promotion that will make a career in the County service attractive; and to develop and maintain a personnel system which complements recognized collective bargaining agreements.

(Ord. 82-36. Passed 12-22-82.)

246.02 DEFINITIONS.

As used in this chapter:

- (a) "Appointing authority" means the official authorized to appoint or remove employees. This authority is reserved for department heads, elected officials, appointed boards authorized by State statute, the Board of County Commissioners and the County Administrator.
- (b) "Compensation plan" means a system which identifies the pay range and steps for each classification.
- (c) "Confidential position" means a position involving duties related to the fiscal or personnel affairs of a department or to policy formulation or management of a department.
- (d) "County Administrative Officer" means the individual appointed by the Board of County Commissioners to serve as the administrator of this chapter and is used synonymously with the term "County Administrator."
- (e) "Demotion" means a movement of an employee from one classification to another classification having a lower maximum salary range.
- (f) "Discharge" means a termination initiated by the County.
- (g) "Discipline" means the imposition of sanctions, including reprimand, suspension as defined in subsection 246.44(b) herein, or discharge.

- (h) "Employee" means a person legally holding a position in the County service who receives remuneration for services performed for the County and is appointed to a position within the County service.
- (i) "Exempt" means a job classification for which occupants of a class are not eligible for overtime pursuant to the provisions of the Fair Labor Standards Act.
- (j) "Hire date" means the effective date of appointment.
- (k) "Immediate family" means a relative of the employee, such as a mother, father, sister, brother, spouse, child, stepchild or foster child. It also includes a grandparent, aunt, uncle, niece or nephew living in the home of the employee.
- (l) "Job description" means a written description of a classification which sets forth the title, a statement of duties or key performance areas, responsibilities and supervisory authority, minimum requirements in terms of training and experience, required knowledge, skills and abilities.
- (m) "Lead worker" means a nonsupervisory employee whose assignments include managing the work process and flow of others. Lead workers do not have the authority to appoint, terminate, evaluate or adjust grievances of subordinate employees.
- (n) "Managerial/supervisory position" means an exempt position involving duties relating to the management of the County's work force, including the authority to hire, fire, assign work, discipline and evaluate employees. An employee in such a position has the responsibility for supervision and/or setting policy.
- (o) "Nonexempt" means a job classification for which occupants of the class are eligible for overtime compensation pursuant to the provisions of the Fair Labor Standards Act.
- (p) "Open recruitment" means recruitment to fill a vacant position that is available to any person and is not restricted by a labor agreement.
- (q) "Outside employment" means employment by any organization that is not a regular department or office of the County.
- (r) "Pay range" means the wage compensation for a given classification which states the minimum and maximum rates payable for the classification.
- (s) "Permanent full-time" means an employee or position which is regularly scheduled for not less than forty hours per week.

(t) "Permanent part-time" means an employee or position which is regularly scheduled for less than forty hours per week.

(u) "Position" means the budgeted, approved slot which may be filled with an employee to perform prescribed tasks. A position may be full-time or part-time. An employee placed in a position may be permanent full-time or permanent part-time.

(v) "Professional/technical employee" means an employee in an exempt position, without supervisory or management responsibility and/or authority.

(w) "Promotion" means the movement of an employee from one classification to another classification having a higher maximum salary range.

(x) "Reclassification" means a change in the classification of an employee because of a change in the responsibility and/or type of work assigned or the reorganization of functions.

(y) "Recruitment" means the active search for candidates which involves the announcement of a vacancy and the acceptance of applications by the County Administrator.

(z) "Resignation" means a termination initiated by an employee.

(aa) "Supervisory personnel" means those employees of the County with the authority to assign and review work of other employees and to appoint, promote, discipline, evaluate or otherwise change the status of other employees.

(bb) "Suspension" means a temporary, involuntary removal of an employee from his or her assigned duties.

(cc) "Temporary/casual employee" means any employee who is selected to be employed 1,040 hours or less in one year, who works less than sixteen hours per week or who does not fill a regularly budgeted position.

(dd) "Termination" means a complete separation from County employment resulting from resignation, discharge, retirement, death, inability of the employee to work or any other reason.

(ee) "Termination date" means the effective date of termination. Normally, this date is the last day worked.

(ff) "Transfer" means the relocation of an employee from one position to another position of a similar level within the same department or between departments.

(Adopting Ordinance. Passed 12-10-85; E. Ord. 96-48. Passed 9-18-96; P. Ord. 96-49. Passed 10-2-96.)

246.03 CLASSIFICATION PLAN.

(a) Establishment. The Board of County Commissioners shall annually adopt, in conjunction with the adoption of the County budget, a classification plan which groups all permanent positions into classes based upon their duties, authorities and responsibilities. The classification plan shall include the compensation range for each position. The County Administrator shall maintain the classification plan.

(b) Amendments. Amendments, additions and deletions of positions in the plan, following its annual adoption by the Board, shall be made by the County Administrator. Any appointing authority may request an amendment of the plan by first submitting the following information to the County Administrator:

- (1) A statement of the change within the department resulting in the request for a change;
- (2) A set of organizational charts, one depicting the department as presently organized and one depicting the department with the proposed change;
- (3) An updated description of duties for the new or reclassified position;
- (4) Identification of budget line items involved and a statement of the availability of funds; and
- (5) A statement of the total effect the reclassification would have on the department.

(c) Changes to Job Descriptions. Changes to job descriptions shall be implemented as appropriate by the County Administrator to ensure that changes are in keeping with personnel policies, labor agreements, true minimum qualifications for the position and consistency throughout the County.

(d) Content of Job Descriptions. All job descriptions shall contain a general statement of the duties and/or responsibilities of the position.

(e) Minimum Qualifications Statements. Personal qualifications commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications. The desirable minimum qualifications enumerated in a job description shall relate to reasonable standards of experience and training required at the time of an original appointment of a new employee and shall not be construed as representing or measuring qualifications which an employee already working in such a class may actually possess. These minimum qualifications shall be used as the standard for accepting or rejecting applications for vacant positions. However, incumbents are

expected to continually meet minimum qualifications in order to retain their positions. A request for reclassification may be originated by an employee or his or her supervisor. Such request may be initiated if it is believed that the existing classification does not reasonably describe the duties and responsibilities of work actually being performed.

(f) Reclassifications. A request for reclassification of an existing position shall be submitted to the County Administrator and shall include the following information:

- (1) If applicable, an explanation of why the request was not made during the regular budget process;
- (2) A statement concerning the circumstances that make a reclassification necessary;
- (3) A statement concerning the amount and source of funding for any increased cost;
- (4) A statement concerning the impact of the reclassification on the organization of the department; and
- (5) A specific list of the increased duties and/or responsibilities inherent in the new position.

(Adopting Ordinance. Passed 12-10-85.)

246.04 APPOINTMENT PROCEDURE.

(a) Personnel Requisitions. Vacancies are filled by submitting a personnel requisition to the County Administrator stating the title and compensation level of the position, the reason for the vacancy and a statement of adequate funding.

(b) Approval. An appointment to a temporary or permanent position within the County service requires the approval of the Board of County Commissioners or its designee and shall be submitted by means of a personnel action notice.

(c) Effective Date. An appointment to a regularly permanent budgeted position shall become effective upon approval or an agreed upon effective date.

(d) Minimum Qualifications. Unless special circumstances apply, no applicant possessing less than the minimum qualifications as specified in the job description shall be appointed to any permanent position with the County.

(e) Recruitment. Unless otherwise agreed upon by the County Administrator, all vacant positions shall be filled by means of open recruitment.

(Ord. 82-36. Passed 12-22-82.)

246.05 APPLICATIONS.

(a) No person who has failed to file a proper application by the filing deadline may be appointed to any permanent position with the County. Resumes may be accepted as additional information regarding the applicant. However, all information requested on the application shall also be submitted. Unsigned applications are subject to disqualification.

(b) The application, or a copy thereof, of any person appointed to a permanent position with the County shall be sent to the County Administrator to be kept on file.

(Ord. 82-36. Passed 12-22-82.)

246.06 EXISTENCE OF BUDGETED POSITION OR APPROVAL OF BOARD REQUIRED.

An appointment to a permanent position shall be made only when a budgeted position within an existing job classification exists or upon the approval of the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

246.07 RATE OF PAY.

An appointment at any level above Step 1 for nonmanagement employees or eighty percent of the salary range for management employees shall include written justification for the request of appointment at a higher rate of pay.

(Ord. 82-36. Passed 12-22-82.)

246.08 TESTING.

All selection devices, including specialized testing of applicants, must conform to applicable Federal and State guidelines.

(Ord. 82-36. Passed 12-22-82.)

246.09 PHYSICAL REQUIREMENTS.

An appointee to a permanent position shall meet the minimum physical requirements of the position before the effective date of the appointment. No person declared to be less than physically capable of performing the duties of the position shall be appointed. Incumbents shall maintain a minimum level of physical fitness in order to retain the position.

(Ord. 82-36. Passed 12-22-82.)

246.10 DISQUALIFICATION FROM CONSIDERATION FOR EMPLOYMENT.

A potential employee may be disqualified as an applicant for the following reasons:

- (a) Failure to meet minimum qualifications for the applicable position as described on the job announcement;
- (b) Conviction of a crime which would seriously affect job performance in the specific job for which the applicant is being considered;
- (c) Incomplete application/resume, which, in the view of the County Administrator, does not include all required information; or
- (d) False or misleading statements on the job application or resume.

(Ord. 82-36. Passed 12-22-82.)

246.11 OPEN RECRUITMENT; SELECTION.

- (a) All vacancies shall be filled by means of open recruitment, unless otherwise specified. Open recruitment means an open period of time during which employees and members of the public may apply for a vacant position. Selection will be based on an applicant's relative qualifications as established by the statement of minimum qualifications.
- (b) A potential applicant may compete for a job by submitting an application to the County Administrator. Applicants will be screened and those meeting minimum qualifications shall be forwarded to the requesting department for an interview and selection. The County Administrator is the final authority in cases of disputed appointments.

(Ord. 82-36. Passed 12-22-82.)

246.12 REFERRAL OF APPLICANTS.

- (a) Upon completion of the recruitment period for applicants to fill a vacant position within the County service, the County Administrator or his or her designee shall review the qualifications of the applicant for the position as stated on the appropriate job description. As specified by the department which has the vacancy, three to ten applications for the position shall be referred to the department. Under no circumstances shall any application be referred for further consideration when the applicant does not meet minimum qualifications for the position. The number of applicants specified by the department shall not exceed the number of interviews anticipated by the department to be necessary to fill the vacancy.

(b) If the applications forwarded to the department are unsatisfactory to the department, recruitment procedures may be reinitiated, subject to the approval of the County Administrator.

(c) As the result of approved testing procedures or other circumstances, the County Administrator may grant an exception to this section, enabling the department to receive all applications of persons determined to meet minimum qualifications. A request for such an exception shall be in writing and shall state the result if the request is granted.

(Order 278-83. Passed 7-20-83.)

246.13 PERSONNEL FILES.

A new employee shall have an official, public, personnel file located in the County Administrator's office. The file shall contain all official records of appointment, compensation, classification, discipline, etc. The file may be reviewed only by the County Administrator, the employee, persons authorized in writing by the employee, the employee's supervisor and such other persons authorized by the County Administrator.

(Adopting Ordinance. Passed 12-10-85.)

246.14 COMPENSATION PLAN.

A compensation plan stating pay ranges and levels within such ranges shall be maintained by the County Administrator. Amendments, additions or deletions shall be made only by the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

246.15 MINIMUM WAGE.

No employee or officer of the County shall be compensated at a rate less than the Federal minimum wage.

(Ord. 82-36. Passed 12-22-82.)

246.16 OVERTIME

(a) Overtime for Employees Other Than Non-Exempt Certifiable Law Enforcement Employees.

(1) Overtime for nonexempt employees shall be at the rate of one and one-half times the regular rate of pay.

(2) Overtime shall be paid or compensatory time granted for any work in excess of eight hours in any one day. However, only overtime shall be paid for all work performed in excess of forty hours in any one week.

(3) Employees working a "4-10" work week consisting of four ten-hour days shall be paid overtime or granted compensatory time off for time worked in excess of ten hours in any one day. However, only overtime shall be paid for work performed in excess of forty hours in any one week.

(4) The County Administrator shall determine which positions in County service, if any, are exempt. The decision of the County Administrator shall be final and binding on the County.

(5) Except as provided in subsection (b) hereof, for the purpose of overtime calculations, the workweek shall be 12:01 a.m. on Monday through 12:00 midnight the following Sunday.

(b) Overtime for Non-Exempt Certifiable Law Enforcement Employees.

(1) Employees who are uniformed members of the Sheriff's Department who are non-exempt from overtime under state and federal law, and who are certifiable by the Department of Police Standards and Training as police or corrections officers, shall be considered law enforcement officers for the purpose of overtime compensation.

(2) Designated Law enforcement officers shall be compensated for overtime pursuant to the provisions of Section 207(K) of the Fair Labor Standards Act. The work period for law enforcement officers shall be a twenty-eight day period beginning July 1 of each fiscal year. Overtime shall be paid for work that exceeds 171 hours in the work period.

(c) Volunteers. Volunteers are not eligible for overtime, compensation or remuneration of any kind, except for reimbursement of actual expenses, if such reimbursement is consistent with an authorized agreement. Volunteers may not be employees of the County "volunteering" additional service outside the ordinary work period. The volunteer service must only be of a humanitarian or public service nature.

(Adopting Ord. Passed 12-10-85; Ord. 85-25. Passed 10-2-85; Ord. 2006-5. Passed 5-17-06.)

246.17 COMPENSATION ADJUSTMENTS.

Compensation may be adjusted following completion of a performance appraisal. An appointing authority may, for an employee whose performance warrants a compensation adjustment, either upward or downward, submit a personnel action to the County Administrator requesting a salary adjustment. The appropriate performance appraisal shall accompany the request for adjustment.

(Ord. 82-36. Passed 12-22-82.)

246.18 ANNIVERSARY DATES.

Anniversary dates are the first day in a given month and are established for purposes of compensation changes. Anniversary dates do not indicate completion of probation, seniority or other matters of employment. An employee beginning County service prior to the sixteenth day of each month shall have his or her anniversary computed from the first day of the given month. An employee beginning County service after the fifteenth day of a given month shall have his or her anniversary date computed from the first day of the following month.

(Ord. 82-36. Passed 12-22-82.)

246.19 PROMOTIONS.

(a) A promotion to a vacant budgeted position of a job classification with a higher pay range is allowed only if the employee meets the minimum qualifications of the higher job classification.

(b) A promotion shall not result in a salary decrease for the employee, unless agreed to by the employee.

(c) Anniversary dates shall be treated as they are for a reclassification.

(d) A promoted employee shall normally be placed at the first step of the new position. Requests for appointment at a higher level require justification.

(Ord. 82-36. Passed 12-22-82.)

246.20 RECLASSIFICATIONS.

(a) A department shall submit the proper documentation to the County Administrator and obtain approval before an employee's position is reclassified.

(b) If the reclassification results in no salary increase, the employee's anniversary date will remain the same.

(c) If the reclassification results in a salary increase, the anniversary date shall be changed to coincide with the effective date of the reclassification.

(d) If a downward reclassification results in a lower salary range, the employee shall be paid in the new range at the salary level closest to the previously held position.

(e) No reclassification shall be made to a classification that has not been officially approved.

(Adopting Ordinance. Passed 12-10-85.)

246.21 DEMOTIONS.

(a) A demotion may be voluntary or involuntary. A voluntary demotion shall not result in a change of anniversary date, and a trial service period shall not be required.

(b) An involuntary demotion may occur as the result of discipline short of discharge or as a result of inability to perform satisfactorily after a promotion. In either instance, the employee's pay may be lowered. In no case shall an employee receive more than the salary range for the position.

(Adopting Ordinance. Passed 12-10-85.)

246.22 SALARY SCHEDULES.

Salary schedules which reflect competitive pay for all positions, as defined by collective bargaining, salary surveys, policy decisions and prudent management, shall be computed and maintained by the County Administrator.

(Ord. 82-36. Passed 12-22-82.)

246.23 END-OF-PROBATION SALARY INCREASE.

An employee beginning probation at the first step is normally eligible for an end-of-probation increase after six months. The amount of the increase is normally five percent, provided that proper documentation is forwarded with the request.

(Ord. 82-36. Passed 12-22-82.)

246.24 PAY DATE.

The pay date shall be set by the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

246.25 TERMINATION PAY.

(a) Unless specifically authorized by the County Administrator, no severance pay shall be granted. Pay due on termination shall include accrued vacation and overtime pay.

(b) An employee's termination date shall be the last day worked. In no case shall the termination date be advanced to include any paid leave accrued by the employee.

(Ord. 82-36. Passed 12-22-82.)

246.26 PAY FOR PERMANENT PART-TIME AND TEMPORARY EMPLOYEES.

All permanent part-time and temporary employees will be paid on an hourly basis.

(Ord. 82-36. Passed 12-22-82.)

246.27 LEAVES GENERALLY.

(a) Categories. The following categories of leaves are hereby established:

- (1) Paid leaves;
- (2) Disability leaves; and
- (3) Unpaid leaves.

(b) (Ord. 82-36. Passed 12-22-82; REPEALED E. Ord. 92-19. Passed 12-23-92; P. Ord. 93-1. Passed 1-6-93.)

(c) Authorization for Leave.

(1) Approval of leave is subject to the terms and conditions of this section. The employee shall ascertain that full authority for and approval of his or her leave is granted prior to beginning any leave.

(2) Each appointing authority, upon submitting payroll data of his or her department to the Finance Department, shall indicate clearly and fully thereon all leaves taken by employees of his or her department during the payroll period.

(d) Computation.

(1) A paid leave shall be computed on the basis of allowing not more than eight hours (5/8) or ten hours (4/10) of regular pay for any calendar work day that involves paid leave. (For example, even though an employee might spend more than eight hours on jury duty on a calendar work day, the pay for that day shall be limited to eight hours of regular pay, less the amount of money received for jury duty that day.)

(2) A paid leave shall be computed solely on the basis of normal work days and shall not exceed compensation for more than five days in any seven consecutive days (five days times eight hours equals forty hours maximum). (For example, no payment will be made for regularly assigned days off, such as weekends, even though the employee might be cloistered with a jury for an indefinite number of days.)

(3) A nonpaid leave shall be computed on the basis of actual calendar days involved. (For example, a thirty-day nonpaid leave effective 12:01 a.m., June 1, would terminate at 12:00 midnight, June 30.)

(e) Continuous Service. For purposes of computing an employee's leave credits, continuous service is considered as the most recently paid County service unbroken by separation for any reason other than military leave, Peace Corps duty, absence subject to Workers' Compensation and/or authorized paid leaves. Except as provided elsewhere in this chapter, unpaid leave shall constitute a period in which the employee does not accrue seniority credits or vacation, sick or holiday leave and is not eligible for County payment of insurance premiums. However, an employee who returns to work upon the expiration of an authorized unpaid leave and/or who is recalled to work from a layoff is entitled to any unused credit for continuous service immediately prior to such unpaid leave and/or layoff.

(f) Scheduling; Transfers; Termination Pay.

(1) Scheduling vacation. Each appointing authority shall establish staff schedules to provide vacation leave for employees and employees shall take vacation leave at the time scheduled. Such schedules may be amended by the appointing authority to meet work emergencies or to grant requests of individual employees. Consideration will be given to the desires of individual employees within limits of work requirements of the division.

(2) Transfer credits and termination vacation pay. When an employee of any County department is transferred to or appointed to another department, his or her vacation and sick leave credit shall be assumed by the new appointing authority. An employee who has served for at least six consecutive months and who is not on probationary status at the time of separation from County service is entitled to cash compensation for accrued vacation leave. In case of death, compensation for earned accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

(g) Other Leaves. Any request for a leave of absence (paid or unpaid) not covered elsewhere in this chapter shall be submitted to the department director for approval. Upon approval of the department director, the request for leave shall be submitted to the County Administrator for final approval prior to the granting of such leave.

(h) Failure to Return From Leave. Any employee who has been granted a leave of absence and who, for any reason, fails to return to work at the expiration of such leave of absence, shall be considered as having resigned his or her position with the County. Such position shall thereupon be declared vacated, except and unless evidence is provided that the employee is unable to return to work by reason of sickness, physical disability or any other legitimate reason beyond his or her control.

(i) Absence Without Leave. An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant or leave of absence under this chapter, shall be deemed to be an absence without leave. Any such absence shall be without pay and may subject the employee to disciplinary action, including discharge.

(Ord. 82-36. Passed 12-22-82.)

246.28 VACATIONS.

(a) Vacation accrual rates are determined by collective bargaining agreements and management fringe benefit policies. In no instance is a temporary or casual employee eligible for paid vacation.

(b) In all cases, vacation time is credited to an individual's account in an amount equal to the annual accrual divided by twelve months.

(c) An employee who has not served for at least six complete months in the paid employ of the County shall not be credited with paid vacation leave until the completion of six months of service.

(Ord. 82-36. Passed 12-22-82.)

246.29 JURY SERVICE.

An employee may be granted leave with pay at the regular rate any time he or she is required to report for jury service, provided that the salary paid to the employee for the period of absence is reduced by the amount of money he or she received for such jury service.

(Ord. 82-36. Passed 12-22-82.)

246.30 VOTING TIME.

An employee shall be granted up to two hours for the express purpose of voting in any election conducted under the auspices of the County Clerk, if, due solely to scheduling of work, he or she would otherwise not be able to vote.

(Ord. 82-36. Passed 12-22-82.)

246.31 MILITARY AND PEACE CORPS LEAVE.

(a) Military and Peace Corps leave shall be granted in accordance with requirements of Oregon Revised Statutes.

(b) An employee may utilize fifteen calendar days per year without loss of pay or use of vacation for military service.

(c) An employee shall notify his or her supervisor of military duty, in writing, as soon as it becomes available to the employee.

(Ord. 82-36. Passed 12-22-82.)

246.32 CLOSURE OF COUNTY FACILITIES ON REGULARLY SCHEDULED WORK DAYS.

If a County facility is closed on a regularly scheduled work day, an employee who is scheduled to work that day shall receive pay equal to the amount of time he or she was scheduled to work. Such pay will not be credited against vacation or sick leave.

(Ord. 82-36. Passed 12-22-82.)

246.33 INABILITY TO REPORT TO WORK.

An employee who is unable to work for a reason beyond his or her control, for a reason other than sickness, when County facilities are open for business, shall have deducted from his or her pay an amount equal to the amount of hours lost in his or her work day or may use vacation leave in an amount equal to the hours lost in the work day. Sick leave may not be used in such instances.

(Ord. 82-36. Passed 12-22-82.)

246.34 DISABILITY LEAVES.

(a) Short Term. For the purpose of short-term disabilities, including pregnancy, sick leave is provided at a rate of accrual as ordered by the Board of County Commissioners.

(b) Long Term. A regular full-time employee is eligible to participate in long-term disability programs as specified by the Board.

(c) Approval; Conditions. Leave granted for reasons of inability to work, including pregnancy, shall be approved in the same manner as regular sick leave, provided that:

- (1) The period of absence, if any, prior to and immediately following disability shall be authorized only upon receipt of a written statement from the employee's physician indicating the approximate length of the absence which is medically necessary.

(2) Other complications of the disability shall require a written statement from the employee's physician prior to the granting of any additional leave of absence.

(3) A leave of absence shall be granted when complications occur with a newborn child that necessitate the constant care of the mother. A written statement from the employee's physician stating the necessity and duration of such leave time requested shall be obtained. Other extensions of leave that are simply for the convenience of the mother will not be granted unless substantial medical evidence warrants the same.

(4) Retention of employee benefits during leaves of absence are subject to the application of rules pertaining to regular sick leave.

(Adopting Ordinance. Passed 12-10-85.)

246.35 FUNERAL PLAN.

In the event of a death in the immediate family of an employee, the employee may take not more than five days sick leave with pay to make funeral arrangements, if necessary, and to attend the funeral. A written statement providing details may be required from an employee, at the option of the department head or the County Administrator, where such leave is taken.

(Ord. 82-36. Passed 12-22-82.)

246.36 PHYSICIAN'S STATEMENT.

A physician's statement of the nature and identity of an illness and the need for the employee's absence of over five days may be required prior to payment of any sick leave benefit.

(Ord. 82-36. Passed 12-22-82.)

246.37 NOTIFICATION OF SUPERVISOR.

Any employee who is ill and unable to report to work shall, if reasonably possible, notify his or her immediate supervisor not later than thirty minutes after his or her normal reporting time. In the case of a continuing illness, the employee shall continue to notify his or her immediate supervisor of his or her inability to report to work.

(Ord. 82-36. Passed 12-22-82.)

246.38 PAID ABSENCES; WORKERS' COMPENSATION.

Employees who are absent because of an on-the-job illness or injury covered by workers' compensation shall be compensated according to the workers' compensation laws of the State

of Oregon. Any additional compensation shall be paid in accordance with the applicable collective bargaining agreement, or, in the absence of a collective bargaining agreement, by administrative policy.

(Ord. 82-36. Passed 12-22-82; E. Ord. 89-5. Passed 5-24-89; P. Ord. 89-6. Passed 6-7-89.)

246.39 UNPAID LEAVES.

(a) Generally. A position need not be held open for an employee on an unpaid leave of absence. However, when a leave has expired and the employee is eligible to return to work, the County will place the employee in the next available position, within the department, for which the employee is qualified.

(b) Temporary Interruption of Employment. Any temporary, involuntary interruption of employment because of adverse weather conditions, shortage of supplies or other unexpected or unusual reasons, which does not exceed ten days, is not considered a layoff, and at the termination of such conditions, employees shall be returned to employment. Such interruptions of employment may be chargeable to accrued vacation leave or may be recorded as leave without pay.

(c) Sick Leave Without Pay. Upon application, sick leave without pay may be granted. The County Administrator may require that the employee submit medical evidence of the need for such leave. If the employee fails or refuses to supply such evidence, or if medical disability precludes the employee from the performance of duties, such sick leave shall be canceled and the employee's services shall be terminated. Sick leave without pay in excess of sixty days shall not be granted, unless and until the employee has first been scheduled for any accrued vacation.

(d) Other Leaves of Absence. In instances where the work will not be seriously handicapped by the temporary absence of an employee, the appointing authority may grant a leave of absence, without pay, not to exceed sixty calendar days. Leaves of absence without pay for periods in excess of sixty days may be approved only by the Board of County Commissioners via the County Administrator. A request for such a leave shall be in writing and shall establish all particulars. Such leave will not be approved for an employee who is accepting employment outside the County service, except in those cases where the Board judges it to be in the best interest of the residents of the County.

(Ord. 82-36. Passed 12-22-82.)

246.40 APPEARANCES BEFORE COURTS, COMMITTEES, ETC.

In reference to appearances at hearings before a court, legislative committee or judicial or quasijudicial body, such appearances shall be considered leave with full pay only if the appearance is the result of County employment and approved by the County.

(Ord. 82-36. Passed 12-22-82.)

246.41 HOURS OF WORK AND ATTENDANCE.

(a) Open Hours. Generally, County facilities are open 8:00 a.m. through 5:00 p.m., Monday through Friday. Some facilities, due to the nature of their operation, may be open longer. Full-time employees are normally expected to work five consecutive eight-hour days in one week or four ten-hour days. The 5/8 and 4/10 work weeks are approved work schedules.

(b) Building Security. Individual department heads are responsible for authorizing persons for after-hours building access. The County Administrator is responsible for issuing keys to employees. (Ord. 82-36. Passed 12-22-82.)

(c) Attendance. Each employee shall remain alert and fully capable of carrying out job functions throughout the assigned shift. Additionally, employees whose ability to carry out job responsibilities is affected by their use of alcohol or drugs shall be subject to disciplinary action.

(Order 168-84. Passed 5-23-84.)

246.42 POLITICAL ACTIVITY.

(a) Generally. Political activity among County employees and officers is governed by Federal and State legislation. Generally, no County officer or employee shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or during working hours. However, nothing in this section is intended to restrict the right of a public employee to express his or her personal political views.

(b) Federally Funded Positions. An employee whose job is wholly or partially aided by Federal funds may run for political office, even when gained through a partisan election, and may also take an active role in political management and political campaigns. An employee in this category may not become a candidate for an elective office in a partisan election.

(Ord. 82-36. Passed 12-22-82.)

246.43 NEPOTISM.

(a) Generally. Pursuant to Oregon Revised Statutes, no person shall be refused employment or terminated solely because another member of such person's family presently works for the County.

(b) Exceptions. A person may be refused employment or his or her employment may be discontinued if continuation of such employment would:

(1) Violate a law of the State or the United States, or any rule promulgated pursuant thereto, with which the County must comply;

(2) Cause a violation of any condition of eligibility for receipt of Federal or State financial assistance;

(3) Place the individual in a position of exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family, or in a position of being subject to such authority exercised by a member of the individual's family; or

(4) Cause the County to disregard a bona fide occupational requirement reasonably necessary to the normal operation of County business.

(c) Family Members Defined. For purposes of this section, a member of an individual's family means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual.

(Ord. 82-36. Passed 12-22-82.)

246.44 DISCIPLINE AND DISCIPLINARY DISCHARGE.

(a) Generally. In general, the County prescribes that discipline and discharge be handled in a progressive manner. The County prescribes that discipline and disciplinary discharge shall be done in a fair and equitable manner so that disciplinary actions are applied equally. However, there may be occasions when progressive discipline is not appropriate, such as in actions which substantially endanger public safety, which result or could result in damage to public persons or property or which constitute a serious breach of the public trust. Any disciplinary action appropriate to the offense shall be imposed.

(b) Progressive Discipline. If used, the steps of progressive discipline and discharge include:

(1) Oral reprimand;

- (2) Written reprimand;
 - (3) Suspension without pay only under the following circumstances:
 - A. for violations of safety rules of major significance, or
 - B. in one-week increments for violations which warrant serious discipline; and
 - (4) Discharge.
- (c) Safety rules of major significance are those that are intended to prevent serious danger to the workplace or to other employees.
- (d) Documentation. In all steps, documentation shall be kept. Documentation includes copies of materials used in discipline, notes of discussions and pertinent dates. Improper documentation or lack of it may reverse disciplinary action.
- (e) Procedure. Disciplinary action which may include discharge shall be conducted in the following manner:
- (1) The employee shall be notified that his or her supervisor is considering disciplinary action against him or her, which may include discharge.
 - (2) A predetermination hearing shall be set for the employee and the supervisor to discuss charges. The hearing is also for the purpose of allowing the employee to explain his or her side of the problem. At the predetermination hearing stage, no decision about which disciplinary action shall be taken shall be made.
 - (3) After the hearing, the appropriate course of action shall be determined. If discharge is the decision, then the employee must be notified, in writing, of the date of termination and the just cause for such discipline.
 - (4) The employee shall be provided with the option of a post termination hearing or action through a recognized grievance procedure. (Ord. 82-36. Passed 12-22-82.)
- (f) Review of Disciplinary Actions. Any disciplinary action taken by a supervisor, department director or elected official that involves either suspension as defined in Section 246.44(b), or discharge, shall be reviewed by the County Administrator or his or her designee. Upon delivery of a written reprimand, the appropriate department director or elected official shall forward a copy of such discipline, including explanatory documents or memorandums, to the County Administrator or his or her designee. Department directors or elected officials considering suspension as defined in Section 246.44(b), discharge or another form of discipline shall first

consult with the County Administrator or his or her designee. The purpose of this section is to ensure uniform administration of discipline throughout the County.

(Order 340-83. Passed 8-24-83; E. Ord. 96-48. Passed 9-18-96; P. Ord. 96-49. Passed 10-2-96.)

246.45 SUPERVISION OF DEPARTMENT DIRECTORS.

Department directors who are subject to the authority of the Board of County Commissioners shall be directly supervised by the County Administrator. The County Administrator is hereby authorized to perform all normal supervisory functions, including appointment, discharge, compensation adjustment and discipline.

(Order 364-83. Passed 9-14-83.)

246.46 SEPARATION FROM SERVICE.

(a) In Good Standing. An employee may be separated in good standing from the County service if he or she meets one of the following criteria:

(1) Reduction in force. An employee laid off due to lack of funds, discontinuation of a program or position or lack of work shall be considered separated in good standing.

(2) Resignation. An employee who resigns a position and gives two weeks notice shall be considered separated in good standing.

(b) Not in Good Standing. An employee shall be considered terminated not in good standing if he or she meets one of the following criteria:

(1) An employee who resigns a position in lieu of being terminated or who fails to give proper notice shall be considered terminated not in good standing.

(2) An employee who is dismissed as a result of a disciplinary termination shall be considered terminated not in good standing.

(c) Personnel Action Notices. A personnel action notice concerning termination must state the reason for the termination.

(Ord. 82-36. Passed 12-22-82.)

246.47 GRIEVANCE PROCEDURE.

- (a) Generally. It is the policy of the County to ensure its officers and employees, through the use of a formalized procedure, a method and procedure whereby they may have their complaints considered as fairly and as rapidly as possible, without fear of reprisal.
- (b) Grievance Defined. A grievance is a dispute arising between an employee and his or her supervisor resulting from an alleged violation of a specific policy, procedure or disciplinary action. An employee who has access to a grievance procedure as a result of being represented by a collective bargaining organization may utilize the grievance procedure set forth in this section or the bargaining agreement procedure, but not both.
- (c) Statement of Grievance. Any grievance filed as prescribed in this section shall state the nature of the grievance, the specific policy or procedure violated and the remedy requested.
- (d) Procedure. An employee or offer may have a representative of his or her choosing present the complaint and/or represent him or her in the proceedings through the steps described as follows:
- (1) Step 1. Immediate supervisor. Within thirty days of the occurrence, the grievant may discuss the matter with the immediate supervisor. The supervisor shall render a decision, in writing, within ten days of the discussion.
 - (2) Step 2. Next highest supervisor. If the decision reached by the immediate supervisor is not of a disposition which is satisfactory to the employee, the grievant may appeal, in writing, to the next highest supervisor within ten days of receipt of the decision. The next highest supervisor shall render a decision, in writing, within ten days of the receipt of the grievant's appeal.
 - (3) Step 3. Department head. If the decision of the next highest supervisor is not of a disposition which is satisfactory to the employee, the grievant may present the grievance to the department head within ten days of the receipt of the supervisor's response in Step 2. The department head must render a decision, in writing, within ten days of the receipt of the grievant's appeal.
 - (4) Step 4. County Administrator. If the decision of the department head is not satisfactory, the employee may appeal, in writing, within ten days of the receipt of the department head's decision, to the County Administrator. The County Administrator shall hear the case and render a decision within ten days of the receipt of the appeal. The decision of the County Administrator is considered final and binding.

(e) Departments Headed by Elected Officials. In the case of a department which is headed by an elected official or a member of the Board of County Commissioners, Step 3 shall apply to the elected official or member of the Board.

(f) Other Rights. The grievance procedure set forth in this section does not waive an officer's or employee's right to have a case heard through court procedures or other administrative bodies, such as the Equal Employment Opportunity Commission.

(g) Time Frames. Any of the time frames set forth in this section may be extended, in writing, by mutual agreement of the parties.

(Ord. 82-36. Passed 12-22-82.)

246.48 EMPLOYEE REPRESENTATION.

In general, an employee may elect to be represented by an employee organization according to applicable State statutes and the County Charter.

(Ord. 82-36. Passed 12-22-82.)

246.49 FRINGE BENEFITS.

(a) Maintenance of Programs. All fringe benefit programs shall be maintained by the County Administrator or the appropriate bargaining unit as specified by labor agreements. The information, booklets, contracts, etc., shall be housed in the County Administrator's office. Changes in fringe benefit programs may be made only through collective bargaining or a policy set by the Board of County Commissioners. (Ord. 82-36. Passed 12-22-82.)

(b) Accrual. All fringe benefits for persons regularly scheduled to work less than forty hours per week shall be calculated as follows:

(1) To receive benefits, an employee must be paid for at least eighty hours per month. Paid time may be the result of scheduled work, holidays, paid vacation and paid sick leave.

(2) Benefits shall be paid on a prorated basis, based on the actual number of hours paid divided into the actual number of hours available for work in a given month. As an example, an employee who is paid for 136 hours in a month for which there are 168 hours available would receive eighty-one percent of benefits paid ($136 \div 168 = 81\%$).

(3) For the purpose of this section, fringe benefits include all County paid insurance programs, holidays, vacation accrual and sick leave calculations.

(Order 328-84. Passed 9-12-84.)

246.50 HOLIDAYS FOR SHERIFF'S DEPARTMENT.

- (a) Management employees in the Sheriff's Department shall be credited with twelve holidays for the fiscal year beginning July 1, 1983, and in each fiscal year thereafter.
- (b) Holiday leave shall be requested at the option of the employee, subject to the approval of the Sheriff.
- (c) Holiday credits shall not be carried over from one fiscal year to another. If unused, earned holiday credits shall terminate at the end of the fiscal year.
- (d) Upon separation of employment, the employee shall be eligible for compensation for unused holiday credits at the rate of one day per month of employment within the fiscal year, i.e. if a manager completes six months of employment within a fiscal year and has used four days of holiday credit, the employee shall be compensated for the remaining two days of holiday credit. Utilization in excess of the holiday pay earned at the time of separation shall be deducted from the employee's final paycheck.

(Order 196-83. Passed 6-1-83.)

CHAPTER 247

Pension Plans

EDITOR'S NOTE: Pension plans for County officers and employees are provided for and amended from time to time by the Board of County Commissioners. Copies of the latest relevant legislation and of such plans may be obtained, at cost, from the office of the County Counsel.

There are no sections in Chapter 247. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Pension plan as property upon dissolution of marriage - see ORS 107.105

Retirement and pensions for City-County consolidation employees - see ORS 199.770

Coverage of Public Employees Retirement System for County officers -
see

ORS 238.005, 238.015, 238.680

Federal Social Security Law - see ORS 237.411, 237.412

Availability of health coverage contracts for local government employees - see
ORS 243.303

Officers and employees see ADM. Ch. 246

TITLE TEN - Boards, Commissions, Committees, Councils and Authorities

- Chap. 250. Boards, Commissions, Committees, Councils and Authorities Generally.
 - Chap. 251. Airport Advisory Committee.
 - Chap. 253. Ambulance Service Advisory Committee.
(Repealed by Ord. 98-4. Passed 1-28-98.)
 - Chap. 254. Animal Control Advisory Committee.
 - Chap. 256. Boards of Property Tax Appeals.
 - Chap. 257. Board of Health; Public Health Advisory Board.
 - Chap. 259. Budget Committee.
 - Chap. 260. Community Human Services Advisory Committee.
 - Chap. 261. County Roads Committee.
 - Chap. 262. County Road Specifications and Road Variance Advisory Committee.
 - Chap. 263. Economic Development Advisory Committee.
 - Chap. 264. Jackson-Josephine Region Regional Board.
 - Chap. 265. Fair Board.
 - Chap. 266. Farm Board of Review.
 - Chap. 268. Hearings Council.
 - Chap. 269. Housing Authority.
 - Chap. 270. The Job Council.
 - Chap. 271. Commission on Children and Families.
 - Chap. 272. Law Library Advisory Committee.
 - Chap. 274. Library Advisory Committee.
 - Chap. 275. Local Contract Review Board.
 - Chap. 277. Parks and Recreation Advisory Committee.
 - Chap. 278. Planning Commission.
 - Chap. 280. Private Industry Council.
 - Chap. 281. Regional Solid Waste Committee.
 - Chap. 283. Status of Women Advisory Committee.
 - Chap. 284. Taylor Grazing Advisory Committee.
 - Chap. 286. Telecommunications Advisory Committee.
 - Chap. 287. Unified Board of Appeals.
 - Chap. 289. Vector Control Committee.
 - Chap. 292. Welfare Board.
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CHAPTER 250
Boards, Commissions, Committees, Councils and Authorities Generally

EDITOR'S NOTE: County boards, commissions, committees, councils and authorities sometimes promulgate rules, regulations or bylaws under authority of these Codified Ordinances or State law, which rules, regulations or bylaws are approved by action of the Board of County Commissioners. Copies of all relevant legislation and of such rules, regulations and bylaws may be obtained, at cost, from the office of the County Counsel.

- 250.01 Committees.
- 250.02 Quorum and voting requirements.
- 250.03 Terms of members.
- 250.04 Rules, regulations and bylaws.

CROSS REFERENCES

Fee disposition and accounting - see ORS 210.230
 Expenses of Planning Commission members - see ORS 215.030
 Housing code boards - see ORS 215.615
 Interest in contracts - see ORS 279.990
 Expenses of farm land valuation review board members - see ORS 308A.095
 Expenses of welfare board members - see ORS 411.145
 County public assistance boards - see ORS 411.145, 411.155
 Travel expenses of Board of County Commissioners - see ADM. 213.08

250.01 COMMITTEES.

(a) Committee Defined. As used in this section, "committee" means any body established by order or ordinance to serve in an advisory or informational capacity, excluding a body established by Oregon Revised Statutes or a body involved in quasijudicial services, such as the Hearings Council.

(b) Establishment of Committees.

- (1) All committees shall be established by order of the Board of County Commissioners.
- (2) Such order shall set forth:
 - A. The committee name, which shall include the word "committee";

- B. The number of committee members;
- C. The terms of such committee members;
- D. The conditions for appointment to the committee;
- E. The function and purpose of the committee; and
- F. Any other functions or responsibilities as ordered by the Board.

(c) Alteration and Dissolution.

(1) Any modification or alteration in the function, purpose, name or membership shall be initiated by order of the Board.

(2) Dissolution shall be by order of the Board, unless otherwise established in the order of establishment.

(Ord. 81-47. Passed 7-15-81.)

250.02 QUORUM AND VOTING REQUIREMENTS.

(a) Scope. This section shall apply to all County boards, commissions, committees, councils and authorities, unless expressly otherwise provided by law.

(b) Purpose. The purpose of this section is to establish a uniform procedure for County boards, commissions, committees, councils and authorities, to exercise their authority.

(c) Quorum. A majority of duly appointed members shall constitute a quorum. Without a quorum, no action can be taken except to adjourn the meeting, either to a time certain, providing for reasonable notice thereof to absent members, or sine die.

(d) Voting.

(1) There shall be no voting by proxy.

(2) A majority vote of those present and voting shall be necessary to take any action.

(Ord. 85-4. Passed 5-1-85.)

250.03 TERMS OF MEMBERS.

Unless otherwise expressly provided by State law or by ordinance or order of the Board of County Commissioners, all members of County boards, commissions, committees, councils or authorities shall be appointed for terms expiring on June 30 following three full years of service, except in the case of a member who is appointed to fill a vacancy, in which case such member's term shall expire on the date that the term of the member whose vacancy is filled would have expired, and except that the initial membership of any board, commission, committee, council or authority shall be appointed for staggered terms of one, two and three years so that the term of at least one member but less than all members will expire every year.

(Adopting Ordinance. Passed 12-10-85.)

250.04 RULES, REGULATIONS AND BYLAWS.

Rules, regulations and bylaws promulgated by the various County boards, commissions, committees, councils and authorities under authority of these Codified Ordinances or State law must, before being effective, be approved by action of the Board of County Commissioners, and, after such approval, be filed with the County Clerk for public inspection and for the purpose of preparing and furnishing copies of the same, at cost, to any person requesting such copies.

(Adopting Ordinance. Passed 12-10-85.)

CHAPTER 251
Airport Advisory Committee

- 251.01 Establishment; composition.
251.02 Terms of office; rules of procedure; compensation.

CROSS REFERENCES

Endangering aircraft and aviation - see ORS 164.885
Municipal airports - see ORS 836.200 et seq.
Airport districts - see ORS 838.005 et seq.
Airport Department - see ADM. Ch. 238
Rogue Valley International-Medford Airport - see S.U. & P.S. Ch. 1062

251.01 ESTABLISHMENT; COMPOSITION.

There is hereby established in and for the County an Airport Advisory Committee. The Committee shall consist of nine members.

(Order 279-81. Passed 10-14-81; ORD. 2006-4. Passed 4-12-06.)

251.02 TERMS OF OFFICE; RULES OF PROCEDURE; COMPENSATION.

(a) Upon expiration of the term of each appointment, a subsequent appointment to the Airport Advisory Committee shall be for a term of three years, or until the appointee's successor is appointed.

(b) The Committee shall organize, select officers and adopt rules of procedure for the conduct of its business. All actions of the Committee shall be submitted to the Board of County Commissioners for final approval.

(c) Members of the Committee shall serve without compensation. However, all expenses necessarily incurred by members in the conduct of the business of the Committee shall, subject to budgetary limitations and County policy, be paid from the Airport Maintenance and Operation Fund.

(Order 279-81. Passed 10-14-81.)

CHAPTER 253
Ambulance Service Advisory Committee

- 253.01 Repealed.
 253.02 Repealed.

CROSS REFERENCES

County ambulance and emergency vehicle services - see ORS 451.010
 License fees - see ORS 682.047
 State Emergency Medical Services Committee on Ambulance Construction,
 Maintenance and Operation - see ORS 682.075, 682.195, 682.285
 Minimum requirements for ambulances and emergency vehicles - see ORS 682.225
 Regulation by political subdivisions - see ORS 682.275
 Organization for Emergency Management - see ADM. Ch. 244
 Emergency medical care for prisoners - see S.U. & P.S. 1072.01
 Ambulance service areas - see S.U. & P.S. Ch 1075

- 253.01** (Order 476-82. Passed 11-16-82; Ord. 87-21. Passed 12-23-87; REPEALED, E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98.)
- 253.02** (Order 476-82. Passed 11-16-82; REPEALED, E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98.)

CHAPTER 254
Animal Control Advisory Committee

- 254.01 Repealed.
254.02 Repealed.
254.03 Repealed.

CROSS REFERENCES

Cruelty to animals - see ORS 167.315 et seq.
 Rabies control - see ORS 433.345 et seq.
 County control of dogs - see ORS 609.015
 County ordinances to prohibit exotic animals - see ORS 609.205
 County cooperation in extermination and control of predatory animals - see ORS
 610.015, 610.025, 610.030, 610.032
 Animal Control Officers - see ADM. 203.01(d)
 Animal Control Division - see ADM. 231.01
 Animals generally - see GEN. OFF. Ch. 610
 Kennels - see B.R. & T. Ch. 844

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- 254.01** (Adopting Ordinance. Passed 12-10-85; REPEALED by Ord. 2003-4.
Passed 1-22-03.)
- 254.02** (Order 280-81. Passed 10-14-81; REPEALED by Ord. 2003-4. Passed 1-22-03.)
- 254.03** (Order. 280-81. Passed 10-14-81; REPEALED by Ord. 2003-4. Passed 1-22-03.)

CHAPTER 255
Audit Committee

- 255.01 Establishment; Purpose
 - 255.02 Composition; Status; Terms; Voting Rights
 - 255.03 Duties
 - 255.04 Meetings; Quorum
-

255.01 ESTABLISHMENT; PURPOSE.

The Audit Committee of Jackson County is established for the purpose of protecting the independence of the Internal Audit Program.

(Ord. 2003-2. Passed 1-8-03.)

255.02 COMPOSITION; STATUS; TERMS; VOTING RIGHTS.

The Audit Committee shall be comprised of six members. Their positions, status, terms and voting rights are as follows:

- (a) The Chair of the Board of Commissioners shall be a permanent position for one year, January through December, with full voting rights except for audits concerning the Board of Commissioners' Office.
- (b) The County Administrator shall be a permanent position on an ongoing basis, with full voting rights except for audits concerning the County Administrator's Office.
- (c) The Finance Director shall be a permanent position on an ongoing basis, with full voting rights except for audits concerning the Finance Department.
- (d) One Department Director shall have a rotating position for two years, serving from July 1 to June 30, with full voting rights except for audits concerning that department director's office.
- (e) Two Mid-Managers shall have staggered, rotating positions for two years, serving from July 1 to June 30, with full voting rights, except for audits concerning their respective departments. If possible, one mid-manager should be from a department located in a building other than the Courthouse.

(Ord. 2003-2. Passed 1-8-03.)

255.03 DUTIES.

The duties of the Audit Committee are as follows:

- (a) Review and provide input on the annual risk assessment and internal audit plan.
- (b) Review and provide input on audit findings and draft audit reports.
- (c) Mediate differences between the County Auditor and the auditee.
- (d) Recommend contract auditors.
- (e) Provide input on general audit matters.
- (f) Serve as oversight body for the Internal Audit Program; however, the Audit Committee does not have the authority to override audit findings supported by sufficient, competent, relevant evidence applicable to an audit objective.

(Ord. 2003-2. Passed 1-8-03.)

255.04 MEETINGS; QUORUM.

- (a) The Audit Committee shall hold meetings as necessary. Generally, such meetings shall be no less than quarterly, but may be held more frequently if conditions warrant. The County Auditor shall be responsible for scheduling meetings, preparing agendas and facilitating meetings.
- (b) A quorum shall constitute four of the six Committee members. Members not present may submit their votes by proxy or by other means, including but not limited to e-mail.

(Ord. 2003-2. Passed 1-8-03.)

CHAPTER 256
Boards of Property Tax Appeals

EDITOR'S NOTE: This chapter, formerly titled "Boards of Ratio Review and Equalization," was re-titled "Boards of Property Tax Appeals" as part of the 2000 updating and revision of these Codified Ordinances. Therefore, any reference in these Codified Ordinances to "Boards of Ratio Review and Equalization" shall be deemed to mean "Boards of Property Tax Appeals."

There are no sections in Chapter 256. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

County boards of property tax appeals - see ORS 309.020 et seq.
Department of Revenue ratios - see ORS 309.203
Oath of board members - see ORS 309.070
Corrections of assessment roll - see ORS 309.100 et seq.
Boards generally - see ADM. Ch. 250

CHAPTER 257
Board of Health; Public Health Advisory Board

- 257.01 Establishment; composition; terms of office.
257.02 Rules of procedure.
257.03 Function and responsibility.

CROSS REFERENCES

County advisory boards - see ORS 431.410, 431.412
Powers and duties generally - see ORS 431.415, 431.416
Activities of local authorities generally - see ORS 431.416
Enforcement of Health Division rules - see ORS 431.416
Funds - see ORS 431.510
Health care facilities - see ORS 443.225
Health and Human Services Department - see ADM. Ch. 236
Boards generally - see ADM. Ch. 250
Emergency medical care for prisoners - see S.U. & P.S. 1072.01

257.01 ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE.

The Board of County Commissioners constitutes the Board of Health for Jackson County. Pursuant to ORS 431.410, there has been established a Public Health Advisory Board. The Advisory Board shall consist of eleven members who are either persons licensed by the State as health care practitioners or are persons who are well informed on public health matters. Members of the Advisory Board are appointed by the Board of Commissioners. The term shall be for four years. Initial appointments to establish the Advisory Board may be staggered to provide continuity of membership upon the expiration of terms.

(E. Ord. 95-47. Passed 9-20-95; P. Ord. 95-48. Passed 10-4-95.)

257.02 RULES OF PROCEDURE.

The Public Health Advisory Board shall organize, select officers and adopt rules of procedure for the conduct of its business. All actions of the Advisory Board shall be submitted to the Board of Commissioners for final approval.

(E. Ord. 95-47. Passed 9-20-95; P. Ord. 95-48. Passed 10-4-95.)

257.03 FUNCTION AND RESPONSIBILITY.

The Public Health Advisory Board shall provide ongoing ascertainment and review of public health needs and policies in the County and report findings, concerns and comments on public health matters to the Board of Commissioners.

(E. Ord. 95-47. Passed 9-20-95; P. Ord. 95-48. Passed 10-4-95.)

CHAPTER 259
Budget Committee

EDITOR'S NOTE: There are no sections in Chapter 259. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Finance generally - see CHTR. Ch. IV

Fiscal year - see ORS 294.095

County budget officers - see ORS 294.331

County budget committees - see ORS 294.336

Budget message - see ORS 294.391, 294.396

Meetings of Committee - see ORS 294.401, 294.406

Receipt and approval of budget document - see ORS 294.401, 294.406

Authority for loans to General Fund - see ADM. 222.01

Finance Department - see ADM. Ch. 228

Committees generally - see ADM. Ch. 250

Security for transfer of funds - see GEN. OFF. 694.03

CHAPTER 260
Community Human Services Advisory Committee

- 260.01 Establishment; duties.
- 260.02 Composition; quorum.
- 260.03 Meetings.
- 260.04 Authority; compensation.
- 260.05 Terms of office.
- 260.06 Functions and responsibilities.

CROSS REFERENCES

Health and Human Services Department - see ORS 409.010; ADM. Ch. 236
 Child care - see ORS Ch. 657A
 Community corrections programs; advisory board - see ORS 423.475 et seq.
 County advisory committees for community corrections programs - see ORS 423.560
 Establishment and operation of local mental health programs - see ORS 430.620
 County control of alcoholic beverages; licensing guidelines - see ORS 471.155,
 471.164

260.01 ESTABLISHMENT; DUTIES.

There is hereby established in and for the County a Community Human Services Advisory Committee. The Committee shall:

- (a) Serve as the local alcohol planning committee for the County, as specified in ORS 430.342;
- (b) Serve as the local Mental Health Advisory Committee, as specified in ORS 430.630; and
- (c) Serve as the Human Services Advisory Committee.

(Order 268-83. Passed 7-13-83.)

260.02 COMPOSITION; QUORUM.

The Community Human Services Advisory Committee shall consist of ten members, each of whom shall be appointed by the Board of County Commissioners. The membership of the Committee shall be broadly representative of the community with the balance of age, sex, ethnic, socioeconomic, geographic, professional and consumer interests represented, including the consumer interests of alcoholism, emotional disturbances, drug abuse, mental retardation,

developmental disabilities and general human services. Members shall be appointed by the Board in such a manner that each interest area is fairly and evenly represented. A single member may represent more than one area of interest. Six members shall constitute a quorum at meetings.

(Order 268-83. Passed 7-13-83.)

260.03 MEETINGS.

The Community Human Services Advisory Committee shall hold regular meetings at least once quarterly, with the frequency, time and place to be established by the members in accordance with the needs of the Committee and at the request of the Board of County Commissioners. Notice of meetings shall be given to the Board and to the public in accordance with Oregon Revised Statutes. The Committee shall organize, select officers and adopt rules and procedures for the conduct of its business.

(Order 268-83. Passed 7-13-83.)

260.04 AUTHORITY; COMPENSATION.

The Community Human Services Advisory Committee shall have the authority, as the designated representative of the Board of County Commissioners, of a Mental Health Advisory Committee, a Human Services Advisory Committee and the County Alcoholism Planning Committee. Members of the Community Human Services Advisory Committee shall serve without compensation. However, all expenses necessarily incurred by members shall be paid from budgeted funds of the Health and Human Services Department, subject to County policy and budgetary limitations.

(Order 268-83. Passed 7-13-83; Ord. 92-7. Passed 7-1-92.)

260.05 TERMS OF OFFICE.

Appointments to the Community Human Services Advisory Committee shall be for terms of three years or until successors are appointed. Each term shall expire on June 30 of the appropriate year. The Committee shall recommend replacements to the Board of County Commissioners. Whenever a member fails to attend more than three regular meetings in any one fiscal year, the Committee shall, upon a majority vote, recommend to the Board a replacement to serve the remainder of the unexpired term and the designated membership category, unless such member's failure to attend such meetings is excused.

(Order 268-83. Passed 7-13-83.)

260.06 FUNCTIONS AND RESPONSIBILITIES.

The functions and responsibilities of the Community Human Services Advisory Committee are to provide recommendations to the Board of County Commissioners as requested and to serve as the designated body for alcohol, mental health and human services as provided in Oregon Revised Statutes and as delegated by the Board.

(Order 268-83. Passed 7-13-83.)

CHAPTER 261
County Roads Committee

- 261.01 Establishment.
- 261.02 Composition and terms.
- 261.03 Compensation.
- 261.04 Responsibilities.
- 261.05 Staff services.
- 261.06 Coordination with Planning Commission.

CROSS REFERENCES

Power of County Planning Commission - see ORS 215.110
 County roads generally - see ORS 366.320
 County ordinances superseding State law; exceptions - see ORS 368.011
 County road standards - see ORS 368.036, 368.041
 Improvement of County roads in cities - see ORS 373.210, 373.260
 Special uses of County roads - see TRAF. Ch. 420
 Construction of County roads - see S.U. & P.S. 1020.02, 1020.03, Ch. 1024
 Maintenance of ditches adjacent to County roads - see S.U. & P.S. 1028.01

261.01 ESTABLISHMENT.

There is hereby established in and for Jackson County a County Roads Committee.

(Ord. 89-2. Passed 2-15-89; Order 72-91. Passed 3-20-91.)

261.02 COMPOSITION AND TERMS.

The County Roads Committee shall consist of seven members: one member representing the forest products industry; one member representing agricultural interests; one member representing trucking; and four members representing the public at large.

The Committee should represent the County-wide interests of road users, including various rural areas and both small and large cities. The members shall be appointed to three-year terms by the Board of County Commissioners as provided in Section 250.03.

(Ord. 89-2. Passed 2-15-89; Order 72-91. Passed 3-20-91.)

261.03 COMPENSATION.

Members of the County Roads Committee shall serve without compensation. However, all expenses necessarily incurred by members in the conduct of the business of the Committee shall, if incurred pursuant to express authority of the Committee, and subject to budgetary limitations and County policy, and the limitations prescribed by law, be paid from the Road Fund.

(Ord. 89-2. Passed 2-15-89; Order 72-91. Passed 3-20-91.)

261.04 RESPONSIBILITIES.

The County Roads Committee shall have the following responsibilities:

- (a) To provide to the County ongoing assessment and review of transportation needs and policies in the County as they affect the County road system;
- (b) To conduct studies into the need for improvements in the County road system and connected systems;
- (c) To serve as community spokespersons and advocates for effective programs to maintain and improve the County road system, consistent with County policy and at the request of the Board of Commissioners;
- (d) To review and consider activities relating to County roads, including, but not limited to, Roads and Parks Department activities;
- (e) To review major projects that could affect the County road system; and
- (f) To review existing policies and, as it finds necessary, formulate new policies for consideration by the Roads and Parks Director related to the County road system.

(Ord. 89-2. Passed 2-15-89; Order 72-91. Passed 3-20-91; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

261.05 STAFF SERVICES.

The County Roads Committee will receive professional staff services from the Roads and Parks Department to the extent authorized by the County Administrator and the Board of Commissioners. The Roads and Parks Director shall be responsible for staffing assignments, staff allocation and assuring that Committee recommendations are presented to the County Administrator and to the Board of Commissioners.

(Ord. 89-2. Passed 2-15-89; Order 72-91. Passed 3-20-91; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

261.06 COORDINATION WITH PLANNING COMMISSION.

Areas of responsibility identified in Section 261.04 above which have land use implications shall be coordinated with the Planning Commission appointed by the Board of Commissioners. The County Roads Committee shall also function in an advisory capacity to the Commission in matters which would cause changes in the land use policies and regulations of the County.

(Ord. 89-2. Passed 2-15-89; Order 72-91. Passed 3-20-91.)

CHAPTER 262
County Road Specifications and Road Variance Advisory Committee

262.01 Establishment; composition.

CROSS REFERENCES

Powers of County Planning Commission - see ORS 215.110

County roads generally - see ORS 366.320

County ordinances superseding State law; exceptions - see ORS 368.011

County road standards - see ORS 368.036, 368.041

Improvement of county roads in cities - see ORS 373.210, 373.260

Special uses of County roads - see TRAF. Ch. 420

Construction of County roads - see S.U. & P.S. 1020.02, 1020.03, Ch. 1024

Maintenance of ditches adjacent to County roads - see S.U. & P.S. 1028.01

262.01 ESTABLISHMENT; COMPOSITION.

There is hereby established in and for the County a County Road Specifications and Road Variance Advisory Committee, consisting of five members, as follows: The County Engineer or a representative designated by the Community Development Director, the Planning Manager or a representative designated by the Community Development Director, the County Surveyor and two members of the County Roads Committee.

(Order 277-81. Passed 9-30-81; Ord. 2003-4. Passed 1-22-03.)

CHAPTER 263
Economic Development Advisory Committee

EDITOR'S NOTE: Board Order 330-84, passed September 12, 1984, adopted a County policy for the review of industrial development revenue bond applications. Copies of this Order may be obtained, at cost, from the office of the County Counsel.

- 263.01 Establishment; composition; terms of office; vacancies; compensation; Chairperson; meetings.
- 263.02 Economic development program.
- 263.03 Functions and responsibilities.
- 263.04 Procedure for studies and development of recommendations.
- 263.05 Conflicts of interest.
- 263.06 Staff services from Roads, Parks & Planning Department.

CROSS REFERENCES

County coordination of plans with other local governments - see ORS 280.505
 Economic development - see ORS 285A.010 et seq.
 Advisory and technical committees - see ORS 285A.060
 Regional Economic Development - see ORS 285B.230 et seq.
 County economic development projects - see ORS 285B.332
 Property acquisition and sale - see ORS 285B.338
 Committees generally - see ADM. Ch. 250
 Jackson-Josephine Region Regional Board - ADM. Ch. 264
 Private Industry Council - see ADM. Ch. 280

263.01 ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE; VACANCIES; COMPENSATION; CHAIRPERSON; MEETINGS.

- (a) There is hereby established in and for the County an Economic Development Advisory Committee.
- (b) The Committee shall consist of not fewer than twelve nor more than twenty members appointed by the Board of County Commissioners for two-year terms or until their respective successors are appointed and qualified. All terms of membership shall expire on June 30 of the appropriate year. The Board may appoint members to succeeding terms, but such reappointment shall be limited to not more than two successive terms.
- (c) Membership of the Committee shall represent a sample of the socioeconomic makeup of the County, including a minority representative.

- (d) A Committee member may be removed by the Board for either nonperformance of duty or the absence from three consecutive meetings or fifty percent of meetings within a fiscal year.
- (e) Any vacancy on the Committee shall be filled by the Board for the unexpired term. The Committee may make recommendations for appointments.
- (f) Members of the Committee shall serve without compensation.
- (g) A Chairperson and a Vice-Chairperson shall be elected in July by the Committee. The Chairperson shall call and conduct meetings, appoint subcommittees, assume responsibility for orientation of new members and act as spokesperson regarding Committee action or advice to the Board.
- (h) The exercise of authority by the Committee shall be by a majority of those voting, a quorum being seven.

(Order 142-83. Passed 4-20-83.)

263.02 ECONOMIC DEVELOPMENT PROGRAM.

The duties and functions of the Economic Development Advisory Committee shall be to develop, implement and coordinate an economic development program. The program shall be consistent with the adopted comprehensive plans of all jurisdictions in the County. In addition, the program shall strive to:

- (a) Facilitate, stimulate and encourage responsible economic development consistent with existing potentials and constraints;
- (b) Provide increased quality and quantity of employment opportunities for the residents of the County; and
- (c) Maintain or improve the quality of the social and physical environments as they relate to economic development.

(Order 142-83. Passed 4-20-83.)

263.03 FUNCTIONS AND RESPONSIBILITIES.

- (a) The Economic Development Advisory Committee shall serve in an advisory capacity to the Board of County Commissioners and is hereby delegated the following responsibilities:
 - (1) To serve as a liaison between the County and the Medford-Jackson County Economic Development Council;

- (2) To function in the capacity of the Overall Economic Development Committee for purposes of the U.S. Department of Commerce, Economic Development Administration programs;
 - (3) To review major public sector projects, grants and plans to determine consistency with ongoing economic development programs and plans;
 - (4) To review and advise the Board on industrial development revenue bond applications; and
 - (5) To perform any other task which the Board may, from time to time, assign to the Committee.
- (b) In the performance of the activities and tasks set forth in sub-section (a) hereof, the Committee has the following responsibilities and duties:
- (1) To become informed and have a basic understanding of:
 - A. Committee authority as expressed in this chapter; and
 - B. The basic materials upon which decisions are made, including, but not limited to, the annual economic development plan, economic elements of comprehensive land use plans and familiarity with industrial development revenue bond financing;
 - (2) Recommendations to the Board, based upon the following:
 - A. Direction and limitation provided by local, State and Federal law;
 - B. Consideration of public opinion on the issue; and
 - C. Evaluation of the issues and optional solutions; and
 - (3) On an ongoing basis, advise the Board of the status of tasks under consideration, any difficulty in completing tasks, projected dates for completion of unfinished tasks and recommendations for changes in program direction.

(Order 142-83. Passed 4-20-83.)

263.04 PROCEDURE FOR STUDIES AND DEVELOPMENT OF RECOMMENDATIONS.

(a) The standard process for studying an issue and developing recommendations shall be as follows:

- (1) Development of an overall work program setting forth the major areas of concern, the interrelationships that may exist and a detailed ordering of tasks;
- (2) Staff investigation and analysis of a specific task and preparation of a report and recommendations when deemed desirable and appropriate;
- (3) Economic Development Advisory Committee review of the information developed by the staff;
- (4) Request input from affected agencies;
- (5) Committee review of agency comments, with modifications made if found to be desirable; and
- (6) Development of recommendations to the Board of County Commissioners supported by findings.

(b) Subsection (a) hereof is not considered to be absolute. Variations may occur when:

- (1) A study is terminated by the Committee without reaching a conclusion and/or recommendation.
- (2) Broad resident review is deemed desirable.
- (3) Repeated submittals to affected agencies are necessary due to the magnitude of modifications made.
- (4) A special procedure is developed by the Board on specific issues.

(Order 142-83. Passed 4-20-83.)

263.05 CONFLICTS OF INTEREST.

A member of the Economic Development Advisory Committee shall not participate in any Committee proceeding or action in which any of the following has a direct or substantial indirect interest: the member, the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law or partner, any business in which the member is now serving or has served within

the previous two years or any business with which the member is negotiating for or has an understanding or arrangement concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the first meeting of the Committee where the action is under consideration.

(Order 142-83. Passed 4-20-83.)

263.06 STAFF SERVICES FROM ROADS, PARKS & PLANNING DEPARTMENT.

The Economic Development Advisory Committee will receive professional staff services from the Roads, Parks & Planning Department. The Roads, Parks & Planning Director shall have the sole responsibility for staffing assignments and time allocation.

(Order 142-83. Passed 4-20-83; Ord. 2003-4. Passed 1-22-03.)

CHAPTER 264
Jackson-Josephine Region Regional Board

- 264.01 Title.
264.02 Ratification of Formation.
264.03 Effective Date of Intergovernmental Agreement.
264.04 Public Purpose for Which the Intergovernmental Entity is Formed.
264.05 Powers, Duties and Functions of the Jackson-Josephine Region Regional Board.
264.06 Severability.

CROSS REFERENCES

Formation of Intergovernmental Entity - see ORS Chapter 190.
County coordination of plans with other local governments - see ORS 280.505
Economic development - see ORS 285A.010 et seq.
Advisory and technical committees - see ORS 285A.060
Regional Economic Development - see ORS 285B.230 et seq.
County economic development projects - see ORS 285B.332
Property acquisition and sale - see ORS 285B.338
Committees generally - see ADM. Ch. 250
Economic Development Advisory Committee - see Adm. Ch. 263
Private Industry Council - see ADM. Ch. 280

264.01 TITLE.

Sections 264.01 to 264.06 shall be known as the REGIONAL/RURAL INVESTMENT FUND ordinance.

(Ord. 2000-1. Passed 1-26-00.)

264.02 RATIFICATION OF FORMATION.

The Jackson County Board of Commissioners hereby ratifies the formation of an intergovernmental entity pursuant to the terms of ORS Chapter 190. The newly-formed entity is to be called the Jackson-Josephine Region Regional Board. It is the intention of the Jackson County Board of Commissioners to enter into an intergovernmental agreement with Josephine County which will provide for the formation of the Jackson-Josephine Region Regional Board and set out the powers, duties and functions of the entity.

(Ord. 2000-1. Passed 1-26-00.)

264.03 EFFECTIVE DATE OF INTERGOVERNMENTAL AGREEMENT.

The effective date of the intergovernmental agreement for formation of the Jackson-Josephine Region Regional Board is January 1, 2000, to December 31, 2005.

(Ord. 2000-1. Passed 1-26-00.)

264.04 PUBLIC PURPOSE FOR WHICH THE INTERGOVERNMENTAL ENTITY IS FORMED.

The public purpose for which the intergovernmental entity is formed is to develop regional economic development strategies and to administer Regional/Rural Investment Fund programs in the Jackson-Josephine Counties Region.

(Ord. 2000-1. Passed 1-26-00.)

264.05 POWERS, DUTIES AND FUNCTIONS OF THE JACKSON-JOSEPHINE REGION REGIONAL BOARD.

The Jackson-Josephine Region Regional Board shall have the following powers, duties and functions:

- (1) Develop the Region's strategy in accordance with ORS 285B.242.
- (2) Modify the strategy if required by the Oregon Economic and Community Development Commission.
- (3) Refine the Strategy and recommend a two-year action plan for 1999, 2001 and 2003 to the Jackson and Josephine Counties Boards of County Commissioners for approval.
- (4) Instruct Southern Oregon Regional Economic Development, Inc., in how to operate the Regional/Rural Investment Fund programs in the Region.
- (5) Determine the compensation to be paid to Southern Oregon Regional Economic Development, Inc., for providing the services under the Intergovernmental Agreement.
- (6) Determine the policies for awarding Regional/Rural Investment Funds to individual projects/activities.
- (7) Approve funding for all projects/activities and any amendments to contracts.

(Ord. 2000-1. Passed 1-26-00.)

264.06 SEVERABILITY.

If any provision of this Chapter is held by a court of competent jurisdiction to be invalid, it will not affect the validity of the remaining provisions.

(Ord. 2000-1. Passed 1-26-00.)

CHAPTER 265
Fair Board

- 265.01 Definitions.
- 265.02 Authority re contracts for County Fairgrounds and Exposition Park.
- 265.03 Policy statement; duties; goals.
- 265.04 Functions and responsibilities.

CROSS REFERENCES

- Members - see ORS 565.210
- Election of officers - see ORS 565.220
- Licensing businesses - see ORS 565.230, 565.630
- Rules and regulations - see ORS 565.240, 565.630
- County Fair Commission - see ORS 565.405 et seq.
- Boards generally - see ADM. Ch. 250
- County Fairgrounds and Exposition Park - see S.U. & P.S. Ch. 1066

265.01 DEFINITIONS.

As used in this chapter:

- (a) "County Fairgrounds and Exposition Park" means the grounds and all other property owned, leased, used or controlled by the County and devoted to the use of the County Fair, including, but not limited to, the arena, pavilion, livestock buildings and related structures.
- (b) "Exposition Park Manager" means the County Exposition Park Manager, a County employee hired by and accountable to the Fair Board for the ongoing operation and maintenance of the County Fairgrounds and Exposition Park.
- (c) "Fair Board" means the County Fair Board, a lay commission appointed by the Board of County Commissioners pursuant to ORS 565.210.

(Order 341-81. Passed 11-12-81.)

265.02 AUTHORITY RE CONTRACTS FOR COUNTY FAIRGROUNDS AND EXPOSITION PARK.

The Fair Board is hereby authorized to execute all contracts necessary for the operation of the County Fairgrounds and Exposition Park, as specified in the Board of County Commissioners/Fair Board Operating Policies.

(Order 341-81. Passed 11-12-81.)

265.03 POLICY STATEMENT; DUTIES; GOALS.

(a) It is the policy of the County that the County Fairgrounds and Exposition Park and related buildings be utilized to their fullest extent for the pleasure, recreation and public benefit of the residents of the County.

(b) The Fair Board is accountable to the Board of County Commissioners for the operation, finances and general condition of the County Fairgrounds and Exposition Park and its activities.

(c) Pursuant to ORS 565.230, the Fair Board is vested with the exclusive management of the County Fairgrounds and Exposition Park and related property and is entrusted and charged with the entire business and financial management of such facilities.

(d) The goal of the Fair Board is to operate the facilities under its jurisdiction entirely from revenues derived from such facilities and from funds otherwise dedicated by law to County fair and fairground purposes, without subsidy from the County.

(Order 341-81. Passed 11-12-81.)

265.04 FUNCTIONS AND RESPONSIBILITIES.

(a) Each Fair Board member shall furnish a good and sufficient bond in favor of the County, conditioned upon the faithful performance of the duty of his or her office, as specified in ORS 565.210(3). The bond, when approved by the Board of County Commissioners, shall be filed with the County Clerk. The premium on the bond shall be paid by the Fair Board as an expense of the Board.

(b) The Fair Board, under its authority to operate and otherwise manage the County Fairgrounds and Exposition Park facilities, shall adopt rules and regulations governing the operation of such facilities and the conduct of visitors.

(c) The Board is responsible for recruiting, booking, scheduling, establishing rental fees, general promotion, food service concessions and related operational activities.

- (d) The Board has the authority to execute contracts necessary to the operation of the County Fairgrounds and Exposition Park and to sign checks concerning the operation and maintenance of the County Fairgrounds and Exposition Park and the fair, in accordance with State law, County policy and accepted accounting principles.
- (e) It is recognized that the County is the legal owner of the properties managed by the Fair Board and as such has certain legal responsibilities. The Board of County Commissioners shall execute all contracts for capital improvements. The Fair Board shall develop plans and specifications for capital improvements which it shall submit, together with its recommendations, to the Board of County Commissioners, which, upon review, may authorize the expenditure of County funds therefor.
- (f) The Fair Board is authorized to hire, terminate, direct and otherwise supervise the activities of an Exposition Park Manager, who is responsible for the day-to-day management of the County Fairgrounds and Exposition Park. The Manager is accountable to the Board and is responsible for the operations and conditions of the County Fairgrounds and Exposition Park. The Manager shall direct and supervise employees in accordance with union contracts and County personnel policies.
- (g) The Fair Board shall annually evaluate the performance of the Manager and recommend compensation adjustments to the Board of County Commissioners based upon such evaluations.
- (h) The Manager shall manage and direct the operation of the County Fairgrounds and Exposition Park in accordance with State law, Fair Board policies and County policies.
- (i) The Board shall authorize expenditures from the Exposition Park Fund in accordance with State law, County policy and budgetary appropriations.
- (j) The Exposition Park Fund is a component of the County budget and is subject to State law, local budget law and County policy. The Board shall annually propose a budget for the expenditure of Exposition Park funds. The proposed budget shall be formulated according to County budget policy and shall be submitted to the County Administrator according to the adopted budget calendar. The Board shall originate and submit to the County Administrator all requests for transfers within the Exposition Park Fund, for the appropriation of contingency funds or for supplemental budgets.
- (k) The Board shall utilize the County accounting system, unless the system is identified as not being suited or adequate for Exposition Park purposes. The Accounting Division shall review and make recommendations to the Board regarding its expenditure policies. The Board shall comply with any recommendations made by the auditors in their annual report to correct and bring the Exposition Park Fund into compliance with accepted municipal accounting procedures.

(l) During any time when there is not an appointed Manager, the Board shall hire, terminate and otherwise supervise the staff of the County Fairgrounds and Exposition Park in accordance with County personnel policies and procedures and union contracts.

(m) Semiannual meetings of the Fair Board and the Board of County Commissioners shall be scheduled in the months of February and September to discuss topics of mutual concern.

(n) The County Administrator shall act as a liaison between the County Fairgrounds and Exposition Park staff and County departments to facilitate effective day-to-day communications and cooperation.

(o) The Fair Board shall exercise all authority and privileges not enumerated in this section, but authorized by ORS 565.210 through 565.330.

(Order 341-81. Passed 11-12-81.)

CHAPTER 266
Farm Board of Review

EDITOR'S NOTE: There are no sections in Chapter 266. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- County Board of Review to advise Assessor in assessment of agricultural land - see ORS 308A.095
- Cooperative agreements between counties and districts - see ORS 561.240
- County court horticulture inspectors - see ORS 570.010, 570.015, 570.030
- Child labor - see ORS 653.315, 653.345, 653.350, 653.355
- Duties of farm labor contractors - see ORS 658.440
- Illegal employment of aliens - see ORS 658.440
- Compensation for livestock kills - see GEN. OFF. 610.01
- Solid waste regulations for agriculture - see H. & s. 1864.07

CHAPTER 268
Hearings Council

EDITOR'S NOTE: Provisions relating to the Hearings Council are codified in Chapter 1224 of Part Twelve the Planning and Zoning Code.

CHAPTER 269
Housing Authority

EDITOR'S NOTE: There are an sections in Chapter 269. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

County housing codes - see ORS 215.605, 215.615
Area of operation of housing authorities - see ORS 456.060
Housing authorities - see ORS 456.075
Authorities generally - see ADM. Ch. 250

CHAPTER 270
The Job Council

- 270.01 Title.
 270.01 Confirmation of formation.
 270.03 Effective date of intergovernmental agreement.
 270.04 Public purpose for which the intergovernmental entity is formed.
 270.05 Powers, duties and functions of the Job Council.
 270.06 Severability.

CROSS REFERENCES

Formation of Intergovernmental Entity - see ORS Chapter 190

270.01 TITLE.

Sections 270.01 to 270.06 shall be known as CONFIRMATION OF THE FORMATION OF THE JOB COUNCIL, AN INTERGOVERNMENTAL ENTITY.

(Ord. 99-40. Passed 11-10-99.)

270.02 CONFIRMATION OF FORMATION.

The Jackson County Board of Commissioners hereby confirms the formation of an intergovernmental entity pursuant to the terms of ORS Chapter 190. It is the intention of the Jackson County Board of Commissioners to enter into an intergovernmental agreement with Josephine County which confirms the prior creation of an intergovernmental entity called The Job Council (TJC), which was originally created in 1983.

(Ord. 99-40. Passed 11-10-99.)

270.03 EFFECTIVE DATE OF INTERGOVERNMENTAL AGREEMENT.

The effective date of the intergovernmental agreement which confirms the creation of The Job Council is November 10, 1999.

(Ord. 99-40. Passed 11-10-99.)

270.04 PUBLIC PURPOSE FOR WHICH THE INTERGOVERNMENTAL ENTITY IS FORMED.

The public purposes for which the intergovernmental entity is formed remain as follows:

- (a) To provide workforce investment activities, through local workforce investment systems, that increase the employment, retention and earnings of its participants and that increase the occupational skills of its participants; and
- (b) To improve the quality of the workforce in Jackson and Josephine counties, to reduce welfare dependency and to enhance the productivity and competitiveness of Jackson and Josephine Counties as a whole.

(Ord. 99-40. Passed 11-10-99.)

270.05 POWERS, DUTIES AND FUNCTIONS OF THE JOB COUNCIL.

The Job Council shall continue to have as its function the duty and the power to do the following:

- (a) Continue workforce training programs in Jackson and Josephine Counties and provide related services under federal and state employment and training programs, including, without limitation, the Job Training Partnership Act, the Personal Responsibility and Work Opportunity Act, the Welfare-To-Work Act and the Job Opportunities and Basic Skills Program;
- (b) Assist the Chief Elected Officials of Jackson and Josephine Counties in the exercise of their authority and the fulfillment of their responsibilities under the Job Training Partnership Act;
- (c) Administer programs under the Workforce Investment Act of 1998 and administer programs funded through sources other than the Act, to the extent consistent with federal, state and local laws;
- (d) Upon determination of its Board of Directors, to serve as the grant recipient and/or fiscal agent under the Workforce Investment Act.;
- (e) Provide services to the Local Workforce Investment Board (LWIB), including, without limitation, staff, administration and fiscal services and contract administration.
- (f) Delegate the day-to-day operations of The Job Council to an Executive Director who shall be responsible to the Board of Directors, and who shall generally have authority to sign grant and fund allocation documents, contracts and other official documents; procure personal and professional services; establish and maintain personnel rules and policies, including a compensation plan and classification system; receive and disburse all funds and assets related

to The Job Council; procure insurance; develop operations and management systems; procure audits as may be required; and develop and manage a system to resolve grievances.

(g) Perform all other lawful acts as may be necessary to fulfill the authorized purposes set forth herein.

(Ord. 99-40. Passed 11-10-99.)

270.06 SEVERABILITY.

If any provision of this Chapter is held by a court of competent jurisdiction to be invalid, it will not affect the validity of the remaining provisions.

(Ord. 99-40. Passed 11-10-99.)

CHAPTER 271
Commission on Children and Families

EDITOR'S NOTE: Chapter 271, previously titled "Juvenile Services Commission," was re-titled "Commission on Children and Families" by E. Ordinance 93-45, passed December 8, 1993, and P. Ordinance 94-4, passed February 2, 1994.

Board Order 253-85, passed August 7, 1985, adopted the Juvenile Services Commission Bylaws. Copies of such Order and of such Bylaws may be obtained, at cost, from the office of the County Counsel.

- 271.01 Repealed.
- 271.02 Repealed.
- 271.03 Repealed.
- 271.04 Repealed.
- 271.05 Repealed.
- 271.06 Repealed.
- 271.07 Repealed.
- 271.08 Repealed.
- 271.09 Repealed.
- 271.10 Repealed.
- 271.11 Establishment; purpose.
- 271.12 Comprehensive Service Plan.
- 271.13 Responsibilities of Commission.
- 271.14 Composition; terms of office.
- 271.15 Meetings; quorum.

CROSS REFERENCES

- Child welfare - see ORS Ch. 418
- Youth care centers - see ORS 418.020, 418.025
- Delinquency prevention - see ORS 418.025
- Juvenile departments - see ORS 419A.010 et seq.
- Juvenile court services - see ORS 419A.044 et seq.
- Local citizen review boards - see ORS 419A.090 et seq.
- Juvenile Department - see ADM. Ch. 241

271.01 (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)

- 271.02** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.03** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.04** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.05** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.06** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.07** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.08** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.09** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)
- 271.10** (Order 215-85. Passed 7-10-85; REPEALED by E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)

271.11 ESTABLISHMENT; PURPOSE.

There is hereby established in and for Jackson County a Commission on Children and Families. The purpose of the Commission is to create and oversee the implementation of a Comprehensive Service Plan to promote wellness for the children and families of the County, and to develop policy and advise the Board of Commissioners on children and family issues.

(E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)

271.12 COMPREHENSIVE SERVICE PLAN.

(a) General Plan Provisions. The Commission shall develop a Comprehensive Service Delivery Plan for all services to be provided to children and families in the County, pursuant to the requirements and specifications of ORS 417.775. The Plan will address recommended service delivery in Jackson County and make recommendations for Jackson County Commission

allocations which are in accordance with the priorities developed in the Plan. Generally, the comprehensive planning activities shall include identification of problems, identification of effective program models, assessment of needs and outcomes, and assistance to the County in the coordination of children and family programs.

(b) Specific Plan Requirements. Subject to the availability of funds, the Plan shall include provisions on prenatal and postnatal screening, assessment and referral for at-risk children who are newborn through age eighteen and their families in order to promote the child's wellness at the earliest possible time. The Plan shall be based on children's support areas; the needs and desired outcomes for Jackson County; local, State and Federal resources; the best practices for the community of Jackson County; and the continuation of current public and private services where appropriate.

(c) Adoption. This Plan, and any amendments, when approved by the Board of Commissioners and the State Commission on Children and Families, shall become the Plan of the County and shall be the basis for the allocation of funds from the State Commission.

(E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)

271.13 RESPONSIBILITIES OF COMMISSION.

- (a) In developing the Comprehensive Service Plan for Jackson County, the Commission shall:
- (1) Secure the active participation of local and State service providers; educators; courts; advisory groups; other planning groups for service delivery to children and families; consumers; juvenile justice professionals; child and family advocates; business leaders; citizen review boards; churches; populations representing a diversity of genders, cultures, orientations and disabilities of Jackson County; and other private organizations and citizens;
 - (2) Conduct an assessment identifying the needs and strengths of Jackson County;
 - (3) Identify opportunities for integration of services;
 - (4) Develop a comprehensive service plan and budget that will meet the priority needs of Jackson County;
 - (5) Inform the citizens about the contents of the Plan and provide for a public review and comment period;
 - (6) Develop a method for identifying and evaluating service outcomes; and
 - (7) Provide for community participation in the planning process, including notification

of the media. The Commission shall provide an opportunity for public and private contractors to review the Plan components, to receive notice of any component that the County intends to provide through a County agency and to comment publicly before the Board of Commissioners on any disagreement they may have with the proposed Comprehensive Service Plan.

(b) After approval by the Board of Commissioners and the State Commission, the role of the Commission on Children and Families shall be to oversee the implementation of the Comprehensive Service Plan for the County. The Commission shall assist the County in the following:

- (1) Monitoring and evaluating Commission-funded programs;
- (2) Applying for funds to implement the Comprehensive Service Plan for Jackson County;
- (3) Measuring the outcome of Plan components in the County;
- (4) Monitoring proposed State legislation pertaining to juveniles and making recommendations to the Board of Commissioners regarding such legislation; and
- (5) Achieving the overall goals and objectives of the Plan.

(c) The County Administrator may designate one or more County staff members to provide administrative support to the Commission.

(E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)

271.14 COMPOSITION; TERMS OF OFFICE.

(a) A majority of a local commission on children and families, including the chairperson, shall be laypersons as defined in ORS 417.730 (6)(b). Appointments to the local commission shall reflect the county's diverse populations and shall reflect expertise along the full spectrum of developmental stages of a child, from the prenatal stage through 18 years of age. Members shall include persons who have knowledge of the issues relating to children and families in the affected communities, including education, municipal government and the court system.

(b) Members of the local commission shall be appointed to staggered four-year terms. The appointing board of county commissioners may appoint a member for additional terms or may limit the number of terms that a member may serve

(Ord. 94-91. Passed 9-28-94; Ord. 2004-10. Passed 9-29-04.)

271.15 MEETINGS; QUORUM.

(a) The Commission on Children and Families shall hold regular meetings at least once quarterly, its first meeting to be held prior to February 1, 1994. The frequency, time and place of Commission meetings are to be established by the members in accordance with the needs of the Commission and at the request of the Board of Commissioners. The Commission shall organize, select officers and adopt rules and procedures for the conduct of its business. Notice of meetings shall be given to the Board and to the public as required by the Oregon Public Meetings Law, ORS 192.610 to 192.690.

(b) A quorum of the Commission on Children and Families shall constitute a majority of the members. Without a quorum, no action can be taken except to adjourn the meeting.

(E. Ord. 93-45. Passed 12-8-93; P. Ord. 94-4. Passed 2-2-94.)

CHAPTER 272
Law Library Advisory Committee

- 272.01 Establishment; composition; compensation.
272.02 Functions and responsibilities.

CROSS REFERENCES

County law libraries - see ORS 9.840, 9.850
 Depository libraries as schools - see ORS 357.071
 Establishing libraries - see ORS 341.405, 357.410, 357.490
 Application of statutes - see ORS 357.610
 County master plans, service districts - see ORS 451.420
 Library Department - see ADM. Ch. 240
 Library Advisory Committee - see ADM. Ch. 274
 County Library System - see S.U. & P.S. Ch. 1068
 County Law Library - see S.U. & P.S. Ch. 1070

272.01 ESTABLISHMENT; COMPOSITION; COMPENSATION.

(a) There is hereby established in and for the County a Law Library Advisory Committee.

(Ord. 6-83. Passed 1-5-83.)

(b) The Committee shall consist of the Library Director, as a voting ex-officio member, and four additional members appointed by the Board of County Commissioners, as follows:

- (1) Two members recommended by the Jackson County Bar Association;
- (2) One resident Judge of the First Judicial District recommended by the Presiding Judge;
and
- (3) One lay member intended to represent the general public and who may be recommended by the Committee.

(Ord. 6-83. Passed 1-5-83; Ord. 87-5. Passed 6-17-87.)

(c) Appointments to the Committee shall be for terms of four years. Members may be reappointed. All terms shall expire on June 30 of the appropriate year.

(d) Members of the Committee shall serve without compensation, subject to budget limitations for incurred expenses.

(Order 6-83. Passed 1-5-83.)

272.02 FUNCTIONS AND RESPONSIBILITIES.

The functions and responsibilities of the Law Library Committee shall be to:

- (a) Formulate and recommend operational policies to the Board of County Commissioners and to monitor adopted policies;
- (b) Recommend hours and other use policies for the Law Library;
- (c) Select books and materials for the Law Library and - seek assistance from the Bar Association in the selection of books and materials;
- (d) Hear, consider and recommend resolutions to complaints;
- (e) Serve as a liaison between the Board, the County Administrator, the County Library staff, the Bar Association and the general public;
- (f) Establish appropriate bylaws; and
- (g) Perform such other duties as assigned by the Board.

(Order 6-83. Passed 1-5-83.)

CHAPTER 274
Library Advisory Committee

- 274.01 Establishment; functions; composition; compensation.
274.02 Responsibilities.

CROSS REFERENCES

Establishing libraries - see ORS 341.405, 357.410, 357.490
Contracting library service - see ORS 357.031, 357.410, 357.610
Tax levies - see ORS 357.430, 357.525
Duties and powers of library boards - see ORS 357.490
Annual report - see ORS 357.520
County master plans, service districts - see ORS 451.420
Library Department - see ADM. Ch. 240
Law Library Advisory Committee - see ADM. Ch. 272
County Library System - see S.U. & P.S. Ch. 1068
County Law Library - see S.U. & P.S. Ch. 1070

274.01 ESTABLISHMENT; FUNCTIONS; COMPOSITION; COMPENSATION.

(a) There is hereby established in and for the County a Library Advisory Committee. The Committee shall be advisory to the Board of County Library Commissioners regarding policy matters and shall submit recommendations to the Board on matters which relate to the County Library system. The Administrator of the County Library system shall be under the Board and subject to all orders, ordinances, etc., enacted by the Board.

(b) The Committee shall be composed of seven members, appointed by the Board, with appointments beginning on July 1 and expiring on June 30. Unexpired terms shall be filled by the Board after receiving recommendations of the Committee. Not more than one elected official of the County or any city shall serve at one time as a member of the Committee. Committee members shall serve for terms of four years each, until the expiration of that term or until their successors are appointed.

(c) Members of the Committee shall serve without compensation. However, all expenses necessarily incurred by the members of the Committee shall, subject to budgetary limitations and County policy, be paid from the appropriate fund.

(Order 284-81. Passed 10-14-81.)

274.02 RESPONSIBILITIES.

The Library Advisory Committee shall be responsible for those items cited in ORS 357.490, as follows:

- (a) Formulate and recommend to the Board of County Commissioners rules and policies for the governance of the County Library;
- (b) Monitor County Library operations which affect policy matters and make necessary reports on the state of the County Library system;
- (c) Establish rules and regulations for the use of the County Library, subject to review by the Board in case of complaints or objections;
- (d) Recommend to the Board on such matters as acceptance, use or expenditure of real property, equipment, bequests and gifts for County Library use, within conditions set by donors of such gifts;
- (e) Recommend to the Board the selection of sites for County Library buildings or for the establishment and location of County Library facilities, the adequacy of existing facilities and the purchase and disposal of real or personal property;
- (f) Recommend to the Board contractual agreements as needed;
- (g) Serve as a liaison between the Board, the County Library staff and the general public in regard to County Library matters, and encourage use and support of the County Library;
- (h) Establish bylaws, to be approved by the Board, for the governance of the Committee;
- (i) Review with the County Library staff priorities for facilities and services for budget purposes;
- (j) Within policies approved by the Board, review the selection of books and other County Library materials whenever there are complaints from the public, and act as the final authority on the inclusion or exclusion of controversial matters;
- (k) Recommend to the County Administrator the appointment and discharge of the Library Director; and
- (l) Such other activities as the Board may assign.

(Order 284-81. Passed 10-14-81.)

CHAPTER 275
Local Contract Review Board

EDITOR'S NOTE: The Board of County Commissioners serves as the Local Contract Review Board.

There are no sections in Chapter 275. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Actions on contracts - see ORS 30.320

Land sales - see ORS 275.180, 275.200

Purchasing, bids and bidding - see ORS 279.005 et seq.

Creation of board - see ORS 279.055

Public contracts generally - see ORS 279.310 et seq.

Bonds; action on bonds - see ORS 279.526 et seq.

Contracts generally - see ADM. Ch. 208

Recording fees - see ADM. 217.01

Contracts for County Fairgrounds and Exposition Park - see ADM. 265.02

CHAPTER 277
Parks and Recreation Advisory Committee

- 277.01 Establishment; composition; terms of office; meetings; compensation.
277.02 Duties and powers.

CROSS REFERENCES

County's power of eminent domain - see ORS 203.135
Parks and recreation areas generally - see ORS 275.320, 275.330, 275.370; S.U. & P.S. Ch. 1064
Bear Creek, Jackson County - see ORS 390.250, 390.255, 390.260; P. & Z. Ch. 1228
Minors curfew - see ORS 419C.680
Hunting or trapping - see ORS 498.158
Fairgrounds - see ORS 565.230; S.U. & P.S. Ch. 1066
Parks and Recreation Department - see ADM. Ch. 231

277.01 ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE; MEETINGS; COMPENSATION.

(a) There is hereby established in and for the County a Parks and Recreation Advisory Committee. The Committee shall consist of nine members representing the following geographical areas of the County. If a representative cannot be found from a geographic area, a member may be selected at large.

<u>Positions</u>	<u>Geographical Area</u>
1	Ashland
2	Jacksonville/Applegate
3	Medford
4	Medford
5	Rogue River/God Hill
6	Shady Cove/Trail/Butte Falls
7	Phoenix/Talent
8	Central Point/Eagle Point
9	At large

(b) Members of the Committee shall serve three years until the expiration of their terms or until their successors are appointed. The terms of three members shall expire each June 30. When a member of the Committee completes a term of office, the Committee shall, by a majority vote,

recommend a replacement to the Board of County Commissioners. Whenever a member fails to attend more than three consecutive regular meetings, the Committee shall, upon a majority vote, recommend to the Board a replacement to serve the remainder of the unexpired term, unless the member's failure is excused. The Committee shall have regular meetings, with the frequency, time and place to be established by the members in accordance with the needs of the Committee. Notice of meetings shall be given to the Board and to the public in accordance with State law.

(c) Members of the Committee shall serve without compensation, but may receive reimbursement for necessary travel and other expenses incurred on official business in accordance with established County policies, subject to budget limitations.

(Order 285-81. Passed 10-14-81.)

277.02 DUTIES AND POWERS.

(a) The Parks and Recreation Advisory Committee shall have the following duties and powers:

(1) To act in an advisory capacity to the Board of County Commissioners as to acquisition, promotion, development, maintenance and financing of a system of high standards in County parks and recreational facilities;

(2) To evaluate sites and facilities suitable for the present or future use of the residents of the County for park, recreation, scenic and historical purposes in conformity with the Parks and Recreation Five-Year Comprehensive Plan, and to recommend to the Board the acquisition and permanent designation of such sites for public use, whether or not the same are made a part of the County system, so that these resources may be preserved and developed for the use and enjoyment of the public now and in the future;

(3) To cooperate with State, Federal and local agencies to coordinate an overall park and recreation program in the County;

(4) To enlist the cooperation of local and special interest agencies and groups in the development and maintenance of parks and recreational facilities;

(5) To review park and recreation matters with the Roads and Parks Director for the purpose of developing new policies or modifying old ones as needed for the efficient operation of the County parks and recreation system and recommend such policies to the Board. The administration and management of such policies, as approved by the Board, shall be the responsibility of the Director.

(6) To actively solicit gifts of sites, facilities and funds for recreational facilities of the Roads and Parks Department.

(b) To facilitate the role of the Committee in fulfilling its duties and responsibilities, the Director shall provide necessary assistance.

(Order 285-81. Passed 10-14-81; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

CHAPTER 278
Planning Commission

EDITOR'S NOTE: Provisions relating to the Planning Commission are codified in Chapter 1222 of Part Twelve the Planning and Zoning Code.

CHAPTER 280
Private Industry Council

EDITOR'S NOTE: There are no sections in Chapter 280. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Acquisition and lease by counties of industrial facilities - see ORS 271.510, 271.520, 271.530, 271.540
- Industrial research and development policy - see ORS 271.520
- Sale or conveyance of industrial facilities by counties - see ORS 271.530
- Industrial Development Revolving Fund - see ORS 275.318
- Community development corporations - see ORS 708A.150
- Councils generally - see ADM. Ch. 250
- Economic Development Advisory Committee - see ADM. Ch. 263

CHAPTER 281
Regional Solid Waste Committee

EDITOR'S NOTE: Section 1864.05 of Part Eighteen the Health and Sanitation Code authorizes the Board of County Commissioners to establish a Regional Solid Waste Committee under certain conditions. At the time of the preparation of these Codified Ordinances, the Board had not established such a Committee.

There are no sections in Chapter 281. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Metropolitan service districts - see ORS 268.030, 268.310 et seq.

County service districts - see ORS 451.010, 451.570

County garbage and refuse - see ORS 459.025 et seq.

Financing of county facilities for solid waste control - see ORS 468.263, 468.265;

Radioactive wastes and materials - see ORS 469.525 et seq.

Solid waste franchising and nuisance abatement - see H. & S. Ch. 1864

Regional Solid Waste Committee - see H. & S. 1864.05

CHAPTER 283
Status of Women Advisory Committee

- 283.01 Policy statement; establishment; application.
283.02 Composition; terms of office; meetings; compensation.
283.03 Functions and responsibilities.

CROSS REFERENCES

- Removal of wife's civil disabilities; wife's civil rights (feme sole) - see
ORS 108.010
Family abuse and violence - see ORS 133.055
Discrimination in educational and recreational facilities - see ORS 179.750
Commission for Women - see ORS 185.510 et seq.
Wage discrimination - see ORS 652.210, 652.220, 652.230, 652.990
Discrimination in employment - see ORS 659.020, 659.029, 659.030
Pregnancy and childbirth - see ORS 659.029
Committees generally - see ADM. Ch. 250
Discrimination in Airport businesses - see S.U. & P.S. 1062.52

283.01 POLICY STATEMENT; ESTABLISHMENT; APPLICATION.

(a) It is the policy of the County to take affirmative action to eliminate the practice of discrimination and prejudice on account of sex in the areas of housing, education, community services, employment and related fields. In order to promote this policy, there is hereby established in and for the County a Status of Women Advisory Committee.

(b) This chapter shall apply throughout the County. Nothing in this chapter shall be deemed to create any right, power or duty in conflict with any State, Federal or municipal law.

(Ord 80-2. Passed 5-21-80.)

283.02 COMPOSITION; TERMS OF OFFICE; MEETINGS; COMPENSATION.

The Status of Women Advisory Committee shall consist of eleven members. Members of the Committee shall serve two-year terms or until their successors are appointed. When a member of the Committee completes a term of office, the Committee shall, upon a majority vote, recommend a replacement to the Board of County Commissioners. Whenever a member fails to attend more than three consecutive regular meetings, the Committee shall, upon a majority vote, recommend to the Board a replacement to serve the remainder of the unexpired term, unless the

member's failure is excused. The Committee shall have regular meetings, the frequency, time and place of which shall be established by the members in accordance with the needs of the Committee. Notice of meetings shall be given to the Board and the public in accordance with State law. Members of the Committee shall serve without compensation, but may receive reimbursement for necessary travel and other expenses incurred on official business in accordance with established County policies, subject to budget limitations.

(Order 281-81. Passed 10-14-81.)

283.03 FUNCTIONS AND RESPONSIBILITIES.

The functions and responsibilities of the Status of Women Advisory Committee shall be to:

- (a) Study and investigate, by means of meetings, conferences or public hearings, conditions which demonstrate discrimination or prejudice against any person because of sex, and complaints on the needs and problems of women;
- (b) Initiate its own investigations within its scope of authority;
- (c) seek to resolve such matters through consultation, conciliation and advice;
- (d) Consult and cooperate with the Board of County Commissioners and Federal, State, city and other public agencies, and refer, if requested, to the proper governmental agencies, any matters, disputes or controversies already in the jurisdiction of its existent powers, with the intent that duplication of efforts should be avoided;
- (e) Prepare and disseminate information in the field of sex discrimination and prejudice, and advise and counsel residents of the County, the Board and departments and agencies of the County, State and Federal governments on matters involving the needs of women and relating to discrimination and prejudice because of sex;
- (f) Recommend necessary procedures, programs or legislation to promote and ensure equal rights and opportunities;
- (g) Undertake any specific task or investigation as may be requested by the Board;
- (h) Render to the Board, at least once each calendar year, a report of its activities and other special reports as requested by the Board;
- (i) Subject to the approval of the Board, request information and use of services, facilities and other assistance for purposes of furthering the objectives of this chapter; and

(j) Facilitate or promote programs relevant to the status of women as proposed and supported by community organizations.

(Order 281-81. Passed 10-14-81.)

CHAPTER 284
Taylor Grazing Advisory Committee

- 284.01 Establishment; composition.
284.02 Terms of office; meetings; compensation.
284.03 Duties and powers.

CROSS REFERENCES

State finance - see ORS 293.575
Funds received under Taylor Grazing Act - see ORS 293.575, 294.070
Tax on lands conveyed to United States under Taylor Grazing Act - see
ORS
311.800
Committees generally - see ADM. Ch. 250
Compensation for livestock kills - see GEN. OFF. 610.01
Solid waste regulations for agriculture - see H. & S. 1864.07

284.01 ESTABLISHMENT; COMPOSITION.

There is hereby established in and for the County a Taylor Grazing Advisory Committee. The Committee shall consist of five members representing the following interest groups:

<u>Position</u>	<u>Representing</u>
1	Ranching
2	Land management professional
3	Ranching
4	Ranching
5	Fish and wildlife professional

(Order 86-82. Passed 2-24-82.)

284.02 TERMS OF OFFICE; MEETINGS; COMPENSATION.

(a) Members of the Taylor Grazing Advisory Committee shall be appointed for three-year terms or until their successors are appointed. However, the first members appointed to even-numbered positions shall have their terms expire in two years. Members' terms shall expire on December 31. When a member of the Committee completes a term of office, the Committee shall, upon a majority vote, recommend a replacement to the Board of County Commissioners. Whenever a member fails to attend more than three consecutive regular meetings, the Committee shall, upon

a majority vote, recommend to the Board a replacement to serve the remainder of the unexpired term, unless the member's failure is excused.

(b) The Committee shall have regular meetings, with the frequency, time and place to be established by the members in accordance with the needs of the Committee. Notice of meetings shall be given to the Board and the public in accordance with State law.

(c) Members of the Committee shall serve without compensation, but may receive reimbursement for necessary travel and other expenses incurred on official business in accordance with established County policies, subject to budget limitations.

(Order 86-82. Passed 2-24-82.)

284.03 DUTIES AND POWERS.

The Taylor Grazing Advisory Committee shall have the following duties and powers:

(a) To act in an advisory capacity to the Board of County Commissioners as to expenditure of Taylor Grazing funds;

(b) To evaluate and recommend to the Board expenditures for authorized range improvements, such as fences, reservoirs, wells, water developments, maintenance and other range improvements as recommended by the Committee; and

(c) To cooperate with State, Federal and local agencies and users to coordinate the expenditure of Taylor Grazing funds.

(Order 86-82. Passed 2-24-82.)

CHAPTER 286
Telecommunications Advisory Committee

EDITOR'S NOTE: There are no sections in Chapter 286. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Poles, lines and wires of telegraph and telephone companies; joint occupancy - see
ORS 98.644, 98.654, 758.010, 758.020

Theft of communications services - see ORS 164.125

Wiretapping and eavesdropping - see ORS 165.535 et seq.

Lines and poles - see ORS 758.020

Underground facilities - see ORS 758.210 et seq.

Committees generally - see ADM. Ch. 250

Cable franchises - see S.U. & P.S. Ch. 1036

Radio equipment at Airport - see S.U. & P.S. 1062.20

CHAPTER 287
Unified Board of Appeals

EDITOR'S NOTE: Provisions relating to the Unified Board of Appeals are codified in Chapter 1444 of Part Fourteen the Building and Housing Code.

CHAPTER 289
Vector Control Committee

EDITOR'S NOTE: There are no sections in Chapter 289. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Master plans, service districts - see ORS 451.010, 451.420

Vector control districts - see ORS 452.020 et seq.

Control of vectors by counties - see ORS 452.210 et seq.

State regulation of refuse and garbage - see ORS 459.045

Committees generally - see ADM. Ch. 250

Vector control - see GEN. OFF. Ch. 690

CHAPTER 292
Welfare Board

EDITOR'S NOTE: There are no sections in Chapter 292. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Eligibility for public assistance - see ORS 411.105 et seq.
- County boards for public assistance - see ORS 411.145, 411.155
- Aid to blind - see ORS 412.105, 412.108
- Aid to disabled - see ORS 412.625, 412.630
- Old age assistance - see ORS 413.160, 413.165
- Aid to dependent children - see ORS 418.054, 418.059
- Boards generally - see ADM. Ch. 250
- Parking for disabled persons - see TRAF. 440.05

CHAPTER 294
County Hearings Officer

- 294.01 Definitions
- 294.02 Jurisdiction of Hearings Officer; Appointment; Authority.
- 294.03 Hearings Officer Panel Established.
- 294.04 Hiring and Review of Hearings Officer.
- 294.05 Assignments of Hearings Officer; Request for Change of Hearings Officer.
- 294.06 Hearings Procedure Established; Subject Matter; Standard of Proof.
- 294.07 Notice to Party; Request for Hearing; Informal Disposition.
- 294.08 Notice to Party Before Hearing; Rights and Procedure; Failure to Provide Notice.
- 294.09 Hearing; Record.
- 294.10 Discovery.
- 294.11 Subpoenas in County Violation Cases.
- 294.12 Evidence in County Violations Cases.
- 294.13 Representation of Department Employees at County Violation Case Hearings.
- 294.14 Representation of Persons Other Than County Participating in County Violation Case Hearing.
- 294.15 Hearings Officer Statement of Ex Parte Communications.
- 294.16 Entry; Non-Default Cases.
- 294.17 Entry; Default Cases.
- 294.18 Order by Hearings Officer.
- 294.19 Orders in County Violations Cases.
- 294.20 Enforcement of Hearings Officer Orders; Contempt.
- 294.21 Judicial Review; Appeal.

294.01 DEFINITIONS.

- (a) "County violation(s)" means any offense designated as a violation in the Jackson County Code.
- (b) "Department" is any entity defined within the jurisdiction of Jackson County and designated a department by the County Administrator.
- (c) "Hearings Officer" means the person established in this section with the authority to hear county violation cases and impose penalties for county violations. This definition includes a "Chief Hearings Officer" who will have authority to manage the Hearings Officer Panel, if one is established.

(Ord. 2003-5; Passed 2-19-03.)

2003 Replacement

294.02 JURISDICTION OF HEARINGS OFFICER; AUTHORITY.

(a) The Hearings Officer shall be appointed by the Board of Commissioners to serve at the pleasure of the Board of Commissioners.

(b) The Hearings Officer shall have jurisdiction over all matters of County concern arising from violation of Jackson County ordinances, or administrative rules. The Hearings Officer shall have authority to adjudicate all county violations with the power to impose civil and criminal remedies for such violations as permitted under Oregon State law and Jackson County Charter and Ordinances. In cases submitted and adjudicated in compliance with the procedures set forth in this chapter, the Hearings Officer's decision shall be the County's final determination of the issues decided.

(c) The Hearings Officer shall have authority to administer oaths, certify to all official acts; subpoena and require attendance of witnesses at public hearings before the Hearings Officer; require production of relevant documents at public hearings; swear witnesses; take testimony of any person by deposition; and, if deemed necessary or appropriate, enter or authorize County personnel or their designees to enter upon any premises of any person or business found to be out of compliance or in violation of any provision of the County Code.

(Ord. 2003-5; Passed 2-19-03; Ord. 2003-13; Passed 4-23-03.)

294.03 HEARINGS OFFICER PANEL ESTABLISHED.

The Hearings Officer Panel is established within the County Administrator's Office. The Panel shall be managed by the Chief Hearings Officer. The Chief Hearings Officer shall have a Hearings Officer available to all County departments to resolve County violation cases.

(Ord. 2003-5; Passed 2-19-03.)

294.04 HIRING AND REVIEW OF HEARINGS OFFICERS.

(a) A Hearings Officer employed by or contracting with the county shall conduct hearings on behalf of departments as assigned by the Chief Hearings Officer. A Hearings Officer shall be impartial in the performance of the Hearings Officer's duties and shall remain fair in all hearings conducted by the Hearings Officer.

(c) Only persons who demonstrate thorough knowledge of administrative law and procedure may be employed as a Hearings Officer by the Chief Hearings Officer.

(Ord. 2003-5; Passed 2-19-03.)

294.05 ASSIGNMENT OF HEARINGS OFFICERS; REQUEST FOR CHANGE OF HEARINGS OFFICER.

After assignment of a Hearings Officer from the Hearings Officer Panel to conduct a hearing on behalf of a County department, the chief Hearings Officer may assign a different Hearings Officer for the hearing upon receiving a written request submitted with a showing of good cause by any actual party in the County violation case. Such request must be made at or before the commencement of the hearing and before introduction of evidence in the hearing before the Hearings Officer. Only one request for a change of assignment of Hearings Officer may be granted.

(Ord. 2003-5; Passed 2-19-03.)

294.06 HEARINGS PROCEDURE ESTABLISHED; SUBJECT MATTER; STANDARD OF PROOF.

(a) Unless otherwise provided for by State law or by this Jackson County Ordinance, the sections that follow will provide the procedure to be followed in County violation cases.

(b) Hearings to determine whether a County violation has occurred shall be held before the Hearings Officer. The County must prove the violation alleged by a preponderance of the admissible evidence.

(Ord. 2003-5; Passed 2-19-03.)

294.07 NOTICE TO PARTY; REQUEST FOR HEARING; INFORMAL DISPOSITION.

(a) In a County violations case, all parties shall be afforded an opportunity for hearing after reasonable notice, and served, as provided in JCC Section 203.03, 203.05 and 203.06.

(b) Notice shall include:

- (1) A statement of the party's right to hearing, or a statement of the time and place of the hearing;
- (2) A statement of the authority and jurisdiction under which the hearing is to be held;
- (3) A reference to the particular sections of the statutes and rules involved;
- (4) A short and plain statement of the matters asserted or charged; and

- (5) A statement of the potential consequences as set forth under JCC Section 203.11 should the defendant fail to appear at the scheduled hearing.
- (c) Parties may elect to be represented by counsel and to respond and present evidence and argument on all issues involved.
- (d) If the defendant requests a hearing by means of a written appearance, notice of the hearing must be mailed to the defendant not less than 10 days from the date set for the hearing unless otherwise waived by the defendant or the County demonstrates emergency conditions that require a prompt remedy.
- (e) Informal Disposition.
- (1) Unless precluded by law, informal disposition may be made of any County violation case by stipulation, agreed settlement, consent order or default.
- (2) Any informal disposition of a County violation case, other than an informal disposition by default, must be in writing and signed by the party or parties to the case. The Hearings Officer shall incorporate that disposition into a final order. An order under this paragraph is not subject to JCC Section 294.19. The Hearings Officer shall deliver or mail a copy of the order to each party, or, if applicable, to the party's attorney of record. An order that incorporates the informal disposition is a final order in a County violation case, but is not subject to judicial review. A party may petition the Hearings Officer to set aside a final order that incorporates the informal disposition on the ground that the informal disposition was obtained by fraud or duress.
- (f) An order adverse to a party may be issued upon default only upon a prima facie case made on the record to the Hearings Officer. When an order is effective as a result of a party not requesting a hearing, the record may be made at the time of issuance of the order. If the order is based only on material included with a citation, in the application, or other submissions of a party, the Hearings Officer may so certify and so notify the party, and such material shall constitute the evidentiary record of the proceeding in which a hearing was not requested.

(Ord. 2003-5; Passed 2-19-03.)

294.08 NOTICE TO PARTY BEFORE HEARING; RIGHTS AND PROCEDURE; FAILURE TO PROVIDE NOTICE.

- (a) Prior to the commencement of a hearing for county violations before the Hearings Officer, the Hearings Officer shall inform each party to the hearing of the following matters:

- (1) If a party is not represented by an attorney, a general description of the hearing procedure including the standard of proof, order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence.
 - (2) Whether a record will be made of the proceedings and the manner of making the record and its availability to the parties.
 - (3) The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the Hearings Officer.
 - (4) Whether an attorney will represent the County in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.
 - (5) The title and function of the Hearings Officer, including the effect and authority of the Compliance Hearings Officer's determination;
 - (6) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.
 - (7) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the Hearings Officer and the hearing reopened.
 - (8) Whether there exists an opportunity after the hearing and prior to the final determination or order of the Hearings Officer to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the Hearings Officer presiding at the hearing.
 - (9) That the decision of the Hearings Officer may be appealed as provided in JCC Section 294.21, and that the appellant shall pay all costs of the appeal including costs for preparation of a transcript.
- (b) The information required to be given to a party to a hearing under subsection (a) of this section may be given in writing or orally before commencement of the hearing.

(c) The failure of a Hearings Officer to give notice of any item specified in subsection (a) of this section shall not invalidate any determination or order of the Hearings Officer, unless upon an appeal from or review of the determination or order a court finds that the failure affects the substantial rights of the complaining party. In the event of such a finding, the court shall remand the matter to the Hearings Officer for a reopening of the hearing and shall direct the Hearings Officer as to what steps it shall take to remedy the prejudice to the rights of the complaining party.

(Ord. 2003-5; Passed 2-19-03.)

294.09 HEARING; RECORD.

(a) At the commencement of the hearing, the Hearings Officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove. The Hearings Officer shall further advise the parties that any issue which may be the basis for an appeal to the Circuit Court shall be raised not later than the close of the record.

(b) Testimony shall be taken upon oath or affirmation of the witness from whom received. The Hearings Officer presiding at the hearing shall administer oaths or affirmations to witnesses.

(c) The Hearings Officer presiding at the hearing shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to the Hearings Officer during the pendency of the proceeding and notify the parties of the communication and of their right to rebut such communications.

(d) The Hearings Officer presiding at the hearing shall advise all parties at the close of the hearing that any issue which may be the basis for an appeal to the Circuit Court must be submitted before the close of the record in order to be considered in appeal.

(e) The Hearings Officer presiding at the hearing shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the presiding Hearings Officer in the case.

(f) The record in a County Violation case shall include:

- (1) All pleadings, motions and intermediate rulings.
- (2) Evidence received or considered.
- (3) Stipulations.
- (4) A statement of matters officially noticed.
- (5) Questions and offers of proof, objections and rulings thereon.
- (6) A statement of any ex parte communications on a fact in issue made to the Hearings Officer presiding at the hearing.

- (7) Proposed findings and exceptions.
- (8) Any proposed, intermediate or final order prepared by the Hearings Officer or a Hearings Officer.

(g) A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The County will charge the party requesting transcription the cost of a copy of transcription according to the fee schedule set by the Board of Commissioners.

(Ord. 2003-5; Passed 2-19-03.)

294.10 DISCOVERY.

(a) Except as otherwise provided by Oregon Public Records law, the parties will, as soon as practicable, disclose and make available to the party requesting discovery all materials, evidence, reports, and names of witnesses within the party's possession which the party in possession intends to offer in evidence at the hearing.

(Ord. 2003-5; Passed 2-19-03.)

294.11 SUBPOENAS IN COUNTY VIOLATION CASES.

(a) The County may issue subpoenas on its own motion in a County violation case. In addition, the County or Hearings Officer in a County violation case may issue subpoenas upon the request of a party to a County violation case upon a showing of general relevance and reasonable scope of the evidence sought. A party entitled to have witnesses on behalf of the party may have subpoenas issued by an attorney of record of the party, subscribed by the signature of the attorney. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the county, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2).

(b) If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which the party or witness may be lawfully interrogated, the Hearings Officer, the county or the party requesting the issuance of or issuing the subpoena, may apply to the judge of the Circuit Court to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(Ord. 2003-5; Passed 2-19-03.)

294.12 EVIDENCE IN COUNTY VIOLATION CASES.

In County violation cases:

- (a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but erroneous rulings on evidence shall not preclude County action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. Agencies and Hearings Officers shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.
- (b) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to, and except as provided in subsection (d) of this section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a County violation case rests on the proponent of the fact or position.
- (c) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence. Persons appearing in a limited party status shall participate in the manner and to the extent prescribed by rule of the County.
- (d) The Hearings Officer and County may take notice of judicially cognizable facts, and may take official notice of general, technical or scientific facts within the specialized knowledge of the Hearings Officer or county. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision of material officially noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Hearings Officer and county may utilize the Hearings Officer's or county's experience, technical competence and specialized knowledge in the evaluation of the evidence presented.
- (e) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence.

(Ord. 2003-5; Passed 2-19-03.)

294.13 REPRESENTATION OF DEPARTMENT EMPLOYEES AT COUNTY VIOLATION CASE HEARINGS.

- (a) Departments may, at their discretion, be represented at county violation case hearings by the County Counsel.
- (b) A Department may be represented at county violation case hearings by an enforcement officer or employee of the Department enforcing the ordinance in question.
- (c) The Hearings Officer presiding at a county violation case hearing in which a county representative appears under the provisions of this section may allow the county representative to present evidence, examine and cross-examine witnesses, and make arguments relating to the:
- (1) Application of statutes and rules to the facts in the county violation case;
 - (2) Actions taken by the county in the past in similar situations;
 - (3) Literal meaning of the statutes or rules at issue in the county violation case;
 - (4) Admissibility of evidence; and
 - (5) Proper procedures to be used in the County violation case hearing.
- (d) Upon judicial review, no limitation imposed under this section on the county representative is the basis for reversal or remand of a county action unless the limitation resulted in substantial prejudice to a party.

(Ord. 2003-5; Passed 2-19-03.)

294.14 REPRESENTATION OF PERSONS OTHER THAN COUNTY PARTICIPATING IN COUNTY VIOLATION CASE HEARING.

- (a) A person participating in a county violation case hearing conducted by the county as described in this subsection may be represented by an attorney, or by a representative as provided in subsection (b) in this section.
- (b) A person participating in a county violation case hearing as provided in subsection (a) of this section may appear by an authorized representative if:
- (1) The Hearings Officer conducting the county violation case hearing has determined that appearance of such a person by an authorized representative will not hinder the orderly and timely development of the record in the type of county violation case hearing being conducted;

(2) The Hearings Officer conducting the county violation case hearing allows, by rule, authorized representatives to appear on behalf of such participants in the type of county violation case hearing being conducted; and

(3) The Hearings Officer presiding at the county violation case hearing may exercise discretion to limit an authorized representative's presentation of evidence, examination and cross-examination of witnesses, or presentation of factual arguments to ensure the orderly and timely development of the hearing record, and shall not allow an authorized representative to present legal arguments except to the extent authorized under subsection (c) of this section.

(c) The Hearings Officer presiding at a county Violation case hearing in which an authorized representative appears under the provisions of this section may allow the authorized representative to present evidence, examine and cross-examine witnesses, and make arguments relating to the:

- (1) Application of statutes and rules to the facts in the County violation case;
- (2) Actions taken by the County in the past in similar situations;
- (3) Literal meaning of the statutes or rules at issue in the County violation case;
- (4) Admissibility of evidence; and
- (5) Proper procedures to be used in the county violation case hearing.

(d) Upon judicial review, no limitation imposed by a Hearings Officer on the participation of an authorized representative shall be the basis for reversal or remand of County action unless the limitation resulted in substantial prejudice to a person entitled to judicial review of the County action.

(e) For the purposes of this section, "authorized representative" means a member of a participating partnership, an authorized officer or regular employee of a participating corporation, association or organized group, or an authorized officer or employee of a participating governmental authority other than the County.

(Ord. 2003-5; Passed 2-19-03.)

294.15 HEARINGS OFFICER STATEMENT OF EX PARTE COMMUNICATIONS.

The Hearings Officer shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to the Hearings Officer during its review of a County violation case. The Hearings Officer shall notify all parties of such communications and of their right to rebut the substance of the ex parte communications on the record.

(Ord. 2003-5; Passed 2-19-03.)

294.16 ENTRY; NON-DEFAULT CASES.

- (a) If a hearing is held in a County violation proceeding, the Hearings Officer shall enter a judgment based on the evidence presented at the hearing.
- (b) If the defendant appears and enters a plea of no contest, and a hearing is not otherwise required by the Hearings Officer or by law, the Hearings Officer shall make a decision based on the citation, the statement filed by the defendant and any other information or materials submitted to the Hearings Officer.
- (c) If the defendant enters a plea of guilty, and a hearing is not otherwise required by the Hearings Officer or by law and the Hearings Officer accepts the plea of guilty, judgment shall be entered against the defendant based on the violation citation.

(Ord. 2003-5; Passed 2-19-03.)

294.17 ENTRY; DEFAULT CASES.

- (a) If the defendant in a County violation case does not make a first appearance in the manner required by JCC Section 203.07 within the time allowed, and a hearing is not otherwise required by the Hearings Officer or by law, the Hearings Officer may enter a default judgment based on the complaint and any other evidence the judge determines appropriate.
- (b) If the defendant makes a first appearance in the manner required by JCC Section 203.07 within the time allowed and requests a hearing, and the defendant subsequently fails to appear at the date, time and place set for any hearing or other appearance in the matter, and if a hearing is not otherwise required by the Hearings Officer or by law, the Hearings Officer shall enter a judgment based on the complaint and any other evidence the judge determines appropriate.

(Ord. 2003-5; Passed 2-19-03.)

294.18 ORDER BY HEARINGS OFFICER.

- (a) The Hearings Officer shall prepare and serve on the County and all parties to a County violation case hearing an order, including findings of fact and conclusions of law. The order shall become final upon the signing of the order, unless the Hearings Officer within that period issues an amended order. The order shall have the full effect and powers provided by law.

(Ord. 2003-5; Passed 2-19-03.)

294.19 ORDERS IN COUNTY VIOLATION CASES.

In a County violation case:

- (a) Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.
- (b) A final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the Hearings Officer's order. Such order shall be mailed not more than 72 hours from the close of the hearing.
- (c) The failure of an Hearings Officer to complete and send the order specified in subsection (b) of this section, shall not invalidate any determination or order of the Hearings Officer.
- (d) The Hearings Officer shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.
- (e) Every final order shall include a citation of the statutes under which the order may be appealed.

(Ord. 2003-5; Passed 2-19-03.)

294.20 ENFORCEMENT OF HEARINGS OFFICER ORDERS; CONTEMPT.

- (a) The Hearings officer has the power to impose fines, fees, and remedial sanctions for such violations adjudged to have been committed by a defendant. Such violations include wilful misconduct, disobedience of, or resistance to or obstruction of the Hearings Officer's authority, process, orders or judgment.
- (b) Fines and costs are payable ten days after the mailing of the final order. Fines and costs owing to the County may be collected in the same manner as any other debt allowed by law and as specifically provided under ORS 30.460 and related statutes.
- (c) Unless otherwise provided, abatement of nuisance, forfeiture of property, or other specified performance of the Defendant ordered by the Hearings Officer is to be performed by the date so ordered which will not be less than 10 (ten) days from the date of judgment. If defendant fails to comply with the judgment order within the time specified, the Hearings Officer or County may compel compliance by application for a writ of the Circuit Court or any other lawful method to

enforce such order. Subject to conditions, if any, imposed by the Court, said order is deemed to authorize Jackson County to enter upon such property to perform the act specified or seize the property to be forfeited in the Hearings Officer order without penalty of trespass or conversion of real or personal property. Without further Hearings Officer action the county is permitted to assess and to charge actual costs incurred by the county enforcing such orders by means otherwise provided for under ORS Chapter 310, by Jackson County Ordinance, or by any other lawful means under Oregon law.

(d) If any person fails to comply with any order so issued or any party interferes with the execution of such order, the Hearings Officer or County may apply to the Circuit Court to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a writ issued from such court or a refusal to obey a court order. Such application shall include:

- (1) The Complaint, and
- (2) The Order with Findings of Fact and Conclusions.

(e) Nothing in this Chapter affects the ability of the County to institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction.

(Ord. 2003-5; Passed 2-19-03.)

294.21 JUDICIAL REVIEW; APPEAL

(a) A determination issued under JCC Sections 294.16 and 294.17 of this Chapter is subject to judicial review by the Circuit Court for Jackson County as provided under ORS 34.010 to 34.100. Unless otherwise provided by ordinance, filing a petition for review shall automatically stay execution of the determination made by the Hearings Officer.

(b) The filing of a request for re-examination under this Chapter does not act to toll the time for filing a petition for judicial review.

(c) In all judicial reviews under this Chapter, the Hearings Officer shall retain discretion to order conditions, restrictions and penalties in addition to the fines set out in JCC 203.99.

(d) Failure of a party to file a petition for review as provided in this section, or the non-excused failure of a party to appear at a duly scheduled hearing, shall constitute a waiver by the party of any further hearing under this Chapter, and the last decision issued by the Hearings Officer shall become final.

(Ord. 2003-5; Passed 2-19-03.)

THIS PAGE RESERVED FOR FUTURE EXPANSION

CODIFIED ORDINANCES OF JACKSON COUNTY

**Justice of the Peace
TITLE TWELVE - Judiciary**

- Chap. 296. Justice of the Peace.
Chap. 298. District Court.
Chap. 299. Circuit Court.

**CHAPTER 296
Codified Ordinances**

- Chap. 296.01 Name Change
Chap. 296.02 Boundaries

CROSS REFERENCES

- Practicing as attorneys - see ORS 1.220
Number - see ORS 51.210;
Tenure - see ORS 51.210, 51.250
Qualifications for office - see ORS 51.240
Bond - see ORS 51.250 et seq.
Incapacity; temporary justice - see ORS 51.260, 51.300
Law enforcement - see ADM. Ch. 203
County Counsel - see ADM. Ch. 219
District Court - see ADM. Ch. 298
Circuit Court - see ADM. Ch. 299

296.01 NAME CHANGE

The name of the “Southern Justice Court District of Jackson County” is changed to the “Justice Court District of Jackson County”.
(Ord. 2005-22, Passed 11-23-05.)

296.02 BOUNDARIES

The boundaries of the new Justice Court District of Jackson County are hereby set off and established as follows:

JUSTICE COURT DISTRICT OF JACKSON COUNTY

The North, East, South and West boundaries of the Justice Court District of Jackson County shall be co-extensive with the boundaries of the County of Jackson, State of Oregon; EXCEPTING HOWEVER, all lands situate and being within the corporate limits of the City of Medford, Oregon.

(Ord. 2005-22, Passed 11-23-05)

CHAPTER 298
District Court

EDITOR'S NOTE: There are no sections in Chapter 298. This chapter has been established to provide a place for cross references and any future legislation.

(The District Court was abolished and combined with the Circuit Court by the 1995 Oregon Legislature, effective in 1996.)

CROSS REFERENCES

Circuit Court - see ADM. Ch. 299

CHAPTER 299
Circuit Court

299.01 Jurisdiction of statutory establishment of ways of necessity.

CROSS REFERENCES

Clerk - see Const. Art. VII (Orig) Sec. 15; ORS 294.085
Providing offices - see ORS 1.185
Rules - see ORS 3.220
Court services - see ORS 3.280
Records - see ORS 7.010 et seq., 21.325
Administrator - see ORS 8.185 et seq.
Legal aid fees - see ORS 21.480
Law enforcement - see ADM. Ch. 203
County Counsel - see ADM. Ch. 219
Court appearances by officers and employees - see ADM. 246.40
District Court - see ADM. Ch. 298

299.01 JURISDICTION OF STATUTORY ESTABLISHMENT OF WAYS OF NECESSITY.

(a) The Board of County Commissioners is hereby removed from jurisdiction of the statutory establishment of ways of necessity. Pursuant to ORS 376.200, the Circuit Court of the County shall have jurisdiction of the statutory establishment of ways of necessity.

(b) Nothing in subsection (a) hereof affects any proceedings to establish a way of necessity if that proceedings was filed on or before August 6, 1980.

(Ord. 80-16. Passed 8-20-80.)