

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

91-074

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1991 FEB -7 PM 4:49
CHARLES STERN
COUNTY CLERK

In the Matter of an Ordinance)
Repealing Ordinance 261, Relating)
to Establishment of Dates for)
Elections on Initiative and)
Referendum Petitions for County)
Measures, and Declaring an)
Emergency)

ORDINANCE 518

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in session on Wednesday, February 6, 1991 in Room 32 of the County Courthouse, Commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

WHEREAS, Ordinance 261 was enacted April 8, 1981 to establish a procedure to allow the Board to set elections on initiative and referendum petitions on any of the six regular election dates; and

WHEREAS, Ordinance 261 purports to allow the Board to set an election on an initiative or referendum petition on a "convenient" date which provides an "overall benefit to the taxpayers of Yamhill County"; and

WHEREAS, ORS 250.155(2) provides as follows:

"(2) ORS 250.165 to 250.235 applies to the exercise of initiative or referendum powers regarding a county measure in a (non-home rule county)."; and

WHEREAS, Yamhill County, as a non-home rule county, is subject to ORS 250.165 to 250.235 and is therefore subject to ORS 250.221, which provides as follows:

"If an initiative or referendum petition contains the required number of verified signatures, the election on the county measure shall be held on the next available election date in ORS 203.085 that is not sooner than the 90th day after the measure was filed with the county clerk."; and

WHEREAS, the county clerk has recommended that the Board repeal Ordinance 261 to avoid any conflict which may arise between the ordinance and the statute relating to the appropriate date for an election on a county measure referred by initiative or referendum petition; NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. Effective February 6, 1991, Ordinance 261 is repealed its entirety. The county clerk shall schedule an election in accordance with ORS 250.221, 1989 replacement part, for any county measure referred to the voters by initiative or referendum petition for which the county clerk has, on or after February 6, 1991, determined that the required number of verified signatures allow inclusion on a ballot.

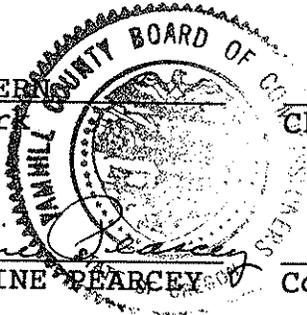
Section 2. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective immediately upon passage.

DONE at McMinnville, Oregon this 6th day of February, 1991.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Chairman

Dennis L. Goecks
Dennis L. GOECKS

By: Elaine Pearcey
Deputy ELAINE PEARCEY

Commissioner

Ted Lopuszynski
TED LOPUSZYNSKI

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Debi Owens
Commissioner DEBI OWENS

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