

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

95-152 FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption)
of an Ordinance Referring to)
the Voters the Question of)
Whether the Terms of Persons) ORDINANCE 587
Elected to Yamhill County Offices.)
Should be Limited; Referred for)
the 1996 Primary Election.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on March 15, 1995, commissioners Dennis L. Goecks, Robert Johnstone and Thomas E. E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Following a public hearing on March 1, 1995, a majority of the Board finds that an ordinance limiting terms for elected county offices is necessary to promote varied representation, to broaden the opportunities for public service and to make the electoral process fairer by reducing the power of incumbency.

B. Under ORS 203.035(1), the electors of a county "may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and this state" as though the specific powers were listed in the statutes.

C. The voters should determine whether term limits should be imposed on county offices. This ordinance should take effect only if approved by the voters of the county. This ordinance should be submitted to the voters at the 1996 primary election.

NOW, THEREFORE,

THE PEOPLE OF YAMHILL COUNTY ORDAIN AS FOLLOWS:

Section 1. TERM LIMITS FOR ELECTIVE COUNTY OFFICES.

No person shall serve more than 3 terms of office as a Yamhill County Commissioner, the Yamhill County Sheriff, the Yamhill County Clerk, the Yamhill County Assessor, the Yamhill County Treasurer or the Yamhill County Surveyor. The limitation established by this section on the office of Yamhill County Commissioner applies to combined service in all of the 3 positions established under ORS 204.013, 1993 replacement part.

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ORDINANCE 587

Section 2. **CALCULATION OF "TERM".**

- a. A period of service less than the full statutory term of office shall constitute a term under Section (1) under either of the following circumstances:
 - (i) When a person is elected to fill a vacancy in office; or
 - (ii) When a person is appointed to fill a vacancy in office and 2 years or more remains in the term of office to which the person is appointed.
- b. A period of service less than the full statutory term of office shall not constitute a term under Section (1) when a person is appointed to fill a vacancy in office and less than 2 years remains in the term of office to which the person is appointed.

Section 3. **PROSPECTIVE APPLICATION OF ORDINANCE.**

Only terms of service beginning after this ordinance becomes effective shall count toward the limits established in Section (1).

Section 4. **ELIGIBILITY FOR ELECTION OR APPOINTMENT.**

- a. The county elections officer shall not accept for filing a statement of candidacy for a person seeking election to a county office specified in Section (1) if serving a term in such office would cause the person to violate the limits established in Section (1).
- b. A person seeking appointment to a county office specified in Section (1) is not eligible for appointment if serving a term in such office would cause the person to violate the limits established in Section (1).

Section 5. **REFERRAL OF MEASURE TO VOTERS.**

This ordinance shall be referred to the voters as a county measure in the primary election of 1996. The date of the primary election of 1996 shall be the date as established in ORS 254.056(2), 1993 replacement part, or as that date may be amended by an Act of the 1995 Oregon Legislative Assembly signed into law by the Governor.

Section 6. **EFFECTIVE DATE.**

This ordinance shall become effective only if approved by the voters at the primary election of 1996. If approved, the effective date shall be the date county elections officer issues a certification of passage under ORS 254.545(2), 1993 replacement part. If this ordinance is not approved by the

voters at the primary election of 1996, it shall not become effective and shall be null and void.

Section 7. SEVERABILITY.

- a. All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.
- b. It is the intent of the People that if a court of last resort determines that the People can limit the terms of some but not all offices specified in Section 1, the terms of the remaining offices shall continue to be limited.

APPROVED by the Yamhill County Board of Commissioners following the first reading of this Ordinance 587 on March 1, 1995 and the second reading on March 15, 1995. Commissioners Goecks and Johnstone voting "aye" and Commissioner Bunn voting "no."

DONE At McMinnville, Oregon this 15th day of March, 1995.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Dennis L. Goecks
Chair DENNIS L. GOECKS

By: Jaynie Mitchell
Deputy JAYNIE MITCHELL

Robert Johnstone
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:
John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Thomas E. E. Bunn
Commissioner THOMAS E. E. BUNN

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Accepted by Yamhill County Board of Commissioners on 3-15-95 by Board Order # 95-152.

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