

## **PREAMBLE**

We, the people of Washington County, Oregon, in recognition of the dual role of the County, as a political subdivision of the State of Oregon (State) and as a unit of local government, and in order to avail ourselves of self determination in County affairs to the full extent permissible under the Oregon Constitution and laws of the State, by this Charter confer upon the County the following powers, subject to the following restrictions and prescribe for it the following procedures and governmental structures:

### **CHAPTER I. PRELIMINARIES.**

**Section 10. NAME.** The name of the County, as it operates under this Charter, shall continue to be Washington County.

**Section 11. NATURE AND LEGAL CAPACITY.** From the time that this Charter takes effect, the County shall continue to be a political subdivision of the State and a body politic and corporate.

**Section 12. BOUNDARIES.** The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the State.

**Section 13. COUNTY SEAT.** The seat of government of the County, as it operates under this Charter, shall continue to be in the city of Hillsboro. The Board of County Commissioners (Board) shall maintain its principal office in the County seat, but may convene at other locations within the State, as deemed appropriate by the Board.

### **CHAPTER II. POWERS.**

**Section 20. GENERAL GRANT OF POWERS.** The County shall have authority over matters of County concern, to the full extent granted or allowed by the Oregon Constitution and laws of the State, as fully as if each power comprised in that general authority were specifically granted by this Charter. Such power shall include, but shall not be limited to:

(a) Levying and collecting of taxes for general and special County purposes. An ordinance creating or imposing a tax or increasing an existing tax shall not be implemented or collected until referred to the electors. In addition, any portion of a taxing ordinance requiring the automatic termination of a tax shall not be repealed by the Board unless such repeal is earlier referred to the electors. Any measure to be referred to the electors as provided herein, which is not earlier referred, shall be referred to the electors at the next general election in November for their approval;

- (b) Issuing bonds for general County purposes and for service districts or areas operated by the County as authorized by law;
- (c) Creating County service districts or areas as authorized by law;
- (d) Creating local improvement districts as authorized by law;
- (e) Prescribing by ordinance for assessment for benefits from local improvements upon property benefited thereby, for bonding improvement assessments, and for sale of improvement bonds, all as authorized by law;
- (f) Enacting and enforcing planning and zoning ordinances and regulations in any part or the entire County outside cities;
- (g) Enacting and enforcing building, grading, plumbing, electrical, and similar codes and regulations applicable to all construction in any part or the entire County outside cities. The Board is empowered to incorporate by reference any standard published code of technical regulations as adopted by the State or as otherwise established;
- (h) Enacting and enforcing traffic regulations in any part or the entire County outside cities provided that such regulations are not inconsistent with the laws of the State.

**Section 21. CONSTRUCTION OF POWERS.** The failure to mention a particular power or to enumerate similar powers in this Charter shall not be construed to exclude such powers or to restrict the authority that the County would have if the particular power were mentioned or the similar powers enumerated. The Charter shall be liberally construed, to the end that, within the limits imposed by the Charter and by the Oregon Constitution and laws of the State, the County shall have all powers necessary and convenient for the conduct of its affairs including all powers that counties may assume under the Oregon Constitution and laws of the State concerning county home rule.

**Section 22. VESTED POWERS.** All powers, both legislative and administrative, of the County shall be vested in the Board as prescribed by this Charter, subject to the initiative and referendum powers reserved to the people of the County. All legislative powers not exercised by the people shall be exercised by the Board and executed as provided for by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board. The administrative powers shall be exercised by the Board or by persons under its authority.

**Section 23. COUNTY POWERS INSIDE INCORPORATED CITIES.** It is expressly declared that city governments within the County are empowered by charter and by the Oregon Constitution and laws of the State to provide services and regulatory measures necessary to the general welfare of the people within the city. This Charter shall not be construed to preempt the police power vested in a city under the Oregon Constitution or State law. No ordinance enacted in the exercise of the police powers of the County shall apply inside an incorporated city, except in a city not regularly operating as such through

elected governmental officials or as otherwise provided by State law. Nothing in this Section 23 is intended to prevent the County from entering into contractual arrangements for the performance of special services within any city.

### **CHAPTER III. BOARD OF COUNTY COMMISSIONERS.**

(a) The Board shall consist of five commissioners, one of whom shall be elected at-large and designated as chair and four who shall be elected for districts as provided in Chapter VIII of this Charter.

(b) Members of the Board shall be elected, as provided for in Chapter VIII of this Charter, for four-year terms with those members from districts 1 and 3 chosen in the same year as the presidential election and the members from district 2 and 4 and the at-large member chosen in the alternate biennial election year.

(c) No person shall be eligible to be nominated, elected, or appointed to the office of County commissioner unless the person is a qualified elector of the County. To be eligible to take office, the chair must have continuously resided in the County, and a district commissioner within the district, during the two year period immediately prior to taking office.. The office of County commissioner shall become vacant when the incumbent ceases to be a resident of the district for which the incumbent was elected or ceases to be a qualified elector of the County, by death, resignation, or incapacity to act, or for any other cause as provided by the Oregon Constitution and laws of the State.

(d) Upon any vacancy in the Board, the Board shall appoint a qualified person within 60 days to fill the vacancy for the remainder of the term unless the vacancy occurs more than 30 days before the last day for non-partisan candidates to file for election at the first primary election of the original term, in which case the appointee shall serve until a successor is elected to fill the remainder of the term and is sworn into office.

(e) The salary of the chair shall be 80 percent of the salary of a Circuit Court Judge. The salary for commissioners elected by district shall be 40% of the salary of the chair.

(f) Commissioner compensation, as established herein, shall be the full and exclusive compensation for duties as commissioner or for any duties or responsibilities resulting from the position of commissioner. Nothing in Subsection 30(e) or this Subsection 30(f) precludes a commissioner from receiving County employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by a commissioner in the course of performing official duties.

**Section 31. POWERS OF THE COMMISSION.** The Board shall be the policy determining body of the County. Except as otherwise provided by the Oregon Constitution or by this Charter, the Board may exercise all the powers granted to the County by this Charter and by the Oregon Constitution and by the laws of the State.

**Section 32. ORGANIZATION: BOARD CHAIR AND VICE CHAIR.** The commissioner elected at-large shall be the chair. At the annual organizational meeting of the Board, which shall be held at the first regular meeting of the Board in January of each year, the Board shall elect from its members a vice-chair to serve as such at its pleasure. Unless provided otherwise by the Board, the vice-chair shall perform the duties of the chair in the chair's absence.

**Section 33. PROCEDURE: RULES, MEETINGS, VOTING, AND JOURNAL.**

- (a) The Board shall adopt and publish rules for the governance of its meetings. The Board shall provide for a journal of its proceedings and assure the public availability of the journal.
- (b) Except as otherwise provided in this Charter to address an emergency, attendance of three of the five commissioners shall be necessary to transact business and approval of at least three commissioners in attendance is required for any action.
- (c) Rules may be established to provide for the means of compelling attendance of commissioners at prescribed regular meetings.
- (d) "Except in case of an actual emergency, notice stating the time and place of all meetings and containing an agenda of all scheduled actions to be considered must be posted at least 72 hours prior to the hour of the meeting in a conspicuous place at the location of the meeting, at the principal administrative office of the County, and in the County courthouse with copies available to interested persons. Notice of special meetings shall be mailed or delivered to each commissioner or to the commissioner's residence at least 72 hours before the hour of the meeting.
- (e) Actions of the Board at special meetings on matters not included in the notice of the meeting shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice. At regular meetings actions need not be limited to the posted agenda.
- (f) The Board shall meet with such regularity as is necessary to transact County business and fulfill its obligations to the public. Meetings shall be held regularly and publicly with regular meetings scheduled for at least one evening and one day during business hours each month. Regular meetings shall be scheduled by Board action. Changes in the schedule of regular meetings must be made at least 20 days before the date of such rescheduled meetings.
- (g) Meetings of the Board, other than those regularly scheduled, may be called by the chair or any two commissioners upon proper notice.

**Section 34. COUNTY ADMINISTRATOR.** The Board shall appoint a County Administrator who shall be responsible to the Board for the continuous administration of

the affairs of County government. The County Administrator's duties and responsibilities shall be more specifically set forth in an ordinance adopted by the Board.

**Section 35. EMERGENCIES.** Notwithstanding Subsection 33(b), the Board by ordinance may delegate to one or more commissioners or other County officials the authority to declare an emergency and exercise the powers otherwise held by the Board to act when the emergency makes it impractical for a quorum of the Board to meet and act. Such authority shall continue only for so long as necessitated by the emergency. The ordinance shall provide for Board review and evaluation of actions taken during the emergency response.

#### **CHAPTER IV. ADMINISTRATION.**

**Section 40. GENERAL PROVISIONS.** All functions and duties required of the County or County officials by the Oregon Constitution and laws and permitted by this Charter shall be the responsibility of the Board. Duties and functions shall be distributed among such departments, offices, and agencies as the Board or this Charter may establish. The departments, offices, and agencies shall exercise their functions in accordance with the policies adopted by the Board. Mention in this Charter of particular departments, offices, and agencies shall not restrict the Board from their discontinuance or consolidation, and establishment of other administrative structures.

**Section 41. ADMINISTRATIVE DEPARTMENTS, SHERIFF'S OFFICE.** For the purpose of carrying out the policies of the County and administering its affairs the Board may establish administrative departments, offices, and agencies including but not limited to the Sheriff's Office. The Sheriff's Office shall be under the administration of the Sheriff and shall be responsible for the enforcement of the laws of the State and the County, shall render service to the courts, shall have custody of County prisoners and perform such other duties as specifically assigned to the Sheriff by State law.

**Section 42. BOARDS AND COMMISSIONS.** The Board shall establish such appointive boards and commissions as are prescribed by the laws of the State or as the Board finds necessary for the proper administration of County affairs.

**Section 43. ELECTIVE ADMINISTRATIVE OFFICERS.** The non-partisan elective administrative officers of the County are the Auditor and the Sheriff.

(a) To qualify for an elective administrative office, a person shall be an elector of the State and a resident of the County for a minimum of two years immediately preceding the beginning of the term of office as Sheriff and a minimum of six months preceding the beginning of the term of office as Auditor.

(b) Upon vacancy in an elective administrative office by reason of change of residence or status as an elector of the County or by reason of death, resignation, incapacity to act, or any other reason provided for by law, the Board shall appoint a qualified person within 60 days to fill the vacancy for the remainder of the term unless the vacancy

occurs more than 30 days before the last day for non-partisan candidates to file for election at the first primary election of the original term, in which case the appointee shall serve until a successor is elected to fill the remainder of the term and is sworn into office.

(c) The elective requirements for specific administrative officers are fixed by this Charter and may be altered only by amendment of the Charter.

(d) The Sheriff shall fulfill qualifications set forth in the Oregon Constitution and laws of the State and be qualified for certification by the Oregon State Board on Police Standards and Training, or its successor. The term of office shall be four years.

(e) The compensation and benefits of the Sheriff shall be established by the Board, but, in no event shall it be less than that for the highest compensated administrative department director.

**Section 44. ADMINISTRATIVE OFFICERS AND EMPLOYEES: LOCATION AND FUNCTIONS.** Except as the Charter provides to the contrary, each administrative department of the County shall include such offices and positions as the Board may establish. All non-elective administrative officers and employees shall be appointed by the County Administrator except as expressly provided by the Board. The function of elective and non-elective administrative officers and employees shall be those prescribed by the Board.

**Section 45. CHANGES IN ADMINISTRATIVE DEPARTMENTS.** The Board may from time to time establish additional administrative departments, combine any two or more administrative departments into a single such department, separate departments thus combined, abolish any administrative department, and prescribe the duties and functions of any administrative department.

**Section 46. COUNTY AUDITOR.**

(a) There shall be an elected, non-partisan County Auditor. At the time of election, the Auditor shall hold at least one of the following designations: certified public accountant (CPA), certified internal auditor (CIA), or certified government auditing professional (CGAP).

(b) The term of office shall be four years and be concurrent with the chair of the Board. Compensation for the Auditor shall be 80 percent of the salary of a Circuit Court Judge.

(c) The Auditor shall be responsible to the people. The Auditor shall:

- (1) Continuously evaluate the effectiveness and results achieved by County programs and activities and the costs and resources used to achieve those results.

- (2) Report the results of these evaluations, including recommendations and the County Administrator's response, to the Board.
- (3) Issue an annual report to the Board and the public describing the activities of the Auditor during the preceding year and a plan for the upcoming year.

## **CHAPTER V. BASIC PROCEDURES.**

### **Section 50. ORDINANCES.**

(a) The enacting clause for all ordinances enacted by the Board shall be: "The Board of County Commissioners of Washington County, Oregon, ordains: ..." The enacting clause for an ordinance referred to or initiated by the people of the County shall be: "The People of Washington County, Oregon, ordain: ..."

(b) Except as provided in Subsection (f) of this Section 50 and under Chapter X for land use ordinances, a proposed ordinance shall be filed in the official records of the County and public notice given of its pendency by inclusion in the posted agenda for the regular or properly called special meeting of the Board at which the proposed ordinance will be introduced. Upon its introduction, copies of the proposed ordinance shall be available to members of the Board and to all persons who so desire. At the meeting at which it is introduced, the proposed ordinance shall be publicly read. By unanimous consent of the Board, the proposed ordinance may be read by title only.

Immediately after the second reading of the proposed ordinance, the agenda shall provide for a public hearing. After the public hearing is concluded, the Board may enact, continue, amend, or reject the proposed ordinance. An amendment affecting the substance of the proposed ordinance shall require that the Board conduct a third reading and second public hearing. After each public hearing of the proposed ordinance, the Board shall either schedule an additional public hearing or shall dispose of the proposed ordinance by enacting or rejecting it.

(c) All ordinances must be enacted in a regular meeting of the Board by a roll call vote. No ordinance shall be enacted prior to the fourteenth day after its introduction.

(d) A proposed ordinance shall be deemed rejected if a motion to approve fails to obtain three votes unless a commissioner immediately moves to reconsider the motion. The vote on reconsideration shall be held as the next item of business. If the motion passes, any commissioner may, as the next item of business, move to enact, amend, continue, or reject the proposed ordinance. If the motion to reconsider fails, the proposed ordinance is rejected. A proposed ordinance that has been rejected or continued indefinitely shall not otherwise be eligible for reconsideration, but may be reintroduced as a new proposed ordinance.

(e) An ordinance, enacted by the Board in the exercise of its police powers and for the purpose of meeting an emergency, may take effect immediately upon being enacted or another date specified by the Board when an emergency is specified in the title and described in a section of the ordinance. Any other ordinance enacted by the Board shall take effect on the date specified by the Board but no earlier than the thirtieth day after being enacted.

(f) Notwithstanding any other provision of this Charter, a proposed ordinance necessary to address a declared emergency constituting an imminent threat of serious harm may be introduced and enacted at an emergency or special meeting and may be enacted upon introduction in one reading and public hearing, provided that it is introduced and approved unanimously by the Board, or in the event that the emergency precludes one or more commissioners from voting, a unanimous approval of those present.

(g) Upon enactment of an ordinance, the chair and the person who serves as recording secretary of the Board, at the session at which the Board finally enacts the ordinance, shall sign the ordinance and indicate the date of its enactment.

(h) No provision of this Charter shall abrogate the right of the people of the County to exercise the initiative and referendum with respect to any ordinance. If a proper referral petition containing the appropriate number of valid signatures is filed within 90 days after the adoption of any ordinance by the Board, the ordinance shall become inoperative and the effective date shall be suspended. An ordinance referred by action of the voters shall become effective when approved by a majority of the voters.

(i) The number of votes cast in Washington County for Governor, at the regular election last preceding the filing of any petition for the referendum or the initiative, shall be the basis on which the number of electors necessary to sign such petition shall be counted. The number of electors required to order the referendum and the number required to initiate any ordinance shall be that amount set forth in the Oregon Constitution. This Subsection 50(i) shall be deemed to be automatically amended to comply with any change in the Oregon Constitution or Oregon law with which it may conflict in the future.

(j) An ordinance initiated by the people shall be completed and filed with the director of elections at least 90 days prior to the date of the election.

#### **Section 51. AMENDING, REVISING, OR REPEALING THE CHARTER.**

(a) Any amendment, revision, or repeal of the Charter, which the Board intends to propose, shall be filed with official County records, and public notice of its pendency given by inclusion in the posted agenda for the regular or properly called special meeting of the Board at which the proposed amendment, revision, or repeal will be introduced. Upon introduction copies of the proposed amendment, revision, or proposal to repeal shall be available to the members of the Board and to all persons who so desire. After the

introduction of the proposal, the Board shall set a date for a public hearing upon the issue to be held no earlier than 20 days after the date of introduction. At the regular meeting of the Board following the public hearing, the Board may proceed to adopt the proposed amendment, revision, or repeal and to order it placed on the ballot unless a substantive amendment to the proposal is made. Such amendment shall require an additional seven days prior to final approval being given by the Board. Final action to place the proposed amendment, revision, or repeal on the ballot shall take place at least 60 days prior to the date of election.

(b) The Board may initiate a general revision of all or a substantial portion of the Charter. In addition to complying with Subsection (a) of this Section 51, the Board shall appoint a citizen Charter revision committee consisting of at least five members who shall have no less than 20 days to review the Charter and any revisions proposed by the Board. The committee shall issue a report recommending approval, modification, or rejection of all or any portion of the proposed revision, together with such additional revisions as the committee deems appropriate. The report shall be available no less than 20 days in advance of the first public hearing on the proposed revision.

(c) Proposed amendments, revisions, or proposals to repeal the Charter may be initiated by popular action of the people of the County. The number of electors necessary to initiate an amendment, revision, or repeal of the Charter shall be the percentage of votes, specified in the Oregon Constitution, cast in the County for Governor at the regular election last preceding the filing of the initiative petition. The completed petition proposing any such change must be filed at least 90 days prior to the date of election.

(d) Within six months after the adoption of any amendment to or revision, the Charter shall be reissued in the corrected form and made available to all officials of the County and to citizens of the County and other interested parties.

(e) A proposed revision may embrace multiple subjects as determined by the Board, but an amendment to the Charter shall embrace one subject only and matters properly connected therewith.

**Section 52. RECORDING, CODIFICATION, PRINTING.** Each ordinance and resolution after adoption shall be given a serial number and, together with the date of adoption and the designation of the adopting authority, shall be entered in a properly indexed book kept for that purpose and made available to the public.

## **CHAPTER VI. FINANCE.**

**Section 60. GENERAL PROVISIONS.** The Board is responsible for the preparation and presentation of the proposed annual, or biannual if permitted by State law, operating budget and capital program which shall comply with State law. The Board shall adopt and

enforce procedures for the management of County finances including but not limited to centralized purchasing, uniform accounting, pre and post audits regularly reported, and running and annual inventories of County supplies, equipment, and assets.

**Section 61. OPERATING BUDGET AND CAPITAL PROGRAM PROJECTIONS.**

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

**CHAPTER VII. PERSONNEL ADMINISTRATION.**

**Section 70. GENERAL.** The civil service system, as adopted by the citizens of the County prior to the adoption of this Charter, shall continue to apply to all non-elective officers and personnel of the County as specified in the legislation with the exception of such major administrative positions as may be individually and specifically declared exempt by the Board , provided, however, that the Board or the people of the County may amend that system by ordinance.

**Section 71. QUALIFICATIONS.** To qualify for a designated appointive office or position of the County, not under civil service, a person shall have whatever qualifications the Board prescribes for the office or position and shall serve at the pleasure of the County Administrator, unless otherwise expressly provided by Board resolution or ordinance.

**Section 72. COMPENSATION.** The compensation for all positions, not otherwise provided for in this Charter, shall be determined as provided by the Board.

**CHAPTER VIII. ELECTION PROCEDURES AND CONTROLS.**

**Section 80. NOMINATION AND ELECTION OF COUNTY OFFICERS.** Except as this Charter provides to the contrary, the manner of nominating and electing County officers shall be the manner prescribed by the laws of the State for nominating and electing County officers in general.

**Section 81. RECALL.** An elective officer of the County may be recalled in the manner, and with the effect, prescribed by the Oregon Constitution and laws of the State.

**Section 82. ELECTIONS ON COUNTY PROPOSITIONS.** Except as this Charter, or legislation enacted pursuant to it, provides to the contrary, the manner of conducting an election on a proposition concerning the County shall be the manner prescribed by the laws of the State.

**Section 83. THE BOARD OF COUNTY COMMISSIONERS.**

- (a) The members of the Board shall be non-partisan, elected officers.
- (b) The candidate or candidates receiving the highest number of votes at the general election shall be elected to the position or positions to be filled. Each elector may cast a vote for a district and at-large commissioner, but no voter may cast more than one vote for each candidate.
- (c) Notwithstanding subparagraph (b) a candidate receiving more than 50% of the votes cast at a primary election for commissioner shall be elected to that position and shall not appear on the general election ballot.
- (d) The Board may supplement the procedures of this Charter and State law regarding election of County commissioners as necessary to carry out the intent of this Charter.

**Section 84. COMMISSIONER DISTRICTS.**

- (a) The County shall be divided into four numbered commissioner districts.
- (b) Commissioner districts shall be reapportioned, concurrent with the decennial reapportionment of State representative and senate district boundaries. At such time the Board shall direct the appropriate County official to determine the population distribution among the commissioner districts. Within 60 days from the date of direction by the Board, the official shall report the findings to the Board and publish a legal notice of the district population in a newspaper of general circulation in the County. If the population of any commissioner district is more than 115 percent of the population of any other commissioner district, the department shall prepare and present to the Board a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district. The Board shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Notwithstanding any other provisions found in this Charter, no change in boundaries of the districts shall affect the continuance in office of a commissioner or taking office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment.

**Section 85. NON-PARTISAN ELECTED OFFICIALS.** The candidate for Auditor and the candidate for Sheriff receiving more than 50% of the votes cast at a primary election shall be elected to that position and shall not appear on the general election ballot. The Board shall provide by ordinance, consistent with comparable State law, a primary and general election procedure for the election of non-partisan officials.

## **CHAPTER IX. GENERAL PROVISIONS.**

**Section 90. EFFECTIVE DATE.** This charter shall be and become effective on and after the first Monday in January, 1963.

**Section 91. EXISTING LEGISLATION CONTINUED.** All County ordinances, rules, regulations, and orders in force on the effective date of an amendment or revision of this Charter shall continue to be effective unless inconsistent with the terms of this Charter as amended or revised.

**Section 92. EFFECTIVE DATE FOR TERMS OF OFFICE.** The terms of office for all persons elected under this Charter shall begin on the first Monday in January next following upon election.

**Section 93. INTERGOVERNMENTAL COOPERATION.** From time to time the Board may arrange by contract for one or more functions or duties of the County to be performed in cooperation with or by one or more other governmental units and for the County to perform functions or duties for other governmental units.

**Section 94. PUBLIC IMPROVEMENTS.** The procedure for making, altering, vacating, or abandoning a public improvement of the County shall be governed by general ordinance of the County or, to the extent not so governed, by the applicable laws of the State.

## **CHAPTER X. LAND USE ORDINANCES.**

### **Section 100. DEFINITIONS.**

(a) "Annual land use notice" means a notice annually mailed to each property owner of record as shown on the current assessment roll and to each officially recognized citizen involvement organization. This notice may be mailed with the ad valorem property tax statements. It also includes a display advertisement published at least twice per year in a newspaper of general circulation in the County. The notices shall contain a general description of the process for adoption of land use ordinances. The notices shall explain that only those persons who request in writing to be placed on the "general notification list" will be entitled to "individual notice" of public hearing as provided in this chapter.

(b) "Individual notice" means written notice mailed by first-class mail to those persons who have requested notice as provided in this chapter and to each officially recognized citizen involvement organization.

(c) "General notification list" means a list of each officially recognized citizen involvement organization and those persons who have requested in writing "individual notice" of public hearings on all land use ordinances. A fee may be charged to cover

the estimated costs for mailing individual notice to persons on the general notification list.

(d) "Land use ordinance" means one which adopts, amends, or repeals a comprehensive plan, development or zoning code and related maps, or otherwise directly governs the use of land. It does not include such subjects as: financing public improvements, road engineering and utility standards, building code, development fees, sewer or septic regulations, or nuisance control.

### **Section 101. GENERAL.**

(a) This chapter governs the adoption of legislative land use ordinances. It applies in conjunction with Chapter V but shall govern in the event of conflict.

(b) Within 90 days of the effective date of this chapter, the Board shall adopt one or more ordinances setting forth such provisions as are necessary to implement this chapter. These ordinances may be adopted and amended pursuant to Chapter V only but the terms of these ordinances shall not conflict with this chapter.

(c) Notwithstanding any other provision, no land use ordinance shall be invalidated on the basis of inadequacy of the wording of notices required herein unless the inadequacy is shown to be willful and to have prejudiced the substantial rights of the complaining party.

(d) No emergency clause shall be attached to any land use ordinance.

**Section 102. SUBJECT AREAS.** Land use maps may be adopted as part of an ordinance adopting textual provisions, as a separate ordinance for the entire unincorporated areas or as a separate ordinance for any specified geographic area.

### **Section 103. NUMBER AND TIMING OF LAND USE ORDINANCES.**

(a) There shall be no limit on the number of land use ordinances which may be introduced in any calendar year.

(b) The first public hearing on a land use ordinance shall be held no earlier than March 1 of any calendar year.

(c) No proposed land use ordinance shall be adopted on or after November 1 of each calendar year through the final day of February of each subsequent calendar year. If a final decision on a proposed land use ordinance has not been reached by October 31, the proposed ordinance shall be deemed rejected unless the Board, by affirmative act, continues the proposed ordinance to a time and date certain on or after March 1 of the subsequent year.

#### **Section 104. PROCEDURES.**

(a) Upon filing of a land use ordinance, it shall be forwarded to the Planning Commission for at least one public hearing. A copy promptly shall be mailed to each officially recognized citizen involvement organization.

(b) At least 14 days prior to the initial Planning Commission public hearing, notice shall be provided by publication of a display newspaper advertisement in at least one newspaper of general circulation in the County and individual notice shall be provided to all those on the current general notification list. At a minimum, the notice shall state the subject area, list each topic or section proposed to be affected, and provide a description of the content of the proposed ordinance as introduced. It shall list the date, time, and place of the initial Planning Commissioners hearing and of the initial Board hearing.

(c) The Planning Commission shall make its recommendation to the Board within the time frame established by the Board. The Planning Commission may continue its hearings to times and dates certain and recommend amendments beyond the scope of the notice without further mailed or newspaper notice. Failure of the Planning Commission to act within the time frame set by the Board shall mean that the Board may take final action without a Planning Commission recommendation.

(d) The ordinance as introduced and Planning Commission recommendations shall be placed on the Board agenda for first reading and public hearing. The Board may continue its public hearing for further input or deliberation to times and dates certain without additional individual or published notice. The Board, however, may amend and engross the proposed ordinance as provided in Chapter V without additional notice only if the amendment was described in the previous individual notice or does not affect the substance of the proposed ordinance. If a substantive amendment is approved for engrossment, which was not described in the notice, at least two public hearings will be held on the proposed ordinance as engrossed, one of which shall be held in the evening. The first of these hearings shall be preceded by at least 10 days individual notice to all persons on the notification list. The notice shall indicate the time and place for each hearing and that the proposed ordinance will be considered together with a description of the proposed changes.

#### **Section 105. LAND USE ORDINANCE ADVISORY COMMISSION.**

The Board with citizen assistance shall, by ordinance or resolution and order, establish a citizen involvement program that ensures that opportunity for citizens to be involved in all phases of the land use planning process. Any ordinance shall be adopted or amended pursuant to Chapter V only.

### **CHAPTER XI. TRANSITION PROVISIONS; EFFECTIVE DATES**

The revision of this Charter, adopted by the voters on November 4, 2008, shall take effect January 1, 2009.