

ARTICLE EIGHT -- ELECTIONS AND DISTRICTS

DIVISION ONE - ADVISORY BALLOTS

SECTION 08.01.010 PURPOSE

The purpose of this Division is to provide a procedure by which the Board of County Commissioners may submit questions to the electorate for a non-binding advisory opinion.

SECTION 08.01.020 DEFINITIONS

As used in this Division, the following words and phrases have the following meanings:

- (1) "Matter of County Concern" means those issues deemed by a majority of the Board of County Commissioners to be of significant interest to the people of Coos County.
- (2) "Advisory Vote" means an unofficial and non-binding vote by the people of Coos County to test the strength of opposing views to determine public opinion on matters of County concern.
- (3) "Ballot" means the election ballot of a regularly scheduled primary or general election.

SECTION 08.01.030 BALLOT QUESTIONS

The Board of County Commissioners may, upon a majority vote, submit questions on matters of County concern to the voters of Coos County for an advisory vote at any general or primary election.

SECTION 08.01.040 STATUTORY COMPLIANCE

Questions on matters of County concern placed on the ballot for an advisory vote shall comply with all the requirements of the Oregon statutes and administrative rules governing elections.

DIVISION TWO - SUPPLEMENTAL LEVIES

SECTION 08.02.010

NOTICE OF TAX LEVY

The Board of County Commissioners of Coos County, Oregon, recognizes that pursuant to ORS 310.060(1), not later than July 15, of each year, every city, school district or other public corporation authorized to levy a tax shall give notice in writing of the tax levy to the Assessor of the County.

SECTION 08.02.020

COSTS TO COOS COUNTY

- (1) In the absence of an extension from the Coos County Assessor as authorized by ORS 310.060(3), if a notice of tax levy is not received by the Coos County Assessor on or before September 1, of any particular year, and as a result a supplemental tax roll is required, then, additional costs are incurred by the County in preparing a late tax levy and a supplemental tax roll.
- (2) Further, even if an extension is granted pursuant to ORS 310.060(3), but a district fails to submit the notice of tax levy required by ORS 310.060(1), thereby resulting in a supplemental tax roll, then additional costs are incurred by the County.
- (3) Such costs may include but are not limited to the cost of extending the late levy on the tax rolls, the cost of forms and envelopes for preparing the supplemental bills required, the cost of mailing those bills and the cost of adjusting prior tax account distribution.
- (4) In the event that the budget prepared by the Special Taxing District is in error and a tax is levied pursuant to such budget, costs will be incurred in refunding excess taxes to taxpayers or in preparing an additional tax levy to levy the full amount of taxes required which costs would include the cost of a late levy, the cost of forms and envelopes for preparing supplemental bills or refunds, the cost for mailing those bills or refunds and the cost of adjusting prior tax account distribution.

SECTION 08.02.030

REIMBURSEMENT TO COOS COUNTY

- (1) In the absence of an extension being granted pursuant to ORS 310.060(3), if any public corporation as noted above does not submit a notice of levy to the Coos County Assessor, of any particular year, and as a result a supplemental tax roll is required, the Tax Collector as well as

the County Assessor for Coos County shall jointly determine the cost of preparing such supplemental tax roll and the said amount shall be reimbursed to the County by the city, school district or other public corporation which is responsible for and proposing the tax levy.

- (2) In the event that the budget prepared by a Special Taxing District or Public Corporation is in error and as a result the levy is made in error, the Tax Collector as well as the County Assessor for Coos County shall jointly determine the cost of preparing an additional tax levy or the cost of refunding the excess taxes collected and the set amount shall be reimbursed to the County by the city, school district or other public corporation which was responsible for and proposed the erroneous tax levy.

DIVISION THREE - SPECIAL DISTRICT BOUNDARIES

SECTION 08.03.010

FINDINGS

Oregon laws 1983, Chapter 426 eliminated the requirement that the boundaries of special districts be certified as closing by a registered land surveyor or a registered engineer before any formation or change. The Board of Commissioners finds this to be a necessary requirement.

SECTION 08.03.020

CERTIFICATION

A certificate of legal description shall be attached to a petition for the formation or change of organization of a special district. Such certificate of legal description shall indicate that the boundary of the special district closes. The certificate of legal description shall be certified by a registered land surveyor or a registered engineer.

SECTION 08.03.030

COUNTY SURVEYOR

The County Surveyor may provide the certification required by Section 08.03.020. If the County Surveyor is requested to provide such certification, the Surveyor shall charge twenty (\$20.00) dollars an hour plus cost of any maps with a twenty (\$20.00) dollar minimum fee for such certification.

DIVISION FOUR - POSITION OF COUNTY SURVEYOR

[Adopted as Division Four of Article Eight on
January 19, 2010]

SECTION 08.04.010

ELECTION OF COUNTY SURVEYOR

Pursuant to ORS 204.005(2), the position of Coos County Surveyor shall be an elective and not an appointed position. The position shall be subject to all other statutory qualification requirements, and requirements for county elected officers. Unless contrary to statute, the position shall be nonpartisan.

DIVISION FIVE - COUNTY MEASURE IN STATE VOTERS' PAMPHLET

[Adopted as Division Five of Article Eight on August 16, 2016]

SECTION 08.05.010 TITLE

County Measure in State Voters' Pamphlet.

SECTION 08.05.020 PURPOSE

The purpose of this Division is to provide for the inclusion of ballot titles, explanatory statements, and arguments for and/or against, concerning county measures in the state voters' pamphlet.

SECTION 08.05.030 DEFINITIONS

Except where the context otherwise requires or are otherwise defined in this Division, the definitions provided in ORS 251.005 and OAR 165-022-0000 shall apply in this Division.

- (1) Board means the Board of County Commissioners of Coos County.
- (2) Measure(s) means either of the following matters submitted to the people for approval or rejection at an election; however, a recall election shall not constitute a "Measure":
 - (a) A proposed ordinance or other legislation referred by the governing body of the County;
 - (b) A proposed ordinance or other legislation placed on the ballot by an initiative or referendum petition.

SECTION 08.05.040 IMPLEMENTING ORDINANCE
AUTHORIZATION

The Board may, by separate ordinance, promulgate additional definitions, rules and regulations necessary or convenient for the administration and/or enforcement of this ordinance.

SECTION 08.05.050 QUALIFICATIONS FOR INCLUSION

A county measure shall qualify for inclusion in the state voters' pamphlet and be subject to this Division and ORS 251.285 provided that:

- (1) The measure is submitted to the electors at an election for which the State is publishing a voters' pamphlet;
- (2) All procedures set forth in this Division relating to the preparation of the ballot title and of the explanatory statement for the measure, including any judicial review, have been completed on or before the seventy-fifth (75th) day before the

- election at which the measure is to be submitted to the electors;
- (3) If the measure has been referred to the electors by the Board, the Board shall indicate its decision to include the measure, its ballot title, explanatory statement, and arguments in the state voters' pamphlet by ordinance, resolution, or order, with a copy to the County Clerk, which reflects the decision on or before the seventy-fifth (75th) day preceding the election at which the measure is to be submitted to the electors;
 - (4) If the measure is proposed by initiative or referendum and the requirements for submission of the measure to the electors has been complied with prior to seeking inclusion in the state voters' pamphlet, then all chief petitioners shall indicate their decision to include the measure, its ballot title, explanatory statement, and arguments in the state voters' pamphlet by filing a typewritten statement with the County Clerk indicating the decision, along with an explanatory statement, on or before the seventy-fifth (75th) day preceding the election at which the measure is to be submitted to the electors;
 - (5) Any political committee, as that term is defined in ORS 260.005, that opposes a county measure shall indicate its decision in a statement signed by every committee director, as defined in ORS 260.005, and filed with the County Clerk on or before the seventy-fifth (75th) day preceding the election at which the measure is to be submitted to the electors.

SECTION 08.05.060

FORM OF BALLOT TITLE(S) AND
EXPLANATORY STATEMENT(S)

- (1) A ballot title for any county measure shall contain a concise and impartial statement of the purpose of the measure; and
- (2) An explanatory statement shall contain an impartial, simple, and understandable statement explaining the measure and its effect in no more than five-hundred (500) words; and
- (3) Any ballot title concerning a county measure shall, when applicable, comply with ORS 250.035, ORS 250.041, ORS 250.175, and ORS 254.103.

SECTION 08.05.070

JUDICIAL REVIEW OF BALLOT TITLE(S)
AND EXPLANATORY STATEMENT(S)

- (1) Within seven (7) days after the ballot title(s) and/or explanatory statement(s) are received by the County Clerk, any elector eligible to vote on

the county measure of concern, may petition the Circuit Court of the State of Oregon for the County of Coos for judicial review of the ballot title or statement. The petition shall clearly set forth the reason(s) the ballot title or explanatory statement fails to comply with Section 08.05.060 of this Title or other applicable law.

- (2) Upon review, if the Court finds that the ballot title and/or explanatory statement complies with Section 08.05.060 and other applicable law, the Court shall promptly issue an order to that effect.
- (3) Upon review, if the Court finds that the ballot title and/or explanatory statement fails to comply with Section 08.05.060 and other applicable law, the Court shall promptly issue an order to that effect and the Court shall include an alternative ballot title and/or explanatory statement.
- (4) The ruling of the Circuit Court shall be full and final, and there shall be no appeal therefrom.

SECTION 08.05.080

ARGUMENTS TO BE PUBLISHED IN STATE
VOTERS' PAMPHLET

The County Clerk shall accept arguments from any person or group of persons in support of, or in opposition to, any county measure, provided that:

- (1) The argument is typewritten and submitted to the County Clerk on the "Coos County Measure Argument" form, or in substantially that same form clearly stating:
 - (a) The ballot measure number;
 - (b) Whether the argument is in favor or in opposition;
 - (c) The name of the person, persons, or organization submitting the argument as they would like it to appear in the state voters' pamphlet;
 - (d) A concise statement of the argument in no more than three-hundred and twenty-five (325) words;
 - (e) If an argument is submitted that uses the name of a person or organization as supporting or endorsing the argument/statement, Form SEL 400 must be submitted to the County Clerk in order for the argument to be submitted to the Secretary of State; and
- (2) The argument is filed with the County Clerk no later than the seventy-fifth (75th) day before the scheduled election; and
- (3) The argument is accompanied by one of the following:

- (a) A payment to the County in the amount of three hundred dollars (\$300.00); or
- (b) A petition signed by one thousand (1,000) electors in the County or ten percent (10%) of the electors in the County, whichever is less.

SECTION 08.05.090

SUBMISSION TO SECRETARY OF STATE

- (1) The County Clerk shall file the measure, ballot title, and explanatory statement, accompanied by any arguments, with the Secretary of State no later than the seventieth (70th) day before the election.
- (2) Accompanying any argument submitted to the Secretary of State, the County Clerk shall also file with the Secretary of State a disclaimer in the following form: The printing of this argument does not constitute an endorsement by the State of Oregon or the County of Coos, nor do the State or County warrant the accuracy or truth of any statement made in this argument.
- (3) The County shall pay the Secretary of State for the cost of including all materials in the state voters' pamphlet.