



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of Designating the Office)
of Tillamook County Commissioner as)
Nonpartisan; Referred for the May 2006)
Primary Election)

ORDINANCE

#66

FILED

MAR 29 2005

TASSI O'NEIL
COUNTY CLERK

This matter came before the Board of Commissioners for Tillamook County, Oregon, on the 9th, 16th and 23rd days of March, 2005, concerning referring to the electors of Tillamook County the question of designating the Office of Tillamook County Commissioner as non partisan; and

It appearing to the Board that the Oregon Revised Statutes (ORS) Chapter 249 establishes rules for election to public office within the state and defines the term "nonpartisan office"; and

It further appearing to the Board that the electors of Tillamook County should have the opportunity to decide whether the office of Tillamook County Commission should be nonpartisan as are the offices of County Clerk, County Assessor, County Surveyor, County Treasurer, District Attorney and County Sheriff; and

It further appearing to the Board that ORS 203.035(1) grants broad authority to counties to enact ordinances that "exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of the State of Oregon;" and

It further appearing to the board that ORS 203.035(3) provides that county electors must approve any ordinance which changes the mode of selection of elective county officers before that ordinance shall take effect; and

It further appearing to the Board that it is reasonable and appropriate to ask the voters whether the office of Tillamook County Commissioner should be nonpartisan.

NOW, THEREFORE, IT IS HEREBY ORDERED that the following ordinance shall be adopted and referred to the electors of Tillamook County:

THE PEOPLE OF TILLAMOOK COUNTY ORDAIN AS FOLLOWS:

SECTION 1. TITLE

This ordinance shall be known as Tillamook County Ordinance #66.

SECTION 2. AUTHORITY

This ordinance is enacted pursuant to ORS 203.035.

SECTION 3. PURPOSE

The purpose of this ordinance is to designate the Office of Tillamook County Commission as nonpartisan within the meaning of ORS Chapter 249 and other state election laws.

SECTION 4. SAVINGS CLAUSE

This ordinance shall have no effect on existing litigation and shall have no effect on any action or proceeding pending on the date of adoption of this ordinance.

SECTION 5. SEVERANCE CLAUSE

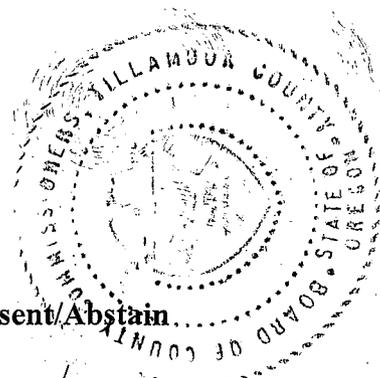
If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portion of this ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 6. REFERRAL CLAUSE

Pursuant to ORS 203.035(3), this ordinance shall be referred to the electors as a county measure in the primary election of May, 2006. This ordinance shall become effective only upon approval of a majority of those electors voting on the proposed ordinance. If approved, the ordinance shall take effect on the 90th day after the date of election.

Date of first reading: March 9, 2005
Date of second reading: March 16, 2005
Date of third reading: March 23, 2005

DATED this 23rd day of March 2005.



**BOARD OF COMMISSIONERS FOR
TILLAMOOK COUNTY, OREGON**

Charles J. Hurliman
Charles J. Hurliman, Chairperson
Tim Josi
Tim Josi, Vice Chairperson
Mark Labhart
Mark Labhart, Commissioner

Aye	Nay	Absent/Abstain
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:
William K. Sargent
William K. Sargent, County Counsel

BY: *Susan L. Beckett*
Special Deputy