

JENINE MCDERMID
SHERMAN COUNTY CLERK

BY: *Jenine McDermid*

Commissioner's Journal Book E
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IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF SHERMAN

IN THE MATTER OF AN ORDINANCE)
ADOPTING THE SHERMAN COUNTY) ORDINANCE NO. 10-2009
RESIDENT INCENTIVE PROGRAM AND)
DECLARING AN EMERGENCY)

WHEREAS, records indicate that the population of Sherman County has declined since 1960; and

WHEREAS, this decrease poses a serious threat to economic development and the overall livability climate of the community; and

WHEREAS, certain stores and services require a minimum population level to service and contribute to a viable community standard; and

WHEREAS, Sherman County has been blessed with revenue received from wind projects and desires to use a portion of these funds as an incentive to residents to remain and invest in the County;

NOW, THEREFORE, the County Court of the COUNTY OF SHERMAN, OREGON, hereby ORDAINS as follows:

1. Section - Purpose.

It is the purpose of this Ordinance to encourage and promote the act of residing in a home in Sherman County, which in turn facilitates economic development and stability to Sherman County.

2. Section - Definitions.

The following definitions apply to this Ordinance:

a. Household. A dwelling unit, located within Sherman County, which is occupied by residents, at least one of which is over the age of eighteen (18) and has resided

within such dwelling unit for a period in excess of one (1) year. The occupants of the dwelling can be owners or renters, but must have occupied the dwelling for the requisite period.

b. **Head of Household.** The person designated by the household, either the mother, father, or person appointed by the household to file the claim to receive the resident incentive payment. Only those persons qualified by meeting age and residency requirements may be certified as the head of household to make a claim for payment.

c. **County Resident Incentive Payment.** A payment made by Sherman County to qualified households in the County. The amount of the payment and whether or not it is made annually shall be at the sole, unfettered discretion of the County Court.

d. **Occupied or Occupy.** "Occupied" or "occupy" means to live in or dwell in the household. Rights to claim under this Ordinance shall not be lost by the "occupant" being temporarily absent from the property, unless the property is rented to another during the absence. "Temporarily absent" shall mean a period not more than ninety (90) days in any calendar year.

3. **Section - Resident Incentive.**

After a claim is filed by a qualified Head of Household, it shall be reviewed by the County Staff appointed by the County Court. If approved by the Sherman County Court, the incentive amount shall be paid on or before December 15th of that calendar year.

4. **Section - Claim Procedure.**

Forms for the purpose of making incentive payment claims shall be made available by the County on June 1st of each calendar year and claims made on such forms shall be filed with the County on or before August 31st of that same year. The claim must be made in writing on the appropriate form provided for such purpose. The claim shall set out the basis of the claim, designate the Household to which it applies, and contain such other information as the County requires. There shall be attached to each claim an affirmation of the claimant that the statements contained therein are true. The claim form must be complete and timely filed in order to qualify the Household for payment and no exceptions to this rule will be made.

5. **Section - Approval or Denial of Claim.**

a. All claims made under this Ordinance shall be reviewed and either approved or disallowed by the Sherman County staff person appointed by the County Court to perform such review.

b. If the claim is disapproved, the claimant shall be notified in writing by certified mail sent to the address specified on the form. The notice shall state the reason for disapproval.

c. In the event of disapproval, the claimant may appeal the staff decision to the County Court by filing an appeal within thirty (30) days of the date of notice disapproving the claim. The appeal must be in writing on the form provided by the County and state the reasons for the appeal. The County Court shall hear the appeal at its next available regular meeting and shall make its decision whether to approve or deny the appeal. The decision of the County Court shall be a final, non-appealable order. Sherman County shall not be liable for any Court costs or attorney's fees associated with any appeal.

6. **Section - Miscellaneous.**

a. Only one incentive payment shall be made for each Household for any year under this Ordinance.

b. A Household where the real property is owned by a corporation or limited liability company may still qualify as an eligible household under this Ordinance.

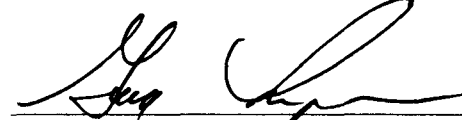
c. In a Household resided in by several co-tenants, only one co-tenant will be eligible for Head of Household and only one incentive payment will be made for that Household.

7. **Section - Emergency Clause.**

This Ordinance, being essential to the preservation of the health, safety, welfare and financial integrity of the County, an emergency is hereby declared to exist and this Ordinance is effective upon its adoption.

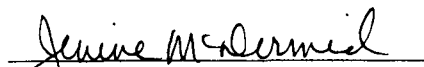
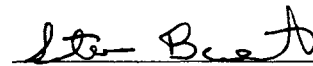
PASSED AND ADOPTED by the Sherman County Court on the 15th day of July, 2009.

SHERMAN COUNTY COURT

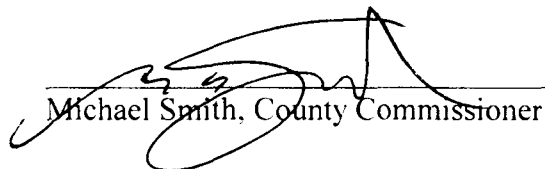


Gary Thompson, County Judge

ATTEST:


County Clerk/Deputy

Steve Burnet, County Commissioner


Michael Smith, County Commissioner