

## Chapter 203

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**GENERAL PROVISIONS**

**203.010 General powers of county as body politic and corporate.** Each county is a body politic and corporate for the following purposes:

- (1) To sue and be sued;
- (2) To purchase and hold for the use of the county lands lying within its own limits and any personal estate;
- (3) To make all necessary contracts; and
- (4) To do all other necessary acts in relation to the property and concerns of the county.

**203.020 County seat of Jackson County.** After July 1, 1927, the county seat of Jackson County shall be at the city of Medford in Jackson County.

**203.030 to 203.100** [Reserved for expansion]

**COUNTY COURTS AND BOARDS OF COUNTY COMMISSIONERS (ADMINISTRATIVE FUNCTIONS)**

**203.110 County court membership when county business transacted.** When county business is being transacted therein, the county court is held by the county judge and two commissioners designated by law, or a majority of such persons.

**203.120 General powers of county court pertaining to county business.** The county court has the authority and powers pertaining to county commissioners to transact county business, as follows:

- (1) To provide for the erection and repairing of courthouses, jails and other necessary public buildings for the use of the county.
- (2) To provide offices and furniture, books, stationery, fuel and light therefor, for the sheriff, county clerk and treasurer or other county officers, and county law library.
- (3) To establish, vacate or alter county roads or highways within the county, or any other necessary act relating thereto, in the manner provided by law.
- (4) To provide for the erection and repairing, within the county, of public bridges upon any road or highway established by public authority.
- (5) To license ferries and fix the rates of ferriage.
- (6) To grant public dance hall licenses to dance halls in the county and outside the

boundary limits of any incorporated city or town, and to regulate such dance halls and dances held therein, and to revoke such licenses. To grant grocery and all other licenses authorized by law, where the authority so to do is not expressly given to some other tribunal.

(7) To estimate and determine the amount of revenue to be raised for county purposes, and to levy the rate necessary therefor, together with the rate required by law for any other purpose and cause the same to be placed in the hands of the proper office for collection

(8) To provide for the maintenance and employment of the county or transient paupers, in the manner provided by law.

(9) To have the general care and management of the county property, funds and business, where the law does not otherwise expressly provide.

(10) To compound for or release, in whole or in part, any debt or damages arising out of contract due the county, and for the sole use thereof, upon such terms as may be just and equitable.

(11) To provide, establish, maintain and regulate the use of public parks and recreational areas within the county outside the boundary of any incorporated city, but nothing contained in this subsection shall deny to any incorporated city the right to own, operate and acquire property for park purposes in other counties when permitted by the charter of the city so to do.

(12) To establish, lay out, open, improve and maintain roads to all cemeteries where no charge is made for lots or burials therein and where such cemeteries are dedicated to public use.

(13) To refund fines that have been illegally imposed, or fees that have been erroneously charged, and have been paid over to and retained by the county treasurer.

(14) To sell materials, to lease equipment and to perform work with county labor and equipment for persons, firms or corporations.

(15) To grant vacations and sick leave with pay to county employes

**203.125 Power of county court as to workhouses and paupers.** The county court of any county may, if it thinks proper, cause to be built or provided in its county, workhouses for the accommodation and employment of such paupers as may from time to time become county charges. The workhouse

and paupers shall be under such rules and regulations as the county court deems proper and just.

**203.130 Conservation, development and advertisement of county resources.** The county court of each county may appropriate out of the general fund of the county, not otherwise appropriated, such reasonable amount of money, not exceeding \$5,000 annually, as to the court may seem wise and expedient, for the following purposes:

(1) To employ such employes and expert consultants as are deemed necessary to make investigations and surveys concerning the resources of the county and to assemble and analyze the data thus obtained for the conservation of such resources and the systematic utilization thereof.

(2) To make exhibits at county, state, district and other fairs and expositions

(3) To advertise and make known by whatever means deemed advisable the various agricultural, horticultural, mining, manufacturing, transportation, commercial and other resources of the county.

(4) To cooperate with other counties, the state and other public and semipublic agencies and organizations of the municipalities, state, other states and the United States in such conservation, development, advertising and exhibits.

**203.140 Special tax to advertise and promote county resources.** Any county is authorized to levy a special tax of not more than three-fourths of one mill for advertising, printing and distribution of literature in such manner and forms as may be determined upon, for the purpose of making known the various agricultural, horticultural, mining, manufacturing, commercial and other resources, or for the purpose of promoting manufacturing and other enterprises beneficial in the development of the county

**203.150 Election to determine upon special tax levy.** (1) Upon a petition, signed by 20 percent of the legal voters at the last preceding election who are taxpayers of the county, being filed with the clerk of the county not later than 45 days prior to the election at which the proposition of levying such a tax is to be voted upon, the clerk shall cause the proposition to be printed on the ballot and it shall thereby be submitted to the voters of the county, who shall vote "yes" or "no" thereon.

(2) If the proposition receives a majority of all the votes cast for and against it at the election, it shall be considered carried, and the county court shall levy the tax accordingly, but if it does not receive such a majority, it shall be considered defeated.

**203.160 Application of funds.** The funds thus raised shall be distributed for the purposes for which they were raised by the county in the manner in which other funds of the county for county purposes are distributed.

**203.170 Terms of county courts for county business.** There shall be a term of the county court for the transaction of county business held in the several counties as follows, and at such other times as the court in term or the county judge in vacation may appoint, in like manner and with like effect as the circuit court or judge thereof is authorized by ORS 4 410.

(1) In the county of Lincoln on the first Tuesday in each month, convening at 10 a. m.

(2) In the counties of Baker, Benton, Clatsop, Clackamas, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilham, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Linn, Malheur, Marion, Morrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler and Yamhill on the first Wednesday in each month, convening at 10 a.m. [Amended by 1953 c.477 §7]

**203.180** [Repealed by 1953 c.306 §18]

**203.190 Continuance of county business when court divided.** When in the transaction of county business only two of the persons authorized to hold the court are present, and there is a disagreement between them, upon any question or matter before them, the same shall be continued until the next term, or until the third person authorized to sit is present

**203.200 Review of county business decisions of the county court.** The decisions of the county court made in the transaction of county business shall be reviewed only upon the writ of review provided by the civil procedure statutes

**203.210 Board of county commissioners of Multnomah County.** (1) The county commissioners of Multnomah County shall be known as the Board of County Commissioners of Multnomah County.

(2) The board has power to appoint a chairman from among their own number and remove him at pleasure.

(3) The board shall have and possess, exercise and enjoy all the powers and jurisdiction possessed and exercised by a county court sitting for the transaction of county business.

(4) The board shall meet for the transaction of county business on the first Wednesday in each month at 10 a.m., and at other times at the call of the chairman. [Amended by 1953 c.306 §17]

**203.219 Office of county judge of Lane County abolished; transfer of powers.** The office of county judge of Lane County is abolished and all powers and duties of the county court and county judge of Lane County on April 28, 1953, are transferred to the board of county commissioners of Lane County. [1953 c 477 §1]

**203.220 Board of county commissioners of Lane County.** (1) The county commissioners of Lane County shall be known as the board of county commissioners of Lane County. Such board shall have the powers and duties and be otherwise subject to the laws applicable to county courts sitting for the transaction of county business.

(2) The board shall meet for the transaction of county business on the first Wednesday in each month at 10 a.m., and at such other times at the call of the chairman.

(3) The board shall appoint a chairman from among their number and may remove him at pleasure, but if two members of the board cannot agree on a chairman, the member of the board who is oldest in length of service shall be chairman. [1953 c 477 §3]

**203.230 to 203.300** [Reserved for expansion]

### COUNTY MANAGER FORM OF GOVERNMENT

**203.310 Purpose of ORS 203.310 to 203.550.** It is the purpose of ORS 203.310 to 203.550 to provide a means whereby a county may abolish all elective and appointive county offices otherwise created, except the office of county school superintendent in counties having adopted the county unit plan, and adopt a charter providing a method or plan of administering all existing laws, local and state, which are applicable to such county, and all existing laws, local and state, formerly applicable to any office or agency

thereof so abolished. A method or plan so adopted shall be known and may be cited as "The County Manager Form of Government."

**203.320 Authority to adopt county manager form.** Any county not having a manager form of government may adopt and establish therein a county manager form of government as provided in ORS 203.310 to 203.550, and not otherwise.

**203.330 County manager form charter; contents.** (1) A county may adopt a charter containing any system or plan of county manager form of government which substantially conforms to the requirements of ORS 203.310 to 203.550, and which shall be approved by a majority of its electors voting for that purpose.

(2) The charter shall provide for:

(a) The division of the county government in such departments as shall be necessary for the most efficient administration of the laws in the particular county, and shall assign general duties to such departments.

(b) Filling vacancies in the membership of the county board occurring by any cause except expiration of tenure.

(c) The respective terms in office of the members of the county board.

(d) The compensation, if any, to be paid to members of the county board.

**203.340 Petition for adoption of county manager form.** A petition for the adoption of the county manager form of government in which the proposed county charter is set forth, when signed by resident electors of the county equal in number to not less than 10 percent of the total number of votes cast for the office of county clerk at the next preceding election for such office, may be presented to the county court or board of county commissioners of any county.

**203.350 Examination of petition; election order.** (1) The county court, or board of county commissioners, upon receiving any petition as provided for in ORS 203.340, shall immediately file the same with the county clerk, who shall thereupon check every signature on the petition and within 10 days report to the county court or board of county commissioners, in writing, his findings as to the sufficiency of the petition with respect to the qualifications of the signers thereof.

(2) If the county court or board of county commissioners determines that the petition is signed as required, the petition shall be submitted to the district attorney of the county, who shall examine the same for the purpose of ascertaining whether or not the proposed county charter is in substantial compliance with the provisions of ORS 203.310 to 203.550. He shall report his conclusions in that regard to the county court or board of county commissioners

(3) If, after receiving the report of the district attorney, it is determined that the petition does not conform to the requirements of ORS 203.310 to 203.550, an order shall be entered denying the same. If it is determined that the petition is valid by reason of full compliance with all the provisions of ORS 203.310 to 203.550, an order shall be entered that a special referendum election be held in the county at the same time and place and in the manner provided by law for holding the next primary election; but no election shall be held on the question of the adoption of a county manager form of government within 45 days after the date of the order requiring it to be held.

**203.360 Notice of order and election.** Upon ordering a referendum election the county court or board of county commissioners shall immediately publish notice of the order and of the time and place fixed for the election, in a daily newspaper of general circulation throughout the county, at least twice a week for a period of three consecutive weeks. In case there is no daily newspaper with wide circulation in the county, then publication shall be made in a weekly newspaper for four consecutive weeks.

**203.370 Election ballot form.** The ballots furnished to the voters at the election, shall be in substantially the following form:

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**OFFICIAL BALLOT**  
**REFERENDUM ELECTION ON THE**  
**ADOPTION OF THE COUNTY MAN-**  
**AGER FORM OF GOVERNMENT**  
**IN \_\_\_\_\_ COUNTY.**

Shall the County Manager Form of  
 Government be Adopted  
 in \_\_\_\_\_ County? (Vote

Yes or No)	Yes	No
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**203.380 Counting and canvassing votes; result.** (1) The votes cast at the referendum election shall be counted and canvassed in the same manner as provided by law for the

votes cast for the election of county officials.

(2) If it is determined that a majority of the votes cast were "no," the county court or board of county commissioners shall forthwith enter its order accordingly. If it is determined that a majority of the votes cast were "yes," the county court shall enter its order pursuant thereto, declaring the county manager form of government adopted in \_\_\_\_\_ County.

**203.390 Charter adoption and amendment.** (1) Upon adopting the county manager form of government, the charter set forth in the petition as required by ORS 203.340 shall also be deemed to have been adopted as the county charter.

(2) The charter may subsequently be amended only by the people of the county through the exercise of the initiative; but the county board may propose any amendments thereto and refer such proposed amendments to the people for their adoption or rejection.

**203.400 Effective date of county manager form.** The county manager form of government shall go into effect in any county adopting it on January 1 of the year following the first election of the county board of the county.

**203.410 General powers, membership and qualifications of county board.** (1) The powers of a county as a body politic and corporate shall be vested in a commission and exercised in the manner provided in ORS 203.310 to 203.550.

(2) The commission shall be known as "The County Board," and shall consist of not less than three nor more than seven members, all of whom shall have been residents of the county for at least one year immediately preceding their election.

(3) The elected members of the county board, before assuming office, shall qualify by taking an oath, as required by law for other public officers.

(4) One of the members of the board shall be elected and shall serve as county judge

**203.420 Powers and duties of board.** (1) The county board shall be the policy-determining body of the county, and except as otherwise provided by law, shall be vested with all the powers of the county, including power to levy taxes and to appropriate funds.

(2) Upon adoption of the county manager form of government as provided for in ORS 203.310 to 203.400, all the powers, authority and duties granted to and imposed upon county officers by general law whose offices have thereby been abolished shall become vested in the county board.

(3) The county board is vested with full power to inquire into the official conduct of any officer or office under its control and to investigate the accounts, disbursements, bills and receipts of any county, district or township officer. For these purposes the board may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; and if any witness fails or refuses to obey any such lawful order of the county board, he shall, upon conviction thereof, be guilty of a misdemeanor. Any official being investigated shall have a right to be represented by counsel at the hearing.

(4) The county board may require the county manager and any other county employe to furnish a bond in such amount as it may deem adequate.

(5) The county board shall cause an annual audit to be made of the affairs of the county manager.

(6) The county board may preserve order in its sessions and for this purpose may enforce obedience by fines not exceeding \$5, or by imprisonment in the county jail for a period not exceeding 24 hours.

(7) The county board may put all officers of the county on a salary basis, and require all county fees to be accounted for and paid into the county treasury.

(8) Whenever in any county adopting the county manager form of government, it is not clear what officer provided for thereby or under the authority thereof should exercise any power or perform any duty conferred upon or required of the county, or any officer thereof, by general law, then such power shall be exercised or duty performed by that officer of the county designated by ordinance or resolution of the county board.

**203.430 Restriction on county expenditures.** Beginning January 1 and during the remainder of the fiscal year in which the county manager form of government is adopted in any county, such county shall be restricted in its expenditures and accounts currently budgeted under the local budget

law only to the limit which that law fixed for its total expenditures that year.

**203.440 Schedule of compensation.** The county board shall establish a schedule of compensation for officers and employes which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and maximum for any class. An increase in compensation, with the limits provided for by any class, may be granted at any time by the county manager or other appointing authority upon the basis of efficiency and seniority records. None of the provisions of the laws of this state with regard to the appointment or compensation of deputy county officers shall apply hereto.

**203.450 Powers and duties of county judge.** The county judge, chosen under subsection (4) of ORS 203.410, shall have all the judicial jurisdiction, powers, duties and functions now or hereafter vested in the county judge by general law. If, however, provision is made under the general law for the exercise of such powers, duties and functions by some officer or agency other than the county judge in any county, the county board shall have no authority under this section.

**203.460 County manager; appointment; compensation; qualifications; tenure; removal; absence or disability.** (1) The county board shall appoint a county manager and fix his compensation. He shall be the administrative head of the county government, and shall devote his full time to this work. He shall be appointed with regard to merit only and need not be a resident of the county at the time of his appointment. No member of the county board shall, during the time for which elected, be chosen manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

(2) The manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the county board. In case the county board determines to remove the manager, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a meeting of the county board prior to the date on which his final removal shall take effect, but pending and during such hearing the county board may suspend him from office for a maximum of

30 days. The action of the board in suspending or removing the manager is not subject to review.

(3) In case of the absence or disability of the manager the county board may designate some responsible person to perform the duties of the office.

**203.470 Interest in county contracts prohibited.** If any member of the county board or the county manager is found to have a personal interest, either directly or indirectly, in any contract to which the county is a party, the contract is void

**203.480 Power of manager exclusive within certain limits; violation by board members.** Except for the purpose of inquiry or in emergencies, the county board and its members shall deal with that portion of the administrative service over which the manager is responsible solely through the manager, and neither the county board nor any member thereof shall give orders to any subordinate of the county either publicly or privately. Any violation of this section by a member of the county board shall be a misdemeanor, conviction of which shall immediately result in the forfeiture of his office by the member so convicted

**203.490 Duties of manager.** The manager shall

(1) Supervise the collection of all revenues, guard adequately all expenditures, secure proper accounting for all funds, look after the physical property of the county, exercise general supervision over all county institutions and agencies, and, with the approval of the county board, coordinate the various activities of the county and unify the management of its affairs

(2) Execute and enforce all resolutions and orders of the county board, and see that all laws of the state required to be enforced through the county board or other county officers subject to its control are faithfully executed.

(3) Attend all meetings of the county board and recommend such actions as he may deem expedient

(4) Appoint all officers and employes in the administrative service of the county, except as otherwise provided in ORS 203 310 to 203 550 and except as he may delegate that power

(5) Fix, with the approval of the county board, the compensation of all officers and employes whom he or a subordinate appoints

(6) Report every appointment or removal of any officer, agent or employe he or a subordinate may appoint to the next meeting of the county board.

(7) Prepare and submit the annual budget, and execute the budget in accordance with the resolutions and appropriations made by the county board

(8) Make regular monthly reports to the county board in regard to matters of administration, and keep the board fully advised as to the financial condition of the county

(9) Examine regularly the books and papers of every officer and department of the county and report to the county board the condition in which he finds them. He may order an audit of any office at any time

(10) Perform such other duties as may be required of him by the county board

**203.500 Budget; county budget officer.**

(1) The manager shall prepare and submit to the county board a budget, which shall present a financial plan for conducting the affairs of the county for the ensuing year and be set up in the manner prescribed by local budget law.

• (2) If the office of county budget officer is at any time provided for by general law the county manager shall serve in that capacity

**203.510 Activities of manager; county departments.** (1) The county manager shall be responsible to the county board for the administration of the following activities

(a) The assessment of property for taxation and the preparation of the tax roll;

(b) The collection of taxes, license fees and other revenues of the county and its subdivisions;

(c) The custody and accounting of all public funds belonging to or handled by the county;

(d) The purchase of all supplies for the county except those specifically excepted in ORS 203.310 to 203 550;

(e) The care of all county buildings;

(f) The care and custody of all the personal property of the county;

(g) The recording of deeds, mortgages and other instruments, and the entry and preservation of such other public records as the law requires;

(h) The construction and maintenance of county highways and bridges;

(i) The custody and care of prisoners;



(j) The care of the poor, the operation of county charitable and correctional institutions and the other welfare activities falling exclusively within the jurisdiction of the county;

(k) Public health work and the operation of the county hospitals;

(L) Any or all matters of property and business in connection with the administration of schools and other governmental units within the county which are delegated to him by these units with the approval of the county board;

(m) Such other activities of the county as are not specifically assigned to some other officers or agency by ORS 203.310 to 203.550 or by laws of the state subsequently enacted.

(2) These activities shall be distributed among the departments described in this subsection. Unless otherwise provided in the charter, there shall be a department of records and finance; a department of education; a department of public works, and a department of public welfare. The county board may, upon recommendation of the county manager, establish additional departments. Any activity which is unassigned by ORS 203.310 to 203.550 shall be assigned by the county board to an appropriate department, and any activity so assigned may, upon the recommendation of the county manager, be transferred by the board to another department

(3) The manager shall appoint a director for each department provided for or authorized by this section or the charter, and he may, with the consent of the county board, act as the director of one or more departments himself, or appoint one director for two or more departments. The subordinate officers and employees of each department shall be appointed or employed by the manager, unless he chooses to delegate this power in particular instances to a subordinate officer

**203.520 Appointment of officers and employes by manager.** The manager shall be responsible to the county board for the proper administration of all the affairs of the county which the board has authority to control. To that end he shall appoint all officers and employes in the administrative service of the county, except as otherwise provided in ORS 203.310 to 203.550, and except as he may authorize the head of a department or office responsible to him to ap-

point subordinates in such department or office. All appointments shall be on the basis of the ability, training and experience of the appointees which fit them for the work which they are to perform. All appointments shall be without definite term unless for temporary service not to exceed 60 days.

**203.530 Lay-off, suspension, removal of appointees; civil service law.** (1) Any officer or employe of the county appointed by the manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager, or the officer by whom appointed

(2) Any director of a department or other officer who has been suspended or removed by the manager, within five days thereafter shall be given a written statement setting forth the reasons for dismissal, if he so requests. A copy of the written statement giving reasons for dismissal, a copy of the written reply thereto by the officer involved, and a copy of the decision of the manager shall be filed as a public record in the office of the clerk to the county board.

(3) No provision of ORS 203.310 to 203.550 shall be construed as authorizing any limitation or qualification of any of the laws of this state relating to civil service.

**203.540 Officers heard at board sessions.** The manager, the directors of all departments, and all other officers of the county shall be entitled to be present at all sessions of the county board. The manager shall have the right to present his views on all matters coming before the county board and the directors or other officers shall be entitled to present their views relating to their respective department or offices. This right shall apply to all officers of the county whether elective or appointive.

**203.550 Abandonment of county manager form.** (1) Whenever the county manager form of government has been in effect in a county for a period of not less than four years it may be abandoned by following the procedure provided for adopting it, except that the question submitted to the voters shall be: "Shall the county manager form of government be retained in \_\_\_\_\_ County?" If a majority of the legal votes cast on the question are against retaining such form of government the county shall revert, 60 days thereafter, to the form of

government provided for counties by the general laws of this state.

(2) For the purpose of electing officers for the county in the event the county manager form of government is abandoned, the county board shall immediately call a special election to be held not more than 30 days after the date of the election by virtue

of which the county manager form of government is abandoned. Candidates for county offices to be filled at such election shall be nominated by petition of at least 50 legal voters of the county filed with the county manager at any time not less than 10 days before such election.