Chapter 203

1971 REPLACEMENT PART

County Governing Bodies; County Home Rule

GENERAL PROVISIONS

203.010 General powers of county as body politic and corporate
203.020 County seat of Jackson County

COUNTY GOVERNING BODIES

203.110 Transaction of county business
203.120 General powers of county court pertaining to county business
203.121 Appointment of legal counsel for county governing body; authority of counsel; compensation
203.122 Power of county governing body to contract for insurance and other benefits covering county officers and employes
203.123 Power of county governing body to pay rewards for enforcement of littering laws
203.124 Power of county governing body to contribute to support of county employes injured in performance of duty
203.125 Power of county court as to workhouses and paupers
203.130 Conservation, development and advertisement of county resources
203.140 Special tax to advertise and promote county resources
203.150 Election to determine upon special tax levy
203.160 Application of funds
203.170 Terms of county courts for county business
203.190 Continuance of county business when court divided
203.200 Review of county business decisions of the county court

BOARDS OF COUNTY COMMISSIONERS

203.224 Board of County Commissioners of Clackamas County
203.228 Board of County Commissioners of Douglas County
203.230 Abolishing office of county judge and establishing board of county commissioners in noncharter county; referral of order; operative date
203.240 Organization, powers and duties of board

COUNTY HOME RULE

203.710 Performance of functions by officers designated by county law; definition
203.720 Voters of county may adopt, amend, revise or repeal county charter; certain provisions, deemed matters of county concern, to prevail over state law
203.730 Charter committee appointed after filing of resolution or petition; sufficiency of petition; notice to persons entitled to make appointments to committee
203.740 Charter committee and members; appointment, qualifications, vacancies, terms, organization, meetings
203.750 County funds for charter committee; committee staff; county officials to cooperate
203.760 Submission of proposed charter, after public hearing, to voters; approval of conflicting charters
203.770 Copies of charters and amendments, revisions and repeals thereof; location and judicial notice of
203.780 Initiative and referendum powers with respect to county charter and legislation
203.790 Publication of proposed charters in voters' pamphlets
203.810 Offenses under county law; jurisdiction; prosecutions

CROSS REFERENCES

Agricultural fairs, counties authorized to provide, 565.510
Agricultural land, board of review to advise assessor on valuation, 308.350
Alcoholism, prohibition against local laws except traffic regulation, 430.325
Appeals from action or failure to act of agency of local government, 2.510
Apprentices and trainees, county employes, 660.128
Borrowing capacity of counties, determination, 287.010
Builders, issuing building permits to unregistered, prohibited, 701.055
Cancellation of bond given to any public body, 743.755
City-county consolidation, 199.705 to 199.755
Consultant to be appointed from counties imposing taxes having multistate impact, 305.665
Costs, payment for psychiatric examination of criminal defendant, 161.365
County advancing funds to finance service facility, 280.055
County roadwork, accounting, 368.150
Determination of population of counties, 190.520
Dikes and dams, authority over, 551.160
Discrimination against optometrists prohibited, 683.035
Duty to provide facilities for Oregon Tax Court, 305.475
Enemy attack:
  Succession to office in event of, 236.440
  Temporary seat of government in event of, 236.450
Exemption from fire laws and regulations granted by State Fire Marshal, 476.030
Industrial facilities, acquisition and disposition, 271.510 to 271.540
Investment funds of county, deposit in savings and loan associations authorized, 722.499
Jail inmates, workmen's compensation coverage, 656.041
Local income and sales taxes, collection and distribution, 305.620
Moneys collected in traffic offense proceedings, disposition of, 484.250
Outdoor mass gatherings, regulation, 433.735 to 433.770
Pedestrian malls, 376.705 to 376.825
Pesticides, application restricted, 573.046
Police academies, reimbursement of local costs, 181.655
Police officers and firemen employed by county, coverage under Public Employes' Retirement System, 237.610 to 237.640
Police standards and training, board, 181.620
Property tax officials in charter counties, 306.005, 311.010, 311.020, 311.060
Public facilities, use by handicapped persons, design, 447.210 to 447.280
Public improvements exceeding $50,000, county excepted from certain bidding requirements, 279.090
Rabies inoculation program, county authority, 433.365
Regional correctional facilities, 169.610 to 169.680
Reimbursing Department of Revenue for cost of services in county appraisal program, 308.061
Relocation of municipal facilities, payment of costs by State Highway Commission, 366.321
Snowmobiles, regulation authorized, 483.775
Solid waste disposal, master plans and service facilities by certain counties authorized, 451.010
Tort actions against public bodies, 30.260 to 30.300
Underground assessment district, creation, 758.220 to 758.270
Use of county roads by vehicles of excess size or weight, 483.520 to 483.528
Wreckers, motor vehicle, regulation, limits on location and size, 481.353

203.010

Actions and suits by and against county, 30.310, 30.312, 30.315, 30.320, 30.380, 30.390, 105.755, 105.760
Amusement rides, effect of county regulation upon state law, 460.380
  Boats and boating, 488.028, 488.860
Assessment in addition to fine or bail forfeiture for violation of county ordinance, 137.015
Building ordinances, application to public property, 227.286
Coastal zone, comprehensive land use plan preparation, 191.110 to 191.180
Condemnation of property by counties, 281.310 to 281.330, 368.275 to 368.290
Conservation and scenic easements, 271.720
Cooperation between public corporations, Ch. 190
County cooperation with State Highway Commission, 366.770
County plumbing or sewage cesspool work standards, 447.080
Development of industrial plants or commercial enterprises, 184.160, 184.180
Education in homemaking and agricultural education, cooperation, 343.910
Fire permits, counties to issue in accordance with schedule of Environmental Quality Commission, 476.380
Food processing by-products, permits for transportation of by vehicles with fluid leakage, 483.510
Housing authorities, county cooperation, Ch. 456
Juvenile delinquency, control, 418.025, 419.587
Labor conciliation services for public employes, 662.435
Property, acquisition by county, 281.340
Public records, disposition, 192.140 to 192.160
Recreational facilities, study, 390.140
Sewerage facilities, intergovernmental cooperation, 449.435
Summer camp program, 418.705 to 418.730
Timber, sale by county, 526.805
Traffic control on properties under State Board of Higher Education, 352.360
Trailer, state regulations supersede county ordinances, 446.200
Transportation system, county to protect rights of employes when assuming operation, Const. Art. XI §13
Unemployment insurance, coverage, 657.020, 657.065, 657.097, 657.505
Uniform enforcement of regulations on use of vehicles on school grounds, 332.445
Vote recording systems, Ch. 258
Work and training programs, 411.855 to 411.870
Workmen's compensation as affects counties, 656.016

203.110

Appointment of county judges and commissioners on creation of new county or boundary change, 202.100
Compensation of county judges and commissioners, Ch. 204
County court held by judge, except in transaction of county business, 5.010
Election of county commissioners, Ch. 204
Election of county judges, Const. Art. VII (O), § 11, Art. VII (A), § 1

Expense of county courts in counties with less than 10,000 population, Const. Art. VII (O), § 14
Judicial functions of county court, Ch. 5
Jurisdiction of county court, Const. Art. VII (O), § 12, Const. Art. VII (A), § 2
Order of county court business, 5.100
Watermasters, furnishing office to and paying expenses of, 540.071

203.120

Boats and boating, Ch. 488
Curfew for minors, 419.740, 419.750
Exchanges of forest land or timber by State Board of Forestry, 530.040, 530.510
Functions of county court with regard to:
- Audit of accounts of counties, Ch. 297
- Businesses, certain, regulation, 670.220
- City-county consolidation, 199.725
- Civil service for firemen, 242.706
- Collection agencies, 697.120
- Collection of levy of special road districts, 371.655
- Collective bargaining, 243.740
- Conciliation services, 107.530
- County board of health, Ch. 431
- County borrowing and bonds, Ch. 287
- County condemnation for public use, Ch. 281
- County fairs, Ch. 565
- County financial administration, Ch. 294
- County forests, 275.335
- County hospitals, Ch. 440
- County lands, Ch. 275
- Debt consolidating agencies, 697.665
- Drainage and flood control, Ch. 549
- Emergency interim successor, designation when member of Legislative Assembly fails to act, 236.500
- Financing of public projects and improvements, Ch. 280
- Flood control, 549.710
- Garbage removal, 451.570
- Insurers, preemption of state of power to regulate, tax or license, 731.840
- Libraries and museums, Ch. 357
- Nuisance abatement, 459.120
- Protection of forests from fire, Ch. 477
- Public buildings, Ch. 276
- Public contracts and purchasing, Ch. 279
- Public defender (county), 151.050
- Public records, Ch. 192
- Refund of certain school taxes, 311.755
- Retirement of county employes, Ch. 238
- Roads, bridges and ferries, Chs. 368 to 384
- Sewage or garbage disposal, 433.730, Ch. 451
- Surveying or laying out sewage disposal and other service facilities, 451.590
- Vacation, sale, lease or donation of public lands, Ch. 271
- Water conservation, 549.710
- Water control district, governing body of, 553.240

Judicial functions of county court, Ch. 5
Juvenile delinquency, 418.025, 419.587
Sewage disposal and other services, master plan for county, 451.120

203.121

Legal representation by district attorney, 8.690

203.122

Life insurance provided by public employers for police officers and firemen, 243.015

203.124

Local Budget Law, 294.305 to 294.520

203.125

Consent of executive head of war veterans organization required before sending veteran to poorhouse, 408.750

203.130

Development of resources, state cooperation, 184.160, 184.180

203.230

Election of county commissioners by numbered position, 204.017

203.240

Local government boundary commission, creation of, by order of county board, 199.430

203.720

Conduct of elections generally, Ch. 250
County home rule authorized, Const. Art. VI § 10
District court, establishment by charter, 46.025
Home Rule Counties:
- Hood River
- Lane
- Multnomah
- Washington

203.780

Procedures with respect to city legislation, 254.130

203.790

Administrative Procedures Act, 183.310 to 183.500

203.810

Civil proceeding by city or charter county in lieu of prosecution, 30.315

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.

COUNTY GOVERNING BODIES

203.110 Transaction of county business. When county business is being transacted therein, the county court is held by the county judge and two commissioners, or a majority of such persons. In a county having a board of county commissioners consisting of three commissioners, county business shall be transacted by the board or a majority of the commissioners.

[Amended by 1971 c.88 §6]

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 and to permit the use thereof, including the use of the right of way, by persons for purposes deemed by the county court to be in the public interest.

(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 and maintain fair, athletic and exposition grounds, public parks and recreational areas, including buildings, stadia, structures and other facilities therefor and to regulate the use thereof, 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; the authority to regulate shall not apply to city-owned and maintained public parks and recreational areas.

(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.

[Amended by 1959 c.532 §1; 1963 c.31 §1]

203.121 Appointment of legal counsel for county governing body; authority of counsel; compensation. (1) As used in this section, "board" means board of county commissioners, county court or county governing body of a county, as the case may be.

(2) Unless otherwise provided by county charter or legislation enacted pursuant thereto, the board of each county may appoint a person or persons licensed to practice law in the State of Oregon as counsel to advise the board and other county officers, to render services in connection with legal questions of a civil nature arising in the discharge of their functions, to prosecute violations of county law as defined by ORS 203.810, and to provide such additional services as the board determines. Counsel shall serve at the pleasure of the board, on a full- or part-time basis, and be compensated in the manner and amounts the board determines. The board shall reimburse counsel for necessary expenses incurred in performance of services rendered and may provide personnel, facilities and office space necessary for counsel to render such services.

(3) When a person or persons licensed to practice law in the State of Oregon have been appointed pursuant to subsection (2) of this section, he shall have the same civil authority and responsibilities as are otherwise provided for the district attorney when acting as advisor to the board and county officers.
[1965 c.419 §2; 1969 c.516 §1]

203.122 Power of county governing body to contract for insurance and other benefits covering county officers and employes. (1) Any county court or board of county commissioners may enter into contracts of insurance with companies licensed to do business in the State of Oregon covering county officers and employes for medical, surgical, hospital and related services and supplies, life insurance, annuities and other retirement benefits and monthly indemnity for loss of time due to accident or sickness. Failure to procure such insurance shall not be construed as negligence or lack of diligence on the part of the county court or board of county commissioners or members thereof.

(2) The county may agree to pay none, part or all of the premiums on contracts of insurance entered into pursuant to this section.

(3) As used in this section, the term "medical" includes services rendered by a person licensed to practice one or more of the healing arts within the scope of the license of the licentiate, or any other remedial care recognized under the law of this state.
[1959 c.139 §1; 1965 c.432 §1]

203.123 Power of county governing body to pay rewards for enforcement of littering laws. The county court or board of county commissioners of each county shall provide for, offer and pay rewards to persons, other than peace officers, for the arrest and conviction, or information leading to the arrest and conviction, of any person who has violated ORS 164.805 or subsection (1) or (2) of ORS 449.107. Such a reward shall not exceed $250. A claim for reward shall be audited and paid as are other claims against the county.
[1969 c.511 §3; 1971 c.743 §345]

203.124 Power of county governing body to contribute to support of county employes injured in performance of duty. (1) As used in this section:

(a) "County employe" means any duly appointed, qualified and acting deputy, assistant or clerk appointed by any of the elective officials of a county and whose salary or wages are paid from county funds.

(b) "Accidental injuries" means injuries sustained as the direct result of accident not caused by his own negligence, by a county employe while engaged in the performance of his official duties.

(c) "Permanent total disability" means disability resulting from accidental injuries sustained by a county employe rendering such employe permanently incapable of earning a livelihood in any occupation.

(2) Whenever a county employe sustains permanent total disability as a result of accidental injuries received by him in the performance of his official duties the county court or board of county commissioners of the county by which he was employed may in their discretion authorize the payment to such employe out of county funds such sums as they may deem necessary for his reasonable support and maintenance; provided, however, that the sums paid to such injured employe out of county funds together with such sums, if any, as such injured employe may receive from workmen's compensation, county or state pensions, federal old age and security insurance or other federal pension, public welfare or any other similar source, shall not exceed two-thirds of the regular salary or wage being paid to such employe at the time of his injury.

(3) The county court or board of county commissioners may each year include in its annual budget an item covering the sums to be contributed by the county to the support and maintenance of such permanently disabled employes, if revenues are available for that purpose.
[1959 c.649 §§1, 2, 3]

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 $20,000 annually in counties of more than 250,000 population, and not exceeding $10,000 in all other counties, 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, recreational 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.
[Amended by 1955 c.273 §1]

203.140 Special tax to advertise and promote county resources. Any county is authorized to levy a special tax 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. The special tax for such purposes shall not exceed three one-hundred-sixtieths of one percent (.0001875) of the true cash value of all taxable property within the county, computed in accordance with ORS 308.207.
[Amended by 1963 c.9 §3]

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 having county courts on the first Wednesday in each month, convening at 10 a.m., 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.
[Amended by 1953 c.477 §7; 1957 c.49 §1]

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.

BOARDS OF COUNTY COMMISSIONERS

203.210 [Amended by 1953 c.306 §17; repealed by 1971 c.88 §8]

203.219 [1953 c.477 §1; repealed by 1971 c.88 §8]

203.220 [1953 c.477 §3; repealed by 1971 c.88 §8]

203.223 [1959 c.174 §1; repealed by 1971 c.88 §8]

203.224 Board of County Commissioners of Clackamas County. (1) The county commissioners of Clackamas County shall be known as the Board of County Commissioners of Clackamas 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.
[1959 c.174 §4]

203.226 [1963 c.386 §1; repealed by 1971 c.88 §8]

203.228 Board of County Commissioners of Douglas County. (1) The county commissioners of Douglas County shall be known as the Board of County Commissioners of Douglas 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.
[1963 c.386 §3]

203.230 Abolishing office of county judge and establishing board of county commissioners in noncharter county; referral of order; operative date. (1) The county court of any county which has not adopted a county charter pursuant to ORS 203.710 to 203.790, and in which the county judge has no judicial function, may order the office of county judge abolished and create in lieu thereof a third county commissioner. The order shall transfer all powers and duties of the county court and county judge to the board of county commissioners and, unless referred to the people, shall be effective on the date specified therein. The order made under this subsection may be referred to the people of the county for their approval or rejection and, if approved, shall become operative on the date specified in the order referred. The people of the county shall vote on such order at a regular primary or general election.

(2) If, in a year in which a county judge is to be elected in the county, the order made under subsection (1) of this section is to become operative:

(a) On or subsequent to the date of the regular primary election but prior to the regular general election, then those persons nominated at the primary election for the office of county judge shall be candidates for the office of county commissioner created in the order.

(b) On or subsequent to the date of the regular general election, then the person elected to the office of county judge shall, upon the expiration of the term of office of the county judge holding office at the time the order was approved, take office as the county commissioner created in the order if the order has become operative.

(3) When the order issued under subsection (1) of this section becomes operative, the county judge shall, until the expiration of his term of office, serve as the third county commissioner. At the general election next preceding the expiration of his term of office there shall be elected, in addition to the two county commissioners provided by law for

each county, one county commissioner who shall possess the same qualifications, receive the same compensation, have the same powers and duties, and be subject to the same provisions of law as the other county commissioners.

(4) The person serving as county judge on the date the office is abolished shall serve as chairman of the board of county commissioners until the expiration of his term of office and shall have the same powers and duties and be subject to the same provisions of law as the other county commissioners. [1961 c.571 §1]

203.240 Organization, powers and duties of board. (1) A board of county commissioners shall:

(a) Have the powers and duties and be otherwise subject to the laws applicable to county courts sitting for the transaction of county business.

(b) Meet for the transaction of county business on the first Wednesday in each month at 10 a.m., and at such other times as may be called by the chairman or two members of the board. Unless notice is waived by all members of the board, no meeting of the board shall be held unless notice of the time and place of the meeting is given at least 12 hours in advance of the meeting.

(c) Except as otherwise provided in subsection (4) of ORS 203.230, appoint a chairman from among their number who shall serve until the first Monday in January next following his appointment. If two members of the board cannot agree on the appointment of a chairman, the member of the board who is oldest in length of service shall act as chairman.

(2) When a county has established a board of county commissioners any reference in the statutes to the county court of that county shall be considered a reference to the board of county commissioners of the county. [1961 c.571 §2; 1971 c.88 §7]

203.310 [Repealed by 1959 c.527 §11]

203.320 [Repealed by 1959 c.527 §11]

203.330 [Repealed by 1959 c.527 §11]

203.340 [Repealed by 1959 c.527 §11]

203.350 [Repealed by 1959 c.527 §11]

203.360 [Repealed by 1959 c.527 §11]

203.370 [Repealed by 1959 c.527 §11]

203.380 [Repealed by 1959 c.527 §11]

203.390 [Repealed by 1959 c.527 §11]

203.400 [Repealed by 1959 c.527 §11]

203.410 [Repealed by 1959 c.527 §11]

203.420 [Repealed by 1959 c.527 §11]

203.430 [Repealed by 1959 c.527 §11]

203.440 [Repealed by 1959 c.527 §11]

203.450 [Repealed by 1959 c.527 §11]

203.460 [Repealed by 1959 c.527 §11]

203.470 [Repealed by 1959 c.527 §11]

203.480 [Repealed by 1959 c.527 §11]

203.490 [Repealed by 1959 c.527 §11]

203.500 [Repealed by 1959 c.527 §11]

203.510 [Repealed by 1959 c.527 §11]

203.520 [Repealed by 1959 c.527 §11]

203.530 [Repealed by 1959 c.527 §11]

203.540 [Repealed by 1959 c.527 §11]

203.550 [Repealed by 1959 c.527 §11]

COUNTY HOME RULE

203.710 Performance of functions by officers designated by county law; definition. (1) The designation of county officers to perform functions under ORS 203.710 to 203.790 extends to those officers who, under a county charter or legislation enacted pursuant thereto, may be designated to perform the same functions.

(2) References to the county court in ORS 203.710 to 203.790 include the board of county commissioners.

(3) As used in ORS 203.710 to 203.790, unless the context requires otherwise, "legally called election" means any primary or general election held throughout the county. [1959 c.527 §1; 1961 c.339 §1]

203.720 Voters of county may adopt, amend, revise or repeal county charter; certain provisions, deemed matters of county concern, to prevail over state law. The legal voters of any county, by majority vote of such voters voting thereon at any legally called election, may adopt, amend, revise or repeal a county charter. The charter, or legislation passed by the county pursuant thereto, shall provide a method whereby the legal voters of the county, by majority vote of such voters voting thereon at any legally called election, may amend, revise or repeal the charter. The county charter and legislative provisions relating to the amendment, revision or repeal of the charter are deemed to be matters of county concern and shall

prevail over any conflicting provisions of ORS 203.710 to 203.790 and other state statutes unless otherwise specifically provided by conflicting state statutes first effective after January 1, 1961.
[1959 c.527 §2]

203.730 Charter committee appointed after filing of resolution or petition; sufficiency of petition; notice to persons entitled to make appointments to committee. (1) A county charter may be proposed by a committee appointed after the filing with the county clerk of:

(a) A resolution requesting appointment of the committee, adopted by a majority of the county court; or

(b) A petition requesting appointment of the committee, signed by such number of legal voters of the county as is equal to at least five percent of the whole number of votes cast within the county for that position of judge of the Supreme Court for which the greatest number of votes was cast within the county at the last preceding election for judge of the Supreme Court. The petition shall be substantially in such form as the county clerk may prescribe.

(2) The county clerk, immediately upon the filing of the resolution of the county court, shall give written notice thereof to those persons entitled to participate in the appointment of a member of the committee.

(3) Upon the filing with the county clerk of a petition requesting the appointment of a committee, the county clerk shall verify the signatures in the manner provided in ORS 254.040 and certify to the county court his findings as to the sufficiency of such petition. If the petition is found to be sufficient, the county clerk immediately shall give written notice thereof to those persons entitled to participate in the appointment of a member of the committee.
[1959 c.527 §§3, 4]

203.740 Charter committee and members; appointment, qualifications, vacancies, terms, organization, meetings. (1) Within 60 days after the county clerk finds that a petition for the appointment of a committee is sufficient, or within 60 days after the county court has filed with the county clerk its resolution requesting that a committee be appointed, a committee shall be appointed as provided in this section. Only one committee is to be in existence at any given period of time.

(2) (a) In all counties in which representative subdistricts do not exist, (i) a majority of the county court is entitled to appoint four members of the committee; (ii) a majority of the State Senators and State Representatives then representing the county is entitled to appoint four additional members; and (iii) a majority, consisting of at least five, of those persons appointed under (i) and (ii) of this paragraph is entitled to appoint one additional member.

(b) In all counties in which representative subdistricts exist, (i) a majority of the county court is entitled to appoint four members of the committee; (ii) a majority of the State Representatives then representing each representative subdistrict is entitled to appoint an additional member; and (iii) a majority of the State Senators then representing the county is entitled to appoint two additional members.

(c) If, within 45 days after the terms of committee members begin to run as provided in subsection (4) of this section, an appointing authority has not made the appointment or appointments it is entitled to make, the county clerk shall call a meeting of those persons constituting the appointing authority by giving written notice to each of them, specifying the purpose of the meeting and the time and place thereof. The time of the meeting shall be set within 15 days of the expiration of the 45-day period.

(3) All members of the committee must be legal voters of the county; and no member shall be engaged, directly or indirectly, in any business with the county which is inconsistent with the conscientious performance of his duties as a member of the committee. An initial appointment, or an appointment to fill a vacancy, is made by delivering to the county clerk written notice of the name and address of the person appointed, signed by the person duly authorized to act for the appointing authority. No member of an appointive authority may serve as a member of such committee. If an appointing authority fails to make such an initial appointment within 60 days after the terms of committee members begin to run as provided in subsection (4) of this section, the county court shall make the appointment within 10 days after the expiration of the 60-day period.

(4) The terms of committee members run either from the date the county court receives the certification from the county clerk that the petition requesting the appointment

of the committee is sufficient or from the date the county court files its resolution requesting appointment of the committee, as the case may be. The terms expire on the day of the election at which the committee's proposed charter is voted upon or within two years from the date the terms began, whichever is the sooner, unless, in the case where a proposed charter is not submitted at an election held within such two-year period, the county court by resolution filed with the county clerk before the expiration of the terms extends them until the day of the election on the proposed charter or for another two years, whichever is the sooner. Any vacancy occurring on the committee, in a position for which an initial appointment has been made, shall be filled by appointment for the unexpired term by the appointing authority which was entitled to make the initial appointment of the member whose position is vacant or, if such appointing authority fails to make the appointment within 10 days after the vacancy occurs, by the county court.

(5) Not later than 80 days after the terms of committee members begin to run as provided in subsection (4) of this section, the members of the committee shall meet and organize. A majority of the committee constitutes a quorum for the transaction of business. The committee may adopt such rules as it deems necessary for its operation. However, the committee may not prohibit the public from attending any of its meetings.
[1959 c.527 §5]

203.750 County funds for charter committee; committee staff; county officials to cooperate. (1) Notwithstanding ORS 294.305 to 294.520, if the county court is notified of the sufficiency of a petition requesting the appointment of a committee, or if it files its resolution requesting the appointment of a committee, the county, acting through the county court, shall cause to be made available from funds of the county an amount equal at least to one cent per registered elector of the county or $500, whichever amount is greater, for the purpose of paying the expenses of the committee in the preparation of the charter. Members of the committee shall serve without pay. The committee, within the limit of funds available to it, may employ such persons, or contract for their services, as it may deem necessary to aid it in the performance of its functions. Persons employed by the committee are exempt from civil service. The county, acting through the county court, shall cause to be furnished free of charge to the committee adequate office space and, notwithstanding ORS 294.305 to 294.520, may cause money, in addition to the required minimum amount, to be appropriated for the committee. The committee shall submit to the county court a budget covering estimates of its expenditures. With respect to expenditures in excess of the minimum amount of money required to be made available, the budget as approved or revised and approved by the county court shall represent the authorized limits of the committee's expenditures. Any balance remaining unexpended shall be transferred to the general fund of the county unless other provisions were made at the time of the appropriation to the committee. The county treasurer is authorized to disburse funds of the committee on its order.

(2) The committee may conduct interviews and make investigations which to it seem necessary in order to draft a charter; and, to the fullest extent practicable, county officials and employes shall cooperate with the committee and provide it with information, advice and assistance.
[1959 c.527 §6]

203.760 Submission of proposed charter, after public hearing, to voters; approval of conflicting charters. (1) The committee shall submit its proposed charter to the county clerk not less than 90 days prior to the election at which the proposed charter is to be voted upon. Before the proposed charter is submitted to the county clerk, the committee shall conduct at least one public hearing thereon. After the proposed charter is so submitted to the county clerk, those persons required by ORS 203.780 to act in the exercise of the referendum powers relative to the adoption of a county charter shall act in the same manner with respect to the charter proposed by the committee unless such action is not required in cases where they or others are acting under ORS 203.790. The charter proposed by the committee shall take effect on the day fixed therein if approved by majority vote of the legal voters of the county voting thereon.

(2) If two or more conflicting county charters are approved at the same election, the one receiving the greatest number of affirmative votes shall be adopted.
[1959 c.527 §7]

203.770 Copies of charters and amendments, revisions and repeals thereof; location and judicial notice of. (1) Duplicate certificates shall be made, setting forth the county charter adopted and a statement of its ratification, signed by the officers or members of the body canvassing election returns. One of such certified copies shall be deposited in the office of the Secretary of State, the other shall be kept as a permanent record of the county. All courts shall take judicial notice of either copy.

(2) This section shall also apply to any amendment, revision or repeal of the county charter.

[1959 c.527 §8]

203.780 Initiative and referendum powers with respect to county charter and legislation. (1) This section, pursuant to section 10, Article VI, Oregon Constitution, describes the manner by which the initiative and referendum powers reserved to the legal voters of every county relative to the adoption, amendment, revision or repeal of a county charter and to legislation passed by counties which have adopted such a charter may be exercised. For the purposes of this section "county legislation" means the adoption, amendment, revision or repeal of a county charter and legislation passed by counties which have adopted such a charter.

(2) In all counties which do not provide by county legislation for the manner of exercising the initiative and referendum powers reserved by the Oregon Constitution to the people, as to their county legislation, the duties required of the Secretary of State by ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450, as to state legislation, shall be performed as to such county legislation by the county clerk, or the county official whose functions and duties include the conduct of elections. The duties required of the Governor shall be performed by the county judge or chairman of the board of county commissioners as to such county legislation. The duties required by ORS 254.030 to 254.070, 254.090 to 254.170 and 255.410 to 255.450 of the Attorney General shall be performed by the district attorney as to such county legislation. ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 shall apply in every county in all matters concerning the operation of the initiative and referendum in its county legislation, on which the county has not made or does not make conflicting provisions.

(3) The printing and binding of measures and arguments in county legislation shall be paid for by the county in like manner as payment is provided for by the state as to state legislation by ORS 255.410 to 255.450. The printing shall be done in the same manner that other county printing is done. Not less than eight days before the election at which the measures are to be voted upon, the county clerk shall cause copies of the voters' pamphlets containing such measures to be distributed in such a manner that a copy is available to each registered elector in the county.

(4) Arguments supporting county legislation shall be filed with the county clerk not less than 30 days before the election at which they are to be voted upon. Opposing arguments shall be filed not less than 30 days before the election.

(5) It is intended to make the procedure in county legislation, as nearly as practicable, the same as the initiative and referendum procedure for measures relating to the people of the state at large; and, to this end, for the purpose of computing the required number of signatures on petitions to initiate or refer county legislation, the provisions of section 1, Article IV, Oregon Constitution, as to percentages of the legal voters of the state, shall be the percentages as to the legal voters of a county, with the county charter being considered the same as the state Constitution.

[1959 c.527 §9; 1963 c.290 §1]

203.790 Publication of proposed charters in voters' pamphlets. (1) Subject to and in accordance with any applicable election law, the Secretary of State may provide for, and may promulgate such rules and regulations as he considers necessary to provide for the publication, and payment therefor, of proposed county charters, including arguments for and against, in the voters' pamphlets distributed to the county as provided by ORS 255.061 or 255.241.

(2) Publication, under this section, of a proposed county charter and any arguments is an alternative to the publication thereof required by ORS 203.760 or 203.780.

[1959 c.527 §10]

203.810 Offenses under county law; jurisdiction; prosecutions. (1) As used in this section:

(a) "County law" means a county charter adopted pursuant to ORS 203.710 to 203.790 and legislation passed by a county pursuant to such charter.

(b) "County offense" means any crime or offense defined or made punishable by county law.

(2) Except as may be provided otherwise by county law:

(a) The justice courts, district court, if any, and circuit court for a county having a charter adopted pursuant to ORS 203.710 to 203.790 have jurisdiction of county offenses to the same extent as such courts have jurisdiction of crimes or offenses defined or made punishable by state law, as determined by the maximum punishment which may be imposed therefor.

(b) The district attorney for a county having a charter adopted pursuant to ORS 203.710 to 203.790 shall prosecute county offenses in the same manner as similar crimes or offenses defined or made punishable by state law.

(c) The practice and procedure as to the prosecution, trial and punishment of county offenses shall be the same as in the case of similar crimes or offenses defined or made punishable by state law.

[1961 c.724 §33; 1963 c.611 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1971.

Robert W. Lundy
Legislative Counsel