

Chapter 203

1979 REPLACEMENT PART

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COUNTIES AND COUNTY OFFICERS

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203.020 [Repealed by 1979 c.492 §1]

203.030 Definition for ORS 203.030 to 203.065. As used in ORS 203.030 to 203.065, "governing body" means the representative body vested with legislative power by statute or charter. [1973 c.282 §1]

203.035 Power of county governing body or voters over matters of county concern. (1) The governing body or the voters of a county may by ordinance 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 this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.065.

(2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state. [1973 c.282 §2]

203.040 Applicability of ordinances inside city. Except by consent of the governing body or the voters of a city and except in cities not regularly operating as such through elected governmental officials, ordinances adopted under ORS 203.030 to 203.065 in exercise of the police power shall not apply inside an incorporated city. [1973 c.282 §4; 1977 c.766 §14]

203.045 Procedure for adopting ordinance; exception by charter or certain statutes. (1) This section does not apply to a county that prescribes by charter the manner

of adopting ordinances for the county or to an ordinance authorized by a statute other than ORS 203.035.

(2) The ordaining clause of an ordinance adopted under ORS 203.035 shall read:

(a) In case of adoption by the county governing body only, "The (name of the governing body) ordains as follows:".

(b) In case of adoption or ratification by the voters of the county, "The People of (name of county) ordain as follows:".

(3) Except as subsections (4) and (5) of this section provide to the contrary, every ordinance of a county governing body shall, before being put upon its final adoption, be read fully and distinctly in open meeting of that body on two days at least 13 days apart.

(4) Except as subsection (5) of this section provides to the contrary, and except ordinances imposing, or providing exemptions from, taxation, an ordinance necessary to meet an emergency may, upon being read first in full and then by title, be adopted at a single meeting of the governing body by unanimous vote of all its members present, provided they constitute a quorum.

(5) Any reading required by subsection (3) or (4) of this section may be by title only:

(a) If no member of the governing body present at the meeting requests that the ordinance be read in full; or

(b) If, not later than one week before the first reading of the ordinance, a copy of it is provided each member, copies of it are available at the headquarters of the governing body, one copy for each person who requests it, and notice of the availability is given by:

(A) Written notice posted at the courthouse of the county and two other public places in the county; and

(B) Publication at least once in a newspaper of general circulation in the county, designated by the county governing body and published in the county or, if no newspaper is so published, then in one published elsewhere.

(6) An ordinance adopted after being read by title only may have no legal effect if it differs substantially from its terms as it is thus filed prior to the reading, unless each section incorporating such a difference, as finally amended prior to being adopted by the governing body, is read fully and distinctly in open meeting of that body.

(7) Upon the final vote on an ordinance, the ayes and nays of the members of the governing body shall be taken and recorded in the record of proceedings of the body.

(8) Upon the adoption of an ordinance by the governing body in accordance with this section, the chairman and recording secretary of the body at the session at which the ordinance is adopted shall sign it with the date of its adoption and with their names and titles of office or position.

(9) An ordinance adopted in accordance with this section, if not an emergency ordinance, shall take effect on the 90th day after the date of its adoption, unless it prescribes a later effective date or is referred to the voters of the county. If an ordinance is referred to the voters, it shall take effect only upon the approval of a majority of those voting on the proposed ordinance. An emergency ordinance may take effect immediately upon the date of its adoption. [1973 c.282 §3; 1975 c.736 §1]

203.050 [1973 c.282 §5; 1975 c.736 §2; repealed by 1979 c.190 §431]

203.055 Referral of revenue related ordinance. Any ordinance, adopted by a county governing body under ORS 203.035 and imposing, or providing an exemption from, taxation shall receive the approval of the voters of the county before taking effect. [1973 c.282 §6; 1975 c.736 §3]

203.060 Judicial review and invalidation of ordinances. Ordinances adopted under ORS 203.030 to 203.065 shall be subject to judicial review and invalidation on account of unreasonableness, procedural error in adoption, or conflict with paramount state law or constitutional provision. [1973 c.282 §7]

203.065 Penalties; remedies; enforcement; disposition of fines; status of nuisance declared by ordinance. (1) Violation of an ordinance adopted by a county governing body under ORS 203.030 to 203.065 shall be punishable, upon conviction, by a fine of not more than \$500 for a noncontinuing offense and a fine of not more than \$1,000 for a continuing offense.

(2) The violator of a county ordinance may be prosecuted by the county in the name of the county, or be made the defendant in a civil proceeding by the county seeking redress of the violation.

(3) Every act or thing done, or anything existing within the limits of a county, which is

declared by an ordinance of the county adopted under ORS 203.030 to 203.065 to be a nuisance, shall constitute a nuisance and may be regarded as such in all actions, suits and proceedings, unless the ordinance is declared void by a court of competent jurisdiction.

(4) Fines recovered under ORS 203.030 to 203.065 shall be paid to the clerk of the court in which recovery is had. After first deducting court costs in the proceedings, the clerk shall pay the remainder to the treasurer of the county for the general fund of the county.

(5) Any peace officer, as defined by ORS 161.015, may enforce an ordinance adopted under ORS 203.035. [1973 c.282 §8; 1975 c.736 §4; 1977 c.766 §15]

203.085 County election dates; procedures for emergency elections. (1) Except as provided in subsection (2) of this section, no election on a county measure or for a county office shall be held on any date other than:

- (a) The third Tuesday in February;
- (b) The last Tuesday in March;
- (c) The third Tuesday in May;
- (d) The last Tuesday in June;
- (e) The third Tuesday in September; or
- (f) The first Tuesday after the first Monday in November.

(2) An emergency election may be held on a date other than those provided in subsection (1) of this section, if the county governing body by resolution finds that an emergency exists which will require an election sooner than the next available election date to avoid extraordinary hardship to the community.

(3) A county governing body, with adequate notice, shall hold a public hearing, on a date other than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that an emergency exists before scheduling an election on a date other than those specified in subsection (1) of this section.

(4) Notice of a county's intent to hold an election shall be filed with the county election authority no later than 35 days preceding the desired election date. At the time the notice of election is given to the county election authority, the county shall also file with the election authority a certified copy of the ballot title, and a copy of the resolution and findings adopted by the county governing body to authorize the emergency election, as required under subsection (3) of this section.

(5) The county election authority in each county shall monitor emergency elections and shall make an annual report of the number and nature of such elections to the Secretary of State. The report shall include copies of county resolutions and findings of fact authorizing emergency elections which have been filed with the county election authority in accordance with subsection (4) of this section.

[1979 c.316 §3]

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]

203.115 Statutory power to set fees limited to once annually. A county governing body shall not change the amount of a fee it has set pursuant to statute within one year after setting that fee. [1979 c.833 §1]

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 employees.

(16) (a) To construct, reconstruct, improve, extend, better, repair, equip or acquire sewage disposal systems;

(b) In areas subject to local government boundary commissions, the county shall not exercise the authority granted by this subsection without the approval of the boundary commission. Any proposal to carry out the provisions of this subsection shall be reviewed in accordance with the provisions of ORS 199.410 to 199.512 as if it were a major boundary change and shall be initiated by resolution of the county court. The resolution shall describe the action to be taken according to paragraph (a) of this subsection and shall describe the proposed service area. [Amended by 1959 c.532 §1; 1963 c.31 §1; 1973 c.494 §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 164.775. 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 perfor-

mance 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.

203.127 Prohibition of nuisance by county governing body. (1) A board of county commissioners of any county may by ordinance prohibit the establishment or maintenance of any nuisance. ORS 198.510 to 198.600 applies to the adoption of such ordinances. Where the provisions of ORS 198.510 to 198.600 refer to district officials, the corresponding officials of the county shall perform such functions, unless otherwise provided by order of the board of county commissioners.

(2) Where it appears to the board of county commissioners that a nuisance exists, the board may order a notice be issued and served upon the owner and the occupant of the property where the nuisance is alleged to be maintained, requiring the owner and occupant to appear before the board at a time and place named in the notice, to show cause why a nuisance should not be declared to exist. The time for appearance shall be not less than 10 days after the service of the notice. The notice

shall be served in the manner provided by law for the service of summons.

(3) At the time and place fixed in the notice provided for by subsection (2) of this section, the board of county commissioners shall hold a hearing on the question of the existence of the nuisance and shall have power to subpoena witnesses and to compel their attendance. If, after the hearing, the board of county commissioners finds that a nuisance exists, it shall declare the existence of a nuisance by order entered in its journal and shall order the nuisance abated. If the owner or occupant of the property fails to abate the nuisance within 30 days after the entry of the order, the board of county commissioners may cause the nuisance to be abated and charge the costs thereof to the owner of the property.

(4) As used in this section, "board of county commissioners" includes county court.

(5) The remedies herein provided are in addition to and not in substitution for any other remedies provided by law. [1973 c.487 §§1, 2, 3, 4; 1975 c.239 §4]

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 3.238.

[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 [Repealed by 1979 c.772 §17]

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 mem-

ber 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 203.770, 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 203.770 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 203.770 include the board of county commissioners.

(3) As used in ORS 203.710 to 203.770, 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 203.770 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, not later than the fifth day after 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, not later than the 15th day after the filing of the petition, shall verify the signatures and certify to the county court the 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; 1973 c.255 §1; 1979 c.190 §403]

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, (i) a majority of the county court is entitled to appoint four mem-

bers 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) 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; 1979 c.748 §2]

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 later than the 90th day before 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 (1977 Replacement Part) 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 (1977 Replacement Part). 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; 1979 c.190 §404]

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 mem-

bers 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 [1959 c.527 §9; 1963 c.290 §1 1975 c.766 §2b; repealed by 1979 c.190 §431]

203.790 [1959 c.527 §10; repealed by 1979 c.190 §431]

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 203.770 and legislation passed by a charter county or any ordinance enacted by a general law county.

(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 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 shall prosecute county offenses unless he elects, subject to the approval of the county governing body, to have the prosecution of such offenses conducted by a county counsel appointed pursuant to ORS 203.121.

(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; 1977 c.622 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, 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,
October 1, 1979

Thomas G Clifford
Legislative Counsel

