

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.

203.015 Power of county to contract for purchase or lease of real or personal property. (1) A county may enter into a contract for the purchase or for the lease with option to purchase of real or personal property when:

(a) The period of time allowed for payment under the contract does not exceed 30 years; and

(b) The county is not obligated to make payments under the contract in any fiscal year unless the county governing body includes such payments in the county's budget for that fiscal year and makes an appropriation therefor.

(2) The powers granted to counties by this section are in addition to any other powers possessed by counties in this state, and this section may not be construed to limit such powers. [2003 c.794 §184]

Note: 203.015 was added to and made a part of ORS chapter 203 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

203.020 [Repealed by 1979 c.492 §1]

203.030 Definition for ORS 203.030 to 203.075. As used in ORS 203.030 to 203.075, "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 electors over matters of county concern. (1) Subject to subsection (3) of this section, the governing body or the electors 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 203.075.

(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.

(3) An ordinance adopted by a county governing body that changes the number or mode of selection of elective county officers shall not take effect unless the ordinance is submitted to and approved by the electors of the county at a primary election, general election or election held on the first Tuesday after the first Monday in November of an odd-numbered year. However, an ordinance adopted under this section may not change the mode of selection of a county assessor.

(4) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power. [1973 c.282 §2; 1981 c.140 §1; 1985 c.756 §1; 1995 c.712 §87; 2007 c.155 §12]

203.040 Inapplicability of ordinances inside incorporated city. Except by consent of the governing body or the electors of a city and except in cities not regularly operating as such through elected governmental officials, ordinances adopted under ORS 203.030 to 203.075 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 electors 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 chairperson 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 electors of the county. If an ordinance is referred to the electors, 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 taxation related ordinance. (1) Except as provided in subsection (2) of this section, 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 electors of the county before taking effect.

(2) A tax or assessment may be imposed under section 7, 8 or 8b, chapter 753, Oregon Laws 2013, upon the taking effect of an ordi-

nance adopted by the governing body of the county that so provides. An emergency may not be declared in an ordinance described in this subsection. [1973 c.282 §6; 1975 c.736 §3; 2013 c.753 §11]

Note: The amendments to 203.055 by section 12, chapter 753, Oregon Laws 2013, become operative January 2, 2018. See section 13, chapter 753, Oregon Laws 2013. The text that is operative on and after January 2, 2018, is set forth for the user's convenience.

203.055. 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 electors of the county before taking effect.

203.060 Judicial review and invalidation of ordinances. Ordinances adopted under ORS 203.030 to 203.075 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; status of nuisance declared by ordinance; disposition of fines. (1) Subject to ORS 153.025, violation of an ordinance adopted by a county governing body under ORS 203.030 to 203.075 is a Class A violation. By ordinance, a county governing body may establish a specific fine violation as described in ORS 153.015 that provides for a higher fine than established under ORS 153.018 for Class A violations.

(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 203.075 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 203.075 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; 1999 c.1051 §78a]

203.075 Applicable law for local improvement assessments. When a county governing body orders the construction of a local improvement and levies an assessment for all or part of the cost of the improvement against property benefited by the improve-

ment, if there is a conflict between ORS 223.205 to 223.295, 223.387 to 223.399, 223.405 to 223.485 and 223.770 and a county charter, county ordinance or another statute, the charter, ordinance or other statute shall prevail. [1987 c.615 §2; 1991 c.902 §109; 1995 c.333 §14]

203.077 Local governments to develop humane policy for removal of homeless camps from public property. All municipalities and counties shall:

(1) Develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property.

(2) Implement the policy as developed, to ensure the most humane treatment for removal of homeless individuals from camping sites on public property. [1995 c.121 §1]

203.079 Required elements of local government policies on camping by homeless. (1) A policy developed pursuant to ORS 203.077 shall include, but is not limited to, the following:

(a) Prior to removing homeless individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.

(b) At the time that a 24-hour notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals where the notice has been posted.

(c) The local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(d) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(e) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy,

to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

(2) The 24-hour notice required under subsection (1) of this section shall not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

(3) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted. [1995 c.121 §2; 1999 c.761 §1]

203.081 Sites not subject to ORS 203.077 to 203.081. As used in ORS 203.077 to 203.081, "camping site" does not include:

(1) Public property that is a day use recreational area.

(2) Public property that is a designated campground and occupied by an individual under an agreement with a municipality or county. [1995 c.121 §3]

203.082 Camping by homeless on property of religious institutions; required elements of policies of local governments and religious institutions. (1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.

(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:

(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and

(b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities. [1999 c.319 §1]

Note: 203.082 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

203.085 County election dates; 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 second Tuesday in March;
- (b) The third Tuesday in May;
- (c) The third Tuesday in September; or
- (d) 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 that will require an election sooner than the next available election date to avoid extraordinary hardship to the community. A determination under this subsection as to whether an emergency exists is within the sole discretion of the county governing body.

(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 emergency election shall be filed with the county elections authority no later than 47 days preceding the desired election date. At the time the notice of election is given to the county elections authority, the county shall also file with the elections 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. [1979 c.316 §3; 1981 c.639 §4; 1985 c.808 §69; 1987 c.267 §64; 1989 c.923 §6; 1991 c.71 §2; 1993 c.713 §51; 1995 c.607 §63; 1995 c.712 §113]

203.090 State preemption of local laws relating to private security providers. The provisions of ORS 181.620, 181.870 to 181.887 and 181.991 preempt any laws of the political subdivisions of this state relating to the regulation of private security providers. [1995 c.510 §1; 2003 c.546 §13; 2005 c.447 §13]

203.095 County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan. (1)(a) The governing body of a county may seek a declaration of a fiscal emergency by requesting in writing that the Governor review and analyze state-required services provided by the county if:

(A) The governing body of the county believes that the county is in a state of fiscal distress that compromises the county's ability to provide a minimally adequate level, currently or within the next fiscal year, of any service that a county is required to provide by state law; and

(B) For the fiscal year beginning July 1, 2007, the county received federal payments pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) in an amount equal to at least 10 percent of the county's property tax revenues, excluding bonds.

(b) A county making a request under this subsection shall include with the request an estimated amount needed to fund the fiscal assistance board that would be established under subsection (4) of this section and the proposed sources of those funds.

(2) When a request for review of state-required services is made under subsection (1) of this section, the Governor shall:

(a) Consult with the governing body of the county and other appropriate county officials, with labor organizations representing county employees and with other stakeholders to gather information regarding the current level of state-required services provided by the county; and

(b) Review and analyze state-required services provided in the county to determine whether the county is providing a minimally adequate level of state-required services.

(3) If the Governor finds that the county is providing, or within the next fiscal year will be providing, a less than minimally adequate level of state-required services, the Governor shall declare a fiscal emergency for the county. The Governor shall provide notice of the declaration to the Legislative Assembly and the governing body of the fiscally distressed county.

(4) If the Governor issues the declaration of a fiscal emergency under subsection (3) of this section, the Governor shall establish a fiscal assistance board, as described in ORS 203.100, for the distressed county.

(5) The fiscal assistance board shall meet with appropriate county officials, including but not limited to members of the county governing body, the county assessor, clerk, tax collector, court administrator, district attorney and judges, with labor organizations representing county employees, with other stakeholders and with members of the public to gain a fuller understanding of the county's fiscal alternatives, service delivery alternatives and service needs and shortcomings. The board shall consider and adopt a recovery plan designed to restore or sustain minimally adequate state-required services. As part of the recovery plan, the board may:

(a) Reallocate county funds;

(b) Cut county services, lay off county employees or otherwise reduce county expenditures;

(c) Sell or lease real or personal property of the county;

(d) Issue bonds for the county;

(e) Renegotiate payment terms of the county's legal and moral indebtedness;

(f) Refer measures to the voters of the county;

(g) Request an emergency election under ORS 203.085;

(h) Enter into intergovernmental agreements or other service delivery structures involving other public entities; or

(i) Authorize the state to take over services as authorized by law.

(6) The fiscal assistance board shall periodically update the Governor and the Legislative Assembly from the time the board begins its consideration of a recovery plan for the fiscally distressed county until the Governor declares the fiscal emergency terminated pursuant to subsection (7) of this section. The update shall include a report on the costs of the fiscal assistance board, the revenues used by the board to pay those costs and the sources of the revenues so used. When the fiscal assistance board concludes that minimally adequate state-required services have been restored or sustained in the fiscally distressed county, the board shall recommend that the Governor terminate the fiscal emergency.

(7) The Governor shall declare the fiscal emergency terminated when the Governor concludes that the fiscally distressed county has restored or sustained minimally adequate state-required services in the county.

(8) Any actions of the fiscal assistance board must comply with a home rule charter adopted by the county under ORS 203.710 to 203.770. [2009 c.789 §1; 2012 c.76 §1]

Note: 203.095 is repealed January 2, 2016. See section 5, chapter 76, Oregon Laws 2012, as amended by section 1, chapter 485, Oregon Laws 2013.

Note: 203.095 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Sections 3, 5 and 6, chapter 76, Oregon Laws 2012, provide:

Sec. 3. (1) At least one-half of the costs of administering a fiscal assistance board established under ORS 203.095 must be paid by the county that has been declared to be in fiscal distress. The county shall deposit the moneys necessary to pay the county's share in the fund established under subsection (2) of this section. The remainder of the costs of administering a fiscal assistance board established under ORS 203.095 shall be paid from moneys appropriated from the General Fund or allocated by the Emergency Board to the Oregon Department of Administrative Services.

(2) The Fiscally Distressed Counties Fund is established, separate and distinct from the General Fund. Interest earned by the Fiscally Distressed Counties Fund shall be credited to the fund. The Fiscally Dis-

tressed Counties Fund shall consist of moneys deposited by counties under subsection (1) of this section and moneys contributed to the fund from any other source, public or private. Moneys in the Fiscally Distressed Counties Fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of establishing and administering fiscal assistance boards for fiscally distressed counties under ORS 203.095.

(3) If more than one county has been declared by the Governor as being in fiscal distress, the Fiscally Distressed Counties Fund shall be divided into separate accounts holding moneys dedicated to the administration of the fiscal assistance board for each county.

(4) When the Governor declares that the fiscal emergency for a county has ended, all moneys remaining in the Fiscally Distressed Counties Fund that have been deposited for the purpose of administering the fiscal assistance board for that county must be returned, on a pro rata basis, to the county. [2012 c.76 §3]

Sec. 5. ORS 203.095 and 203.100 and sections 3 and 4, chapter 76, Oregon Laws 2012, are repealed on January 2, 2016. [2012 c.76 §5; 2013 c.485 §1]

Sec. 6. If ORS 203.095 and 203.100 and sections 3 and 4, chapter 76, Oregon Laws 2012, are repealed, any moneys remaining in the Fiscally Distressed Counties Fund on January 2, 2016, shall be returned as prescribed in section 3 (4), chapter 76, Oregon Laws 2012. [2012 c.76 §6; 2013 c.485 §2]

203.100 Fiscal assistance board for county fiscal emergency; membership; termination. (1)(a) A fiscal assistance board established pursuant to ORS 203.095 consists of:

(A) Five members appointed by the Governor who have knowledge of and experience with county services and fiscal management;

(B) All members of the governing body of the county, who serve as ex officio members;

(C) The sheriff for the county, who serves as an ex officio member, and who:

(i) Is a voting member for matters concerning public safety services; and

(ii) Is a nonvoting member for all other matters;

(D) The Secretary of State, the State Treasurer and the Director of the Department of Revenue, who serve as nonvoting ex officio members;

(E) One nonvoting member appointed by the President of the Senate; and

(F) One nonvoting member appointed by the Speaker of the House of Representatives.

(b) Prior to making appointments under this section, the Governor shall consult with the President of the Senate and the Speaker of the House of Representatives for the purpose of receiving their recommendations for appointments.

(2) A fiscal assistance board shall perform the functions described in this section and ORS 203.095.

(3) A majority of the members of the fiscal assistance board who are appointed by

the Governor and a majority of the county officials listed in subsection (1)(a)(B) and (C) of this section must be present to constitute a quorum for the transaction of business. A meeting of the board constitutes a meeting of both the board and the county governing body and requires appropriate meeting notices and adherence to public meeting laws under ORS 192.610 to 192.690.

(4) Official action by the fiscal assistance board requires the approval of:

(a) A majority of the members of the board who are appointed by the Governor; and

(b) A majority of the county officials listed in subsection (1)(a)(B) and (C) of this section.

(5) The fiscal assistance board shall elect one of its members to serve as chairperson.

(6) Appointed members of the fiscal assistance board serve at the pleasure of the appointing authority for a term of four years, subject to subsection (10) of this section.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(8) The fiscal assistance board shall use the services of permanent staff of the offices of the Governor, the Secretary of State and the State Treasurer, and the Department of Revenue to the greatest extent practicable. However, the Governor, the Secretary of State and the State Treasurer may agree to employ individuals to support the performance of the functions of the board, if necessary, and the employing state official shall fix the duties and amounts of compensation of these employees.

(9) All agencies of state government, as defined in ORS 174.111, are directed to assist the fiscal assistance board in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice as the members of the board consider necessary to perform their duties.

(10) A fiscal assistance board terminates when the Governor declares that the fiscal emergency declared under ORS 203.095 has ended. [2009 c.789 §2; 2012 c.76 §2]

Note: 203.100 is repealed January 2, 2016. See section 5, chapter 76, Oregon Laws 2012, as amended by section 1, chapter 485, Oregon Laws 2013.

Note: 203.100 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

203.105 Program in Governor's office to assist counties in fiscal distress. (1) For purposes of providing assistance to counties in fiscal distress, there is created in the

Governor's office a service delivery technical assistance program.

(2) The service delivery technical assistance program shall:

(a) Award, to public bodies as defined in ORS 174.109, and administer grants for service delivery innovation.

(b) Enter into agreements with public and private entities to provide technical assistance to public bodies.

(c) Convene task forces and work groups as deemed necessary by the program to advance the purposes of this section. [2013 c.760 §1]

Note: 203.105 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

COUNTY PUBLIC SAFETY FISCAL EMERGENCIES

Note: Sections 1 to 10, 14 and 15, chapter 753, Oregon Laws 2013, provide:

Sec. 1. The purposes of sections 2 to 10 of this 2013 Act are to reduce the loss of life, injury to persons or property and suffering that result from public safety fiscal emergencies and to provide for recovery and relief assistance. These public safety objectives are to be accomplished by creating cooperation among units of local government and granting the Governor the power to act on behalf of units of local government. The provisions of this section shall be liberally construed. [2013 c.753 §1]

Sec. 2. (1) If the Governor determines that fiscal conditions exist or are imminent in one or more counties that compromise the ability of the affected counties to provide a minimally adequate level of public safety services, the Governor may proclaim a public safety fiscal emergency.

(2) Prior to declaring a public safety fiscal emergency, the Governor shall consult with the Senate President, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, each Senator and Representative whose district is wholly or partially within a county that is proposed to be subject to the public safety fiscal emergency and each sheriff of a county that is proposed to be subject to the public safety fiscal emergency.

(3) The Governor shall specify in a proclamation made pursuant to this section each county in which the public safety fiscal emergency has occurred or is imminent. The area specified in the proclamation shall be as small as necessary to allow for an effective response to the emergency, but may not be smaller than a single county.

(4) As used in sections 2 to 10 of this 2013 Act, "local government" means a county. [2013 c.753 §2]

Sec. 2a. Notwithstanding section 2 of this 2013 Act, the Governor may not proclaim a public safety fiscal emergency that affects more than two counties before July 15, 2014. [2013 c.753 §2a]

Sec. 3. (1) Whenever the Governor has proclaimed a public safety fiscal emergency pursuant to section 2 of this 2013 Act, the Governor may, on behalf of a unit of local government within the area covered by the proclamation and only after obtaining written authorization signed by a majority of the governing body of each local government subject to the proclamation, en-

ter into a written intergovernmental agreement with any other unit of local government, whether inside or outside the area covered by the proclamation, for the performance of functions and activities related to public safety that a unit of local government that is party to the agreement or its officers or agencies have authority to perform. The Governor shall consult with each sheriff affected by the proclamation prior to executing the intergovernmental agreement.

(2) ORS 190.010 applies to the performance of a function or activity pursuant to an intergovernmental agreement entered into under subsection (1) of this section.

(3)(a) The state shall bear 50 percent of the cost of public safety services provided under the intergovernmental agreement entered into under subsection (1) of this section.

(b) The counties that are parties to the intergovernmental agreement entered into under subsection (1) of this section shall bear the remaining 50 percent, which may be funded through:

(A) An income tax as provided in section 7 of this 2013 Act;

(B) A tax on telecommunications services with access to the 9-1-1 emergency reporting system under section 8 of this 2013 Act;

(C) Any assessment the county governing body is lawfully capable of imposing, to the extent the governing body determines that the other assessment is necessary to satisfy the county's funding obligations;

(D) Existing sources of county revenue; or

(E) Any combination of funding described in this paragraph.

(4) For purposes of this section:

(a) The sheriff of a county affected by a public safety fiscal emergency shall be considered a nonvoting ex officio member of the governing body; and

(b) The sheriff must be given notice of any meeting of the governing body if the governing body is meeting for purposes of deliberating or making a decision on:

(A) Whether to enter into an intergovernmental agreement under this section;

(B) The terms and conditions of an intergovernmental agreement entered into under this section; or

(C) Any extension or modification of an intergovernmental agreement entered into under this section. [2013 c.753 §3]

Sec. 4. (1) An intergovernmental agreement entered into under section 3 of this 2013 Act must specify the functions or activities to be performed and by what means the functions or activities shall be performed.

(2) Where applicable and subject to section 3 of this 2013 Act, the intergovernmental agreement shall provide for:

(a) Apportionment among the parties to the agreement of the responsibility for providing funds to pay for expenses incurred in the performance of the functions or activities.

(b) Apportionment of fees or other revenue derived from the functions or activities and the manner of accounting for the fees or other revenue.

(c) The transfer of personnel and the preservation of their employment benefits. [2013 c.753 §4]

Sec. 5. (1) A unit of local government that is designated, in an intergovernmental agreement entered into under section 3 of this 2013 Act, to perform functions or activities is vested with all powers, rights and duties relating to those functions and activities that are vested by law in each party to the agreement and its officers and agencies.

(2) An officer designated in an intergovernmental agreement entered into under section 3 of this 2013 Act to perform duties, functions or activities of two or more public officers shall be considered to be holding one office. [2013 c.753 §5]

Sec. 6. (1) An intergovernmental entity created by an intergovernmental agreement entered into under section 3 of this 2013 Act may, according to the terms of the agreement, adopt all rules necessary to carry out the intergovernmental entity's powers and duties under the intergovernmental agreement.

(2) Except as provided in section 3 (3) of this 2013 Act, the debts, liabilities and obligations of an intergovernmental entity shall be, jointly and severally, the debts, liabilities and obligations of the parties to the intergovernmental agreement that created the intergovernmental entity, unless the agreement specifically provides otherwise.

(3) A party to an intergovernmental agreement creating an intergovernmental entity may assume responsibility for specific debts, liabilities or obligations of the intergovernmental entity.

(4)(a) Moneys collected by or credited to an intergovernmental entity may not inure to the benefit of any private person. Upon dissolution of the intergovernmental entity, title to all assets of the intergovernmental entity shall vest in the parties to the intergovernmental agreement that created the intergovernmental entity.

(b) The intergovernmental agreement creating the intergovernmental entity must provide a procedure for:

(A) The disposition, division and distribution of any assets acquired by the intergovernmental entity during the term of the intergovernmental agreement that created the intergovernmental entity; and

(B) The assumption of any outstanding indebtedness or other liabilities of the intergovernmental entity by the parties to the intergovernmental agreement that created the intergovernmental entity.

(5) ORS 190.110 applies to all parties to, and all intergovernmental entities created by, an intergovernmental agreement entered into under section 3 of this 2013 Act. [2013 c.753 §6]

Sec. 6a. (1) If an intergovernmental agreement is entered into under section 3 of this 2013 Act, the Governor shall report to the Legislative Assembly as provided in ORS 192.245. The report shall include a copy of the intergovernmental agreement.

(2)(a) If an intergovernmental agreement is entered into under section 3 of this 2013 Act during a regular session of the Legislative Assembly, the intergovernmental agreement may not take effect until after adjournment sine die of that regular session.

(b) If an intergovernmental agreement is entered into under section 3 of this 2013 Act during the interim, the intergovernmental agreement may not take effect until after adjournment sine die of the next regular session of the Legislative Assembly. [2013 c.753 §6a]

Sec. 7. (1) To carry out the purposes of sections 2 to 6 of this 2013 Act, counties within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may impose a tax:

(a) Upon the entire taxable income of every resident of the area who is subject to tax under ORS chapter 316 and upon the taxable income of every non-resident that is derived from sources within the area which income is subject to tax under ORS chapter 316; or

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office or having income

derived from sources, within the area which income is subject to tax under ORS chapter 317 or 318.

(2) A tax imposed pursuant to this section shall require the adoption of an ordinance by the governing body of each county authorizing a tax under this section. The Governor may not act on behalf of a county governing body in authorizing a tax under this section.

(3) The tax may be imposed and collected as a surtax upon the state personal income or corporate income or excise tax.

(4) Any tax imposed pursuant to this section shall require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the area taxable under subsection (1) of this section to allocate and apportion such net income to the area in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(5) If a county governing body adopts an ordinance under this section, the ordinance shall be compatible with any state law establishing taxable income or relating to the administration, collection or enforcement of any tax law of this state, and with any rules adopted by the Department of Revenue under ORS 305.620 or otherwise.

(6) An ordinance adopted under this section may not declare an emergency.

(7) This section does not apply to a county that is subject to a charter that prohibits the imposition of county income taxes. [2013 c.753 §7]

Sec. 8. (1) To carry out the purposes of sections 2 to 6 of this 2013 Act, counties within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may impose a tax on each paying retail subscriber who has telecommunication services with access to the 9-1-1 emergency reporting system, to the extent the governing body determines that the tax is necessary to satisfy the county's funding obligations under section 3 (3)(b) of this 2013 Act.

(2) A county governing body that elects to impose a tax under this section may do so by adopting an ordinance that establishes the rate and duration of the tax, but in all other respects the tax must be imposed in accordance with ORS 403.200 to 403.230, except that:

(a) For cellular, wireless or other radio common carriers, the tax applies on a per instrument basis and only if the subscriber's place of primary use, as defined under 4 U.S.C. 124, is within the county imposing the tax;

(b) For all other subscriber lines, the tax applies to lines designated for a particular subscriber located within the county imposing the tax; and

(c) Net revenues, after the payment of refunds, from the tax imposed under authority of this section shall be transferred from the suspense account described in ORS 403.235 as prescribed in section 8a of this 2013 Act.

(3) The Governor may not act on behalf of a county governing body in authorizing a tax under this section. [2013 c.753 §8]

Sec. 8a. Moneys in the suspense account described in ORS 403.235 that are attributable to a county tax imposed under section 8 of this 2013 Act, after the payment of refunds, are continuously appropriated to the Department of Revenue for distribution to the counties that imposed the tax. [2013 c.753 §8a]

Sec. 8b. To carry out the purposes of sections 2 to 6 of this 2013 Act, counties within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may impose any other assessment the governing body is lawfully capable of imposing, to the extent the governing body determines that the assessment is necessary to satisfy the county's funding obligations under section 3 (3)(b) of this 2013 Act. The Governor

may not act on behalf of a county governing body in authorizing an assessment under this section. [2013 c.753 §8b]

Sec. 9. (1) A public safety fiscal emergency proclaimed pursuant to section 2 of this 2013 Act terminates after 18 months unless the Governor extends the public safety fiscal emergency for a stated amount of time up to 18 additional months. The Governor shall consult with the Senate President, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives and each Senator and Representative whose district is wholly or partially within a county that is subject to the public safety fiscal emergency.

(2) The Governor shall terminate a public safety fiscal emergency by proclamation when the emergency no longer exists or the threat of an emergency has passed.

(3) The public safety fiscal emergency proclaimed by the Governor may be terminated at any time by action of the Legislative Assembly.

(4) A termination of a public safety fiscal emergency shall apply to:

(a) Income and excise tax years beginning on or after January 1 following the termination; and

(b) Other tax or assessment reporting periods beginning on or after the first day of the first calendar quarter following the termination. [2013 c.753 §9]

Sec. 10. The Legislative Assembly finds and declares that providing a coordinated and comprehensive response to a local or regional public safety fiscal emergency is a matter of state concern. The Legislative Assembly also finds that the imposition of a tax or assessment described in section 7, 8 or 8b of this 2013 Act is an integral component of any coordinated and comprehensive response, but the Legislative Assembly further finds that an income tax imposed under section 7 of this 2013 Act may not be imposed if the imposition would contradict a county charter that expressly prohibits a county income tax under any circumstance. [2013 c.753 §10]

Sec. 14. Sections 1 to 10 of this 2013 Act are repealed on January 2, 2018. [2013 c.753 §14]

Sec. 15. Nothing in the repeal of sections 1 to 10 of this 2013 Act by section 14 of this 2013 Act affects the validity of any of the following entered into before the repeal of sections 1 to 10 of this 2013 Act:

(1) A proclamation of a public safety fiscal emergency pursuant to section 2 of this 2013 Act;

(2) An intergovernmental agreement entered into under section 3 of this 2013 Act;

(3) A tax or assessment entered into under section 7, 8 or 8b of this 2013 Act; or

(4) An extension of a proclamation made under section 9 of this 2013 Act. [2013 c.753 §15]

203.110 [Amended by 1971 c.88 §6; repealed by 1981 c.140 §2 (203.111 enacted in lieu of 203.110)]

COUNTY GOVERNING BODIES

203.111 County governing body; legislative authority; quorum. Unless otherwise provided by county charter, a county court shall be the governing body and shall exercise general legislative authority over all matters of county concern and shall consist of the county judge and two county commissioners and a majority of those persons shall constitute a quorum. [1981 c.140 §3 (enacted in lieu of 203.110)]

203.113 [1981 c.529 §2; 1983 c.827 §46; repealed by 1987 c.793 §2]

203.115 County power to change fees.

A county governing body shall not change the amount of a fee it has set pursuant to statute within six months after setting that fee. [1979 c.833 §1; 2009 c.477 §3]

203.120 [Amended by 1959 c.532 §1; 1963 c.31 §1; 1973 c.494 §1; 1981 c.153 §55; repealed by 1981 c.140 §5]

203.121 [1965 c.419 §2; 1969 c.516 §1; renumbered 203.145]

203.122 [1959 c.139 §1; 1965 c.432 §1; repealed by 1981 c.41 §3]

203.123 [1969 c.511 §3; 1971 c.743 §345; repealed by 1981 c.41 §3]

203.124 [1959 c.649 §§1,2,3; repealed by 1981 c.41 §3]

203.125 [Repealed by 1981 c.41 §3]

203.127 [1973 c.487 §§1,2,3,4; 1975 c.239 §4; repealed by 1981 c.41 §3]

203.130 [Amended by 1955 c.273 §1; repealed by 1981 c.41 §3]

203.132 Inclusion of property outside county or in city in county assessment for local improvement. (1) The governing body of a county may include property located outside the county or within a city as part of the property to be improved or to be assessed for a public improvement, subject to the following conditions:

(a) The type of improvement is one which the county has authority to finance by assessments against the property that is within the county and outside any city.

(b) The governing body of the other county or the city, by resolution, approves the improvement if any portion of it is within the other county or city.

(c) The governing body of the other county or the city, by resolution, approves the assessment of the property within the other county or city.

(d) The assessment authority, including authority to enforce collection of assessments, is exercised for property outside the county or within a city in the same manner as for property within the county.

(2) The owners of property in the other county or city subject to an assessment under this section shall have the same rights, including remedies, which the owners of property within the county may have. [Formerly 308.165]

203.135 Eminent domain power of county. In addition to any other powers granted to a county under state law or county charter, a county governing body may exercise the power of eminent domain under ORS chapter 35 to acquire any right or interest in real property for:

(1) Public road, trail or other public easement purposes.

(2) Public park or recreation area purposes.

(3) Public building or public institution purposes.

(4) Purposes of development or protection of property acquired for a purpose otherwise described in this section including acquisition of land for use as a quarry, drainage way, pond, marsh or similar purpose. [1981 c.153 §50]

203.140 [Amended by 1963 c.9 §3; repealed by 1981 c.41 §3]

203.145 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, they 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. [Formerly 203.121]

203.148 Public Land Corner Preservation Fund; fees for recording. (1) The county governing body may establish by ordinance a fund to be known as the Public Land Corner Preservation Fund. Moneys in the Public Land Corner Preservation Fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment and maintenance of corners of government surveys under ORS 209.070 (5) and (6).

(2) After providing public notice of its intended action and holding a public hearing at which the residents of the county may appear and be heard on the issue of establishing or changing the fee, the county gov-

erning body may establish by resolution or order a fee not to exceed \$10 for recording all instruments under ORS 205.130 (2) in addition to any other fee charged by the county clerk. All moneys collected under this subsection shall be deposited with the county treasurer at least once a month to be credited to the Public Land Corner Preservation Fund. [1985 c.582 §5; 1987 c.469 §1; 1991 c.621 §1]

Note: 203.148 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

203.150 [Repealed by 1981 c.41 §3]

203.160 [Repealed by 1981 c.41 §3]

203.170 [Amended by 1953 c.477 §7; 1957 c.49 §1; repealed by 1981 c.41 §3]

203.180 [Repealed by 1953 c.306 §18]

203.190 [Repealed by 1981 c.41 §3]

203.200 [Repealed by 1979 c.772 §17]

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 [1959 c.174 §4; repealed by 1981 c.41 §3]

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

203.228 [1963 c.386 §3; repealed by 1981 c.41 §3]

BOARDS OF COUNTY COMMISSIONERS

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 primary election 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 primary election but prior to the 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 the term of office of the county judge, serve as the third county commissioner. At the general election next preceding the expiration of the term of office of the county judge 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 and be subject to the same provisions of law as the other county commissioners.

(4) The order issued under subsection (1) of this section may specify any or all of the following relating to the third commissioner:

(a) Compensation that is different from the other commissioners;

(b) Powers and duties that are different from the other commissioners; and

(c) Service as chairperson of the board of commissioners.

(5) The person serving as county judge on the date the office is abolished shall serve as chairperson of the board of county commissioners until the expiration of the term of office of that person and shall be subject to the same provisions of law as the other county commissioners. [1961 c.571 §1; 1987 c.267 §65; 1995 c.712 §88; 1997 c.277 §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) Unless provided otherwise by county charter or ordinance, consist of three county commissioners. A majority of the board is required to transact county business.

(c) Except as otherwise provided in ORS 203.230 (5) or an order issued under ORS 203.230 (1), appoint a chairperson from among their number who shall serve until the first Monday in January next following appointment. If two members of the board cannot agree on the appointment of a chairperson, the member of the board who is longest in length of service shall act as chairperson.

(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; 1981 c.140 §4; 1985 c.756 §2; 1997 c.277 §2]

- 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 election or general election held throughout the county. [1959 c.527 §1; 1961 c.339 §1; 1995 c.712 §89]

203.720 Electors of county may adopt, amend, revise or repeal county charter; certain provisions, deemed matters of county concern, to prevail over state law. The electors of any county, by majority vote of such electors 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 electors of the county, by majority vote of such electors 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]

203.725 County charter amendment; single subject; separate submission to electors. (1) A proposed amendment to a county charter, whether proposed by the county governing body or by the people of the county in the exercise of the initiative power, shall embrace but one subject and matters properly connected therewith.

(2) When two or more amendments to a county charter are submitted to the electors of the county for their approval or rejection at the same election, they shall be so submitted that each amendment shall be voted on separately.

(3) Notwithstanding any county charter or legislation enacted thereunder, this section shall apply to every amendment of a county charter and shall take precedence and prevail over any conflicting provisions in a county charter or in legislation enacted thereunder. [1983 c.240 §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 electors of the county as is equal to at least four percent of the whole number of votes cast within the county for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. 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; 1989 c.174 §1]

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:

(A) A majority of the county court is entitled to appoint four members of the committee;

(B) A majority of the state Senators and state Representatives then representing the county is entitled to appoint four additional members; and

(C) A majority, consisting of at least five, of those persons appointed under subparagraphs (A) and (B) 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 electors of the county. No member shall be engaged, directly or indirectly, in any business with the county that is inconsistent with the conscientious performance of 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 that 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; 2005 c.22 §153]

203.750 County funds for charter committee; committee staff; county officials to cooperate. (1) Notwithstanding ORS 294.305 to 294.565, 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 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 294.565, 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 employees shall cooperate with the committee and provide it with information, advice and assistance. [1959 c.527 §6]

203.760 Submission of proposed charter to electors after public hearing; 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 submitted to the county clerk, the county clerk shall submit the proposed charter to the district attorney for a ballot title as provided in ORS 250.185 (2). The ballot title is subject to judicial review as provided in ORS 250.195.

(2) The charter proposed by the committee shall take effect on the day fixed therein if approved by majority vote of the electors of the county voting thereon.

(3) 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; 1981 c.173 §6]

203.770 Copies of charters and amendments, revisions and repeals; judicial notice. (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 [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 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 the county governing body elects to have the prosecution of such offenses conducted by a county counsel appointed pursuant to ORS 203.145.

(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.

(3) Except as may be provided otherwise by county law and subject to limitations on its civil jurisdiction under state law, the justice court and circuit court for a county have jurisdiction of a civil proceeding maintained by a county under ORS 30.310 or 30.315, including a proceeding to abate or enjoin any act or condition that is declared to be a nuisance by an ordinance of the county.

(4) Judgments based on county offenses may be enforced in the manner provided by ORS 52.600. [1961 c.724 §33; 1963 c.611 §1; 1977 c.622 §1; 1981 c.75 §1; 1985 c.626 §2; 1995 c.658 §91; 1999 c.788 §49]

COUNTIES AND COUNTY OFFICERS
