Chapter 203

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GENERAL PROVISIONS

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

(1) To sue and be sued;

(2) To purchase and hold for the use of the county lands lying within its own limits and any personal estate;

(3) To make all necessary contracts; and

(4) To do all other necessary acts in relation to the property and concerns of the county.

203.015 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203.020 [Repealed by 1979 c.492 §1]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 or general election. However, no ordinance adopted under this section may 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]

203.040 Applicability of ordinances inside 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 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 electors 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 203.075 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 Payment of assessments in installments; applicable law. 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 improvement, 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 Camping by homeless on public property; local governments required to develop policy for removal of camps. 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; 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 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]

203.110 [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 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 [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 Exercise of eminent domain power by county governing body for road, park and other public purposes. 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 governing 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, after public hearing, to electors; 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 thereof; location and judicial notice of. (1) Duplicate certificates shall be made, setting forth the county charter adopted and a statement of its ratification, signed by the officers or members of the body canvassing election returns. One of such certified copies shall be deposited in the office of the Secretary of State, the other shall be kept as a permanent record of the county. All courts shall take judicial notice of either copy.

(2) This section shall also apply to any amendment, revision or repeal of the county charter. [1959 c.527 §8]

203.780 [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]