Chapter 204

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ELECTION OF COUNTY OFFICERS; COUNTY JUDGE PRO TEM

204.005 Election of county officers. The following county officers shall be elected at the primary election or general election, as provided in ORS 249.088:

(1) A sheriff.

(2) A county clerk.

(3) A county assessor.

(4) A county treasurer.

(5) A county surveyor.

(6) A county commissioner to succeed any commissioner whose term of office expires the following January.

(7) In any county where there is a vacancy from any cause in the office of county commissioner, an additional commissioner to fill the vacancy. [Subsection (2) enacted as 1953 c.477 §2; subsection (3) enacted as 1959 c.174 §3; 1959 c.628 §1; 1961 c.571 §3; subsection (4) enacted as 1963 c.386 §2; 1965 c.221 §21; 1969 c.532 §3; 1971 c.88 §4; 1983 c.327 §4; 2005 c.797 §29]

204.010 Terms of office of county officers. (1) Except as provided in subsection (2) of this section, the term of office of each officer mentioned in ORS 204.005 is four years.

(2) When two or more county commissioners are elected for one county at a general election and one of them is elected to fill a vacancy, as provided in ORS 204.005 (7), one of them shall hold office for two years and the others four years. [Amended by 1983 c.327 §13; 1983 c.350 §16; 2005 c.797 §59]

204.013 Numbered positions for office of county commissioner. (1) In each county that has a board of county commissioners, each office of county commissioner shall be designated by number as Position No. 1, Position No. 2 or Position No. 3.

(2) After September 2, 1963, in every county having a board of county commissioners, or when a board of county commissioners is established in any county, the county clerk shall assign a position number to each office on the board of county commissioners. The number so assigned shall be certified by the county clerk to the commissioner in office holding that position. One copy of the certification shall be sent to the Secretary of State, and one copy shall be filed in the office of the county clerk. [1963 c.329 §1]

204.015 [Repealed by 1957 c.555 §1 (204.016 enacted in lieu of 204.015)]

204.016 Qualifications for county offices generally; additional qualifications for surveyor and assessor. (1) A person is not eligible to any office listed in ORS 204.005 unless the person is a citizen of the United States, an elector under the Oregon Constitution and a resident of the county wherein the person is elected for the period of one year next preceding election, except that in counties of less than 25,000 population the requirement of residency in the county wherein the person is elected does not apply to the county surveyor.

(2) A person is not eligible to be a candidate for election or appointment to the office of county surveyor unless registered under the laws of this state as a registered professional land surveyor.

(3) A person is not eligible to be a candidate for election or appointment to the office of county assessor unless:

(a) The person has qualified as a registered appraiser or is an appraiser trainee under ORS 308.015 and if an appraiser trainee, notwithstanding ORS 308.015, becomes a registered appraiser within two years after taking office; and

(b) The person either has two years of office and accounting experience, including experience in office management activities, or has two years of full-time employment in the office of a county assessor.

(4) The Department of Revenue shall prepare applications and questionnaires, and obtain information it may deem necessary to determine that a candidate for the office of county assessor has met the requirements of this section, and shall furnish to applicants suitable certificates evidencing satisfactory compliance with the required qualifications. [1957 c.555 §2 (enacted in lieu of 204.015); 1973 c.538 §1; 1975 c.780 §18; 1981 c.113 §1; 1983 c.327 §14; 1983 c.659 §1; 1993 c.270 §2; 2003 c.345 §1; 2005 c.22 §154]

204.017 Election of county commissioners by numbered position. (1) In all proceedings for the nomination or election of candidates for or to the office of county commissioner in each county having a board of county commissioners, every petition for nomination, declaration of candidacy, certificate of nomination or election, ballot or other document used in connection with the nomination or election shall state the position number of the office to which the candidate aspires, and the name of the candidate shall appear on the ballot only for the designated position.

(2) Each elector shall have the right to vote for only one candidate for each position on the board, and the candidate for each position receiving the highest number of votes for such position shall be considered nominated or elected, as the case may be. [1963 c.329 §2]

204.020 When terms of office commence; filing certificate of election, oath and undertaking. (1) The term of office of each officer mentioned in ORS 204.005 shall

commence on the first Monday of January next following election to office.

(2) Before entering upon any office listed in ORS 204.005, the person elected must qualify by filing with the county clerk of the county in which the person is elected the person's certificate of election, with an oath of office indorsed thereon, and subscribed by the elected person, to the effect that the person will support the Constitution of the United States and of this state, and faithfully carry out the office being assumed. The person shall also give and file the undertaking provided for under subsection (3) of this section.

(3) A county governing body may require, by ordinance, for the filing by each officer under ORS 204.005, prior to that officer assuming office, of an official undertaking with such surety as the governing body determines necessary or of an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, in either case in a reasonable amount with the county governing body. [Amended by 1981 c.41 §1; 1983 c.327 §15; 1991 c.331 §46; 1997 c.631 §426]

204.025 [Repealed by 1981 c.41 §3]

204.030 [Amended by 1965 c.221 §22; repealed by 1981 c.41 §3]

204.035 [Amended by 1953 c.306 §17; repealed by 1981 c.41 §3]

204.040 [Repealed by 1981 c.41 §3]

204.045 [Repealed by 1971 c.88 §8]

204.050 [Repealed by 1981 c.41 §3]

204.055 [Repealed by 1981 c.41 §3]

204.060 [Repealed by 1981 c.41 §3]

204.065 Appointment of county judge pro tem. Whenever because of illness or injury an elected county judge is incapacitated and unable to perform the duties of office, and such facts are made to appear by the affidavit of one or more physicians, licensed to practice in this state, filed in the office of the Secretary of State, the Governor shall appoint some competent and qualified person county judge pro tem, who shall serve until the termination of the incapacity of the elected county judge has been evidenced in the same manner as the incapacity was originally evidenced, or until the expiration of the term of office, whichever shall first occur, or until the appointment may be revoked for cause by the Governor. Such appointment shall not vacate the office of the elected county judge nor discontinue the salary of the elected county judge.

204.070 Oath of judge pro tem. Before entering upon the performance of the duties of county judge pro tem, the appointee shall subscribe and file in the office of the county clerk the same oath of office required of an elected county judge.

204.075 Compensation of judge pro tem. A county judge pro tem shall receive from the county compensation for services at the same rate and in the same manner as the elected county judge.

204.101 [1953 c.306 §1; 1965 c.89 §1; repealed by 1981 c.48 §8]

204.105 [Repealed by 1953 c.306 §18]

204.110 [Repealed by 1953 c.306 §18]

204.111 [1953 c.306 §5; repealed by 1981 c.48 §8]

COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND OTHER EMPLOYEES

204.112 County compensation board; members; compensation review and recommendations. (1) Each county governing body shall appoint a county compensation board. A county compensation board shall consist of from three to five members, who are knowledgeable in personnel and compensation management.

(2) The county compensation board shall annually recommend a compensation schedule for the county elective officers mentioned in ORS 204.005.

(3) The county compensation board shall annually review the compensation paid to persons comparably employed by the State of Oregon, local public bodies and private businesses within a labor market deemed appropriate by the board for each elective officer. The county compensation board shall take into account such factors as the number of employees supervised and the size of the budget administered by each elective officer, the duties and responsibilities of each elective officer, and the compensation paid to subordinates and other appointed employees who serve in positions of comparable management responsibility. The county compensation board shall prepare and approve by majority vote a recommended compensation schedule for the elective officers and shall submit the recommended compensation schedule to the county governing body.

(4) Notwithstanding subsections (1) to (3) of this section, the sheriff's salary shall be fixed in an amount which is not less than that for any member of the sheriff's department. [1989 c.941 §1]

204.115 [Repealed by 1953 c.306 §18]

204.116 Compensation of county officers, deputies and employees to be fixed by county governing body; disposition of fees. (1) Except as otherwise provided by law, the governing body of each county shall fix the compensation of its own members and of every other county officer, deputy and employee when the compensation of such individuals is paid from county funds.

(2) Any commission, fees or other moneys received by a county officer, deputy or employee for services rendered in the course of that individual's office or employment shall not be allowed to or retained by that individual, but shall promptly be paid into the county treasury except:

(a) For compensation fixed under subsection (1) of this section;

(b) As otherwise determined by the governing body of the county; or

(c) As otherwise provided by ORS 106.120 or 205.320 (6). [1981 c.48 §2; 1997 c.253 §2; 1997 c.424 §2; 1999 c.776 §4; 2001 c.501 §8]

204.120 [Renumbered 204.241]

204.121 Compensation and appointment of officers, deputies and employees in counties subject to county civil service law. It is the intent of the Legislative Assembly that no provision of ORS 204.112, 204.116, 204.126 or 204.601 shall supersede any provision of the county civil service law, and when any conflict arises between any provision of ORS 204.112, 204.116, 204.126 or 204.601 and any provision of the county civil service law, then the county civil service law shall prevail. [1953 c.306 §10; 1981 c.48 §4; 1989 c.941 §2]

204.125 [Repealed by 1953 c.306 §18]

204.126 Change in compensation of elective officers. (1) The compensation of any elective county officer shall remain in effect unless changed with the approval of the county budget committee or tax supervising and conservation commission.

(2) Before any change in the compensation of an elective county officer is effective, it must be submitted to and approved by the county budget committee or tax supervising and conservation commission at a regular meeting or at a special meeting called for that purpose. [1981 c.48 §3]

204.130 [Repealed by 1953 c.306 §18]

204.131 [1953 c.306 §2; 1961 c.395 §1; 1977 c.345 §1; repealed by 1981 c.48 §8]

204.135 [Repealed by 1953 c.306 §18]

204.140 [Repealed by 1953 c.306 §18]

204.141 [1953 c.306 §3; 1977 c.345 §2; repealed by 1981 c.48 §8]

204.145 [Repealed by 1953 c.306 §18]

204.150 [Repealed by 1953 c.306 §18]

204.151 [1953 c.306 §4; repealed by 1981 c.48 §8]

204.155 [Repealed by 1953 c.306 §18]

204.160 [Repealed by 1953 c.306 §18]

204.165 [Repealed by 1953 c.306 §18]

204.170 [Repealed by 1953 c.306 §18]

204.175 [Repealed by 1953 c.306 §18]

204.180 [Repealed by 1953 c.306 §18]

204.185 [Repealed by 1953 c.306 §18]

204.190 [Repealed by 1953 c.306 §18]

204.195 [Repealed by 1953 c.306 §18]

204.200 [Repealed by 1953 c.306 §18]

204.205 [Repealed by 1953 c.306 §18]

204.210 [Repealed by 1953 c.306 §18]

204.215 [Repealed by 1953 c.306 §18]

204.220 [Repealed by 1953 c.306 §18]

204.225 [Repealed by 1953 c.306 §18]

204.230 [Repealed by 1953 c.306 §18]

204.235 [Repealed by 1953 c.306 §18]

204.240 [Repealed by 1953 c.306 §18]

204.241 [Formerly 204.120; repealed by 1979 c.492 §1]

204.245 [Amended by 1965 c.251 §3; repealed by 1979 c.492 §1]

204.250 [Repealed by 1979 c.492 §1]

204.255 [Amended by 1965 c.251 §4; repealed by 1979 c.492 §1]

204.260 [Repealed by 1979 c. 492 §1]

204.265 [Amended by 1963 c.519 §25; repealed by 1979 c.492 §1]

204.270 [Repealed by 1953 c.306 §18]

204.275 [Repealed by 1953 c.306 §18]

204.280 [Repealed by 1953 c.306 §18]

204.285 [Repealed by 1953 c.306 §18]

204.290 [Repealed by 1953 c.306 §18]

204.295 [Repealed by 1953 c.306 §18]

204.300 [Repealed by 1953 c.306 §18]

204.305 [Repealed by 1953 c.306 §18]

204.310 [Repealed by 1953 c.306 §18]

204.315 [Repealed by 1953 c.306 §18]

204.320 [Repealed by 1953 c.306 §18]

204.325 [Repealed by 1953 c.306 §18]

204.330 [Repealed by 1953 c.306 §18]

204.335 [Repealed by 1981 c.48 §8]

204.401 [1953 c.306 §8; repealed by 1979 c. 492 §1]

204.405 [Repealed by 1953 c.306 §18]

204.410 [Amended by 1965 c.221 §23; 1973 c.417 §1; repealed by 1977 c. 127 §1]

204.412 [Repealed by 1977 c.127 §1]

204.415 [Repealed by 1977 c.127 §1]

204.420 [Repealed by 1957 c.78 §1 (204.421 enacted in lieu of 204.420)]

204.421 [1957 c.78 §2 (enacted in lieu of 204.420); renumbered 206.315]

204.425 [Renumbered 206.325]

204.430 [Repealed by 1953 c.306 §18]

204.435 [Repealed by 1953 c.306 §18]

204.440 [Repealed by 1953 c.306 §18]

204.445 [Repealed by 1979 c. 492 §1]

204.450 [Repealed by 1953 c.306 §18]

204.455 [Repealed by 1953 c.306 §18]

204.460 [Repealed by 1953 c.306 §18]

204.465 [Repealed by 1953 c.306 §18]

204.470 [Repealed by 1953 c.306 §18]

204.475 [Repealed by 1953 c.306 §18]

204.480 [Repealed by 1953 c.306 §18]

204.485 [Repealed by 1953 c.306 §18]

204.490 [Repealed by 1953 c.306 §18]

204.495 [Repealed by 1953 c.306 §18]

204.500 [Repealed by 1953 c.306 §18]

204.505 [Repealed by 1953 c.306 §18]

204.510 [Repealed by 1953 c.306 §18]

204.515 [Repealed by 1953 c.306 §18]

204.520 [Repealed by 1953 c.306 §18]

204.525 [Repealed by 1979 c. 492 §1]

204.530 [Repealed by 1953 c.306 §18]

204.535 [Repealed by 1953 c.306 §18]

204.540 [Repealed by 1953 c.306 §18]

204.545 [Repealed by 1953 c.306 §18]

204.550 [Repealed by 1953 c.306 §18]

204.555 [Repealed by 1953 c.306 §18]

DEPUTIES AND OTHER EMPLOYEES

204.601 Number and appointment of deputies and other employees. (1) The county court or board of county commissioners of each county shall fix the number of deputies and employees of county officers whose compensation is to be paid from county funds.

(2) All such deputies and employees shall be appointed by such county officer, and shall hold office during the pleasure of the appointing officer. [1953 c.306 §9]

204.605 [Repealed by 1953 c.306 §18]

204.610 [Repealed by 1953 c.306 §18]

204.615 [Repealed by 1953 c.306 §18]

204.620 [Repealed by 1953 c.306 §18]

204.625 [Repealed by 1977 c.168 §6]

204.630 [Amended by 1977 c.168 §1; repealed by 1981 c.48 §8]

204.635 Deputies of sheriff; special appointments; authority of deputy; liability of sheriff for certain deputies. (1) A sheriff's deputies shall be appointed by the sheriff in writing and continue during the pleasure of the sheriff. The sheriff of any county may appoint deputies in the county for the purpose only, and with authority only, to receive and serve summons and civil process in any suit or action. A certified copy of the appointment of a deputy sheriff shall be filed with the county clerk, and the person appointed shall, before entering upon the duties of the office, take and file with the county clerk the oath of office.

(2) A sheriff may also, by special written appointment, authorize any other person to do any particular act. A certified copy of such appointment shall be filed with the county clerk, unless indorsed upon the process, order or other paper so authorized to be served or executed.

(3) A deputy has the power to perform any act or duty that the principal has, and a person specially appointed to do a particular act has the same power in relation to the particular act authorized. The principal is responsible for the conduct of such deputy or person specially appointed except as provided in subsection (4) of this section.

(4) In counties having a civil service system covering deputy sheriffs, the sheriff shall not be responsible for the conduct of deputy sheriffs or persons specially appointed as provided in subsection (2) of this section. [Amended by 1963 c.331 §12]

204.640 [Repealed by 1981 c.48 §8]

204.645 [Amended by 1953 c.306 §17; repealed by 1965 c.221 §27]

204.650 [Repealed by 1981 c.48 §8]

204.655 [Repealed by 1953 c.306 §18]

204.660 [Repealed by 1953 c.306 §18]

204.665 [Repealed by 1953 c.306 §18]

204.670 [Repealed by 1953 c.306 §18]

204.675 [Repealed by 1953 c.306 §18]

204.680 [Repealed by 1953 c.306 §18]

204.685 [Amended by 1961 c.559 §1; repealed by 1979 c. 492 §1]

204.690 [Repealed by 1953 c.306 §18]

204.695 [Repealed by 1953 c.306 §18]

204.700 [Amended by 1963 c.519 §26; repealed by 1979 c.492 §1]

204.801 [1953 c.306 §6; repealed by 1981 c.48 §8]

204.805 [Repealed by 1981 c.48 §8]

204.810 [Repealed by 1953 c.306 §18]

204.815 [Repealed by 1953 c.306 §18]

204.820 [Repealed by 1979 c.492 §1]

204.825 [Repealed by 1953 c.306 §18]

204.830 [Repealed by 1953 c.306 §18]

204.835 [Repealed by 1953 c.306 §18]

204.840 [Repealed by 1953 c.306 §18]

204.845 [Repealed by 1979 c.492 §1]

204.850 [Repealed by 1979 c.492 §1]

204.855 [Amended by 1957 c.359 §2; 1963 c.519 §27; 1965 c.619 §36; repealed by 1979 c.492 §1]

204.860 [Repealed by 1953 c.306 §18]

204.865 [Repealed by 1953 c.306 §18]

204.870 [Amended by 1963 c.519 §28; repealed by 1981 c.48 §8]

204.905 [Amended by 1963 c.519 §29; repealed by 1979 c.492 §1]

204.910 [Amended by 1959 c.53 §1; 1963 c.519 §30; repealed by 1979 c.492 §1]

204.915 [Repealed by 1959 c.53 §3]

204.920 [1955 c.441 §1; 1959 c.53 §2; 1963 c.519 §31; 1965 c.344 §28; 1979 c.190 §405; repealed by 1979 c.492 §1]