

OREGON CONSTITUTION AND OREGON REVISED STATUTES ON COUNTY HOME RULE

BACKGROUND

Oregon law allows two basic forms of government for its 36 counties, General Law or an option of a Home Rule Charter. Nine counties have adopted home rule charters, (Benton, Clatsop, Hood River, Jackson, Josephine, Lane, Multnomah, Umatilla, and Washington). The other twenty-seven counties have general law forms of government and operate under a broad general statutory grant of authority. The authority for home rule counties comes from the constitution.

Article VI, Section 10 - State constitution provision that permits county voters to adopt, amend or repeal a county charter. A county charter shall prescribe the organization of county government, the number, election or appointment, qualifications, tenure, compensation, powers and duties of county officers. It may include provisions for the exercise of county authority “over matters of county concern,” but not over matters of statewide concern that are within the state legislature’s authority.

ORS 203.035 - General law grant of authority “over matters of county concern,” enacted in 1973 to extend the legislative power of counties without home rule. Gives general law counties virtually the same authority to legislate on matters of county concern as county charters, e.g. changing number of commissioners, declaring offices non-partisan etc. Marion County used this provision to refer a measure to the voters at the November 1986 election changing the county surveyor from an elective to an appointed position.

COUNTY HOME RULE STATUTES

ORS 203.710 to 203.810 set out the procedures for changing to a county home rule form of government.

ORS 203.710 - Performance of functions

- County officers designated to perform functions under these statutes extends to those officers who are designated to perform the same functions under a county charter or legislation enacted thereto.
- Adoption, amendment or repeal of county charters at any biennial primary or general election.

ORS 203.720 - Electors may adopt, amend, revise or repeal county charter

- Electors may adopt, amend, revise or repeal a charter by majority vote
- Charter shall contain provisions to amend, revise or repeal a county charter. This is specifically deemed a matter of county concern that will prevail over other state statutes. (For example, some charters require more than a majority vote for some amendments.)

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ORS 203.725 - County charter amendments single subject; separate submission to electors

- Proposed amendments by either the board or initiative must be one subject.
- Two or more amendments on the same election must be submitted and voted on separately.
- Single subject requirement cannot be changed by charter.

ORS 203.730 - Charter committee

- May be initiated by board resolution requesting appointment of a charter committee filed with clerk. Clerk has five days from filing resolution to give notice to persons entitled to participate in appointing the charter committee members.
- May be initiated by citizen petition signed by 4% of all votes cast for Governor at most recent election and filed with clerk. Clerk has 15 days to verify and certify signatures. If petition is found to be sufficient, clerk gives immediate notice to persons entitled to participate in appointing the charter committee members.

ORS 203.740 - Charter committee members; appointment, qualifications, vacancies, terms, organization, meetings.

- Committee shall be appointed within 60 days of filing of resolution or certification of petition.
- Four members are appointed by the county board, four by the local state legislative delegation; majority of those eight members appoint the ninth member of the charter committee.
- If appointments are not made within the first 45 days, county clerk sends notice and calls a meeting to be held within the last 15 days. If all appointments are not made within the 60 days, the county board may appoint the additional members within 10 days from the expiration of the 60 days.
- Committee members must be electors of the county and cannot be directly or indirectly engaged in business with the county that is inconsistent with committee member duties. County commissioners and the local state legislators cannot serve as a member of the charter committee.
- Terms of committee members are two years from the filing of the resolution or certification of the petition, or until a proposed charter is voted upon, whichever is sooner. If proposed charter is not submitted within two years, terms may be extended until the day of the election on the proposed charter or another two years, whichever is sooner.

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- Vacancies are filled by the appointing authority who appointed the original member, or if not done within 10 days of the vacancy, by the county board.
- Committee members must hold its first organizational meeting within 80 days from the filing of the resolution or certification of the petition. Quorum (majority) is needed for the transaction of business. Committee may adopt rules for operation but may not exclude the public from attending any of its meetings.

ORS 203.750 - County funds for charter committee; staff; county cooperation

- County must provide funds in the amount of at least one cent per elector or \$500, whichever is greater, to pay the expenses of the committee in preparation of the charter.
- Charter committee members serve without pay.
- Committee may use its funds to hire help or contract for services to aid it in its functions. Committee shall submit a budget of estimated expenditures to county board, and, if approved by the board, the budget authorizes the expenditure limits. Excess funds go back to county general fund.
- County shall provide adequate office space in addition to funds.
- County officials and employees must cooperate with the committee and provide information, advice and assistance to the fullest extent possible.

ORS 203.760 - Submission of proposed charter, after public hearing, to electors

- Committee shall hold at least one public hearing on a proposed charter before submitting it.
- Proposed charter must be submitted to the county clerk at least 90 days before the election.
- If approved by voters, charter takes effect on the date specified therein.
- If two or more charters are approved at the same election, charter with the most yes votes wins.