

# OREGON

## COUNTY GOVERNMENT OVERVIEW

### Counties

36

### Government Form

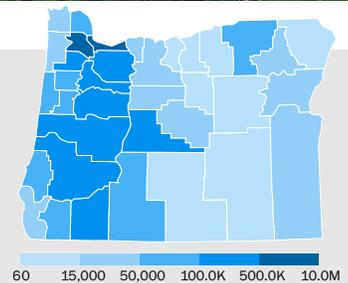
Traditional<sup>1</sup>

### Governing Body Size

3-5

### Population (2020)

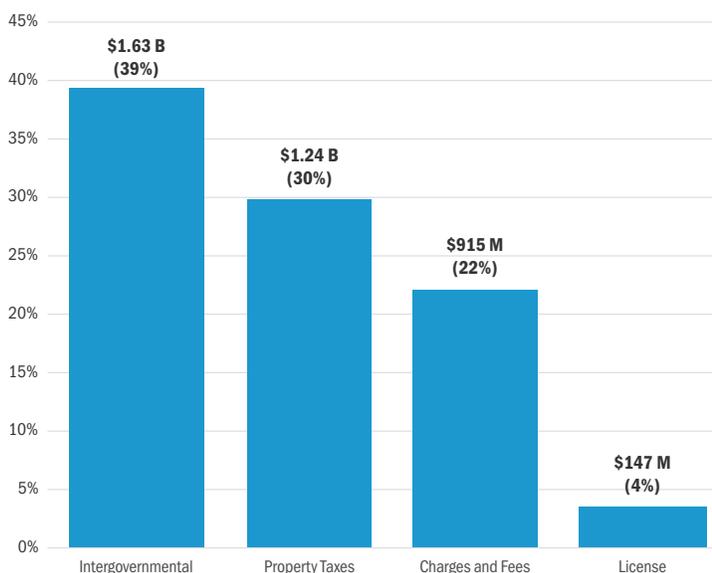
4.2 million<sup>2</sup>



### County Authority

**Home Rule.** All 36 Oregon counties have home rule power, meaning each county may take action on any matter of county concern so long as that action is not contrary to federal or state law. The voters from nine Oregon counties have adopted a home rule charter in accordance with the 1958 home rule amendment to the Oregon Constitution. The remaining 27 Oregon counties exercise home rule power through a statute enacted in 1973, which the Oregon appellate courts have ruled is sufficient to grant home rule power equivalent to the nine charter counties, with the exception that charter counties have more alternatives with regard to their internal structure, such as which county offices are elected.

## TOP REVENUE SOURCES FOR OREGON COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

<sup>1</sup>“Government Form” refers to the distribution of executive decision making authority in a county. “Traditional” county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). “Reformed” county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county’s executive decision making authority. “Mixed” county states means that some counties in that state are “traditional” and some are “reformed.”

<sup>2</sup>NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

### Summary of County Services

#### Services counties MUST provide:

- Provide ambulance services and establish emergency management agencies.
- Adopt a comprehensive plan and zoning ordinances.

#### Services counties CAN provide:

- Develop and implement economic development programs to enhance employment, transportation, housing and resident income.
- Designate property for recreational use and establishing a public library.

#### Services counties CANNOT provide:

- The Oregon legislature typically does not preempt counties from providing any service they desire.

# STRUCTURE/AUTHORITY

## SUMMARY

The default setting for the structure of county government in Oregon consists of a county court with a full-time county judge and two part-time commissioners. Many Oregon counties have converted to three full-time commissioners, transferring remaining judicial power to the state courts, although there are still quite a few county courts functioning in counties with smaller populations. Most counties have also converted commissioner positions to non-partisan. A few counties have expanded from three to five commissioners. The nine Oregon charter counties have even more structural options, and a few have selected options not otherwise provided for in state law, such as electing commissioners from districts or eliminating or adding elected offices.

Row Officers	Elected/ Appointed	Mandatory/ Optional
Assessor	Elected	Optional
Clerk	Elected	Mandatory
Engineer	Appointed	Optional
Medical Examiner	Appointed	Optional
Sheriff	Elected	Mandatory
Surveyor	Appointed	Optional
Treasurer	Elected	Mandatory



## COUNTY STRUCTURE

**Legislative Branch:** A board of 3-5 commissioners or a three-member county court acts as the sole legislative decision-making body for each county.

**Executive Branch:** The board of commissioners or the county court also acts as the sole executive decision-making body for counties. The chairperson for the county court is known as the county judge.

**Judicial Branch:** Oregon used to have a county court in each county, but now only has six county courts. County courts have limited jurisdiction over juvenile and probate cases. Uniquely, county judges in Oregon are chairpersons of the county boards in counties where the position still exists. Their judicial activities, however, come after their primary administrative duties as county leaders. Each county also has a justice court which has jurisdiction over criminal prosecutions, traffic violations and small claims.

**Optional Forms of Government:**

- Board of Commissioners
- Commission-Administrator
- County Court
- Charter



## COUNTY AUTHORITY

**Executive Power:** Counties have the executive authority to sue and be sued, to hold land or public property and to do all other necessary acts in relation to the property and concerns of the county.

**Ability to Form Partnerships:** A county may form contracts as necessary for the wellbeing and operation of the county, including to purchase or lease real or personal property.

**Call a State of Emergency:** A county board of commissioners may declare, by ordinance or resolution, that a state of emergency exists within the county. The county may also adopt an ordinance to establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. The ordinance may also designate an emergency management agency or similar official agency to carry out emergency response duties, including ordering a mandatory evacuation.

**Special Districts:** Oregon has around 1,300 special districts throughout the state. There are 33 different types of special districts including county service districts, of which there are 19. County service districts may offer a variety of over 22 different types of services, including law enforcement, agricultural educational extension services and street lighting.

## OVERVIEW OF COUNTY SERVICES

Oregon counties have jurisdiction over many services in order to provide for the health, safety and welfare of their residents. County-run services include mental health, emergency medical services and affordable housing assistance. Even before statehood, Oregon relied heavily upon counties for the provision of core public services. As a result, there are a litany of additional examples. However, it's worth noting that Oregon has a constitutional provision prohibiting further unfunded state mandates on counties. Additionally, every county is required to provide certain services including the maintenance of a county jail and courthouse, as well as the formation of emergency management agencies and comprehensive land-use plans.



### HEALTH AND HUMAN SERVICES

**County Health Department:** County governing bodies may serve as local public health authorities and shall appoint a local public health administrator to supervise the activities of the local public health authority. Two or more counties may combine to form a health district.

**Hospitals:** Counties are authorized to create master plans and establish service districts to provide hospital services.

**Senior Care Facilities:** The state department of human services is responsible for planning, coordinating, developing and evaluating policies and programs for elderly individuals. The state is also divided into planning and service areas with an area agency on aging in each. Local offices of the state run each area agency on aging to serve one or more counties and provide social services to older residents.

**Mental Health Facilities:** The governing body of each county in a mental health administrative area, as designated by the state's alcohol and drug policy commission, shall appoint a local planning committee for alcohol and drug prevention and treatment services.

**Child Welfare:** Counties may expend as aid for homeless children, neglected or abused children or children in need of correctional or institutional care, the whole or any part of any unexpected balance of any fund budgeted by the county. Counties may also conduct programs and coordinate activities for the prevention, reduction or control of juvenile delinquency including establishing youth care centers.

**Welfare:** Welfare services are managed at the state level. Counties are not generally involved in the processes.



### INFRASTRUCTURE

**Roads:** Counties own, maintain and have jurisdiction over county roads and may perform road work and employ an engineer or practical road builder as a county official. Counties do not have jurisdiction over any public road that is a state highway or a city street.

**Utilities:** Oregon's public utility commission is the regulatory agency for public utilities in the state. People's utility districts may be formed by a petition filed and subsequent election within the boundaries of any proposed district. People's utility districts may operate and supply water and electric energy. Cities may also own and operate public utilities including sewage disposal, water systems and electric systems. County governments are not directly involved in providing public utilities.

- **Water:** Cities or people's utility districts are authorized to supply water. Counties are not authorized to provide this service.
- **Solid Waste:** Cities are authorized to provide solid waste utilities. Counties are not authorized to provide this service.
- **Electric:** Cities or people's utility districts are authorized to supply electric energy. Counties are not authorized to provide this service.
- **Gas:** Gas utilities in the state are provided by three natural gas companies. Counties are not authorized to provide this service.

# SERVICES, CONTINUED



## PUBLIC AMENITIES

**Parks and Recreation:** The governing body of a county may, by order, designate any real property as public parks or recreational areas. Additionally, parks and recreation districts may be created through a petition of community members and an election of district board members.

**Libraries:** Any county may establish, equip and maintain public libraries and law libraries.

**County Fairs:** Counties may have fair boards which have exclusive management of fair grounds and all other property owned, leased, used or controlled by the county and devoted to the use of the county fair.



## ZONING AND DEVELOPMENT

**Zoning Power:** Counties have the power to form planning commissions which may adopt zoning ordinances, subject to approval from relevant state departments. The county governing body must adopt a comprehensive plan and zoning, subdivision and other ordinances applicable to all of the land in the county. Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones.

**Zoning Restriction:** Any ordinance relating to zoning or land use planning shall apply to the area within the county also within the boundaries of a city unless the city has, by ordinance, provided otherwise.

**Housing Authority:** In each county a housing authority is created. The authority shall not transact any business or exercise its power unless the county's governing body, through proper resolution, declares a need for a housing authority to function.

**Economic Development:** A county may develop and implement a program of economic development reflecting the needs for adequate employment and income, transportation access, sufficient housing and regional economic collaboration.

# SERVICES, CONTINUED



## PUBLIC SAFETY

**Law Enforcement:** The sheriff is the chief law enforcement officer for the county and is responsible for patrol services, rescue and execution of court process. The elected county district attorney is a state official and the chief law officer for each county; however, counties pay most of the expenses of district attorney services.

**Jails:** Each county in the state must provide, keep and maintain a local correctional facility. Each county sheriff has custody and control of all persons confined to the county's local correctional facility.

**Courthouses:** In every county where a circuit of the court is located the county must provide suitable courtrooms. Counties are responsible for all expenses of the court that are not covered by the state.

**Fire:** Municipalities and rural fire protection districts provide fire protection services. Counties, in partnership with the state board of forestry, may determine the form of forest fire protection and the establishment of firefighting facilities.

**Ambulance:** Counties are responsible for planning and providing ambulance services in their respective area. Two or more contiguous counties may join to provide ambulance services.

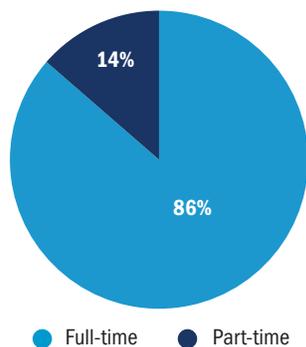
**Emergency Management Agency:** Each county of the state shall establish an emergency management agency. The county's governing body shall appoint an emergency program manager responsible for the organization, administration and operation of the agency.



## SCHOOLS

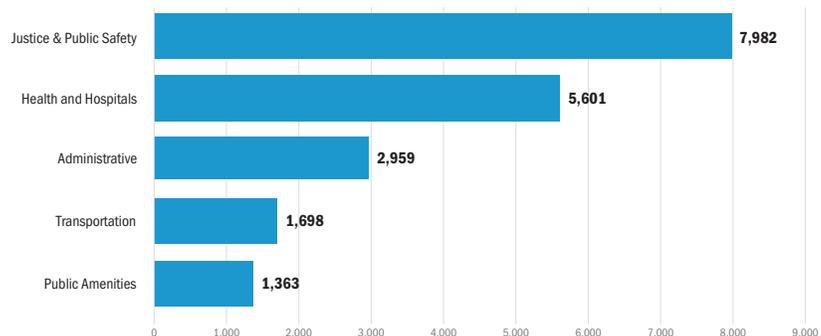
**Education, Generally:** The state board of education is responsible for establishing statewide standards and curriculum for K-12 schools. The governing body of each county shall create a county school fund, which apportions funding into the several school districts in the county. Additionally, there are 21 regions within the state, each of which has an education service district consisting of counties and school districts. Education service districts assist school districts and the department of education in providing equitable, high quality, cost-effective and locally responsive educational services at a regional level.

## OREGON COUNTIES EMPLOY 22,363 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

## OREGON COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

# TAXATION/FINANCES

## OVERVIEW OF COUNTY FINANCE STRUCTURE

Counties primarily raise revenue through property taxes levied on real and tangible personal property within the county. Counties may also impose fuel taxes, construction taxes and a tax on transient lodging. Oregon counties are authorized to issue bonds to finance capital improvements, subject to a debt limit of 2 percent of the real market value of the taxable property in the county.



### FINANCES, TAXES AND LIMITATIONS

**Property Tax:** Counties levy taxes on all real property and tangible personal property within the county. County assessors appraise property within the county and county tax collectors are responsible for collecting property tax revenue. Oregon’s constitution sets a property tax rate limit of 1.5 percent with a maximum annual increase of 3 percent.

**Personal Property:** Tangible personal property can be assessed for property taxes.

**Income Tax:** Counties cannot impose an income tax.

**Sales Tax:** Counties cannot impose a sales tax.

**Mineral Tax:** Counties cannot impose a mineral tax.

**Gas/Fuel Taxes:** A county may enact any charter provision, ordinance or resolution that taxes fuel for motor vehicles, subject to approval from electors.

**Debt and Debt Limit:** Counties may issue general obligation bonds to finance capital construction, capital improvements or capital costs. Unless a county charter specifies otherwise, a county may not issue or have outstanding at the time of issuance general obligation bonds in a principal amount that exceeds 2 percent of the real market value of the taxable property in the county.

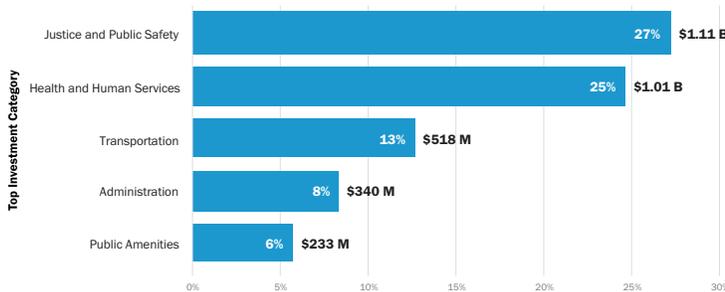
#### State Shares:

- **Cigarettes and Tobacco Products:** Counties receive an apportionment of state revenue from cigarette and tobacco taxes based on county population.
- **Highway Fund:** Barring certain exceptions, 24.38 percent of state highway taxes and special use fuel license fees collected by the state, minus \$71.2 million every two years, is allocated to counties.
- **Alcohol:** Each month, counties receive 10 percent of the funds that the Oregon liquor control commission makes available for distribution.

#### Other Finance Info:

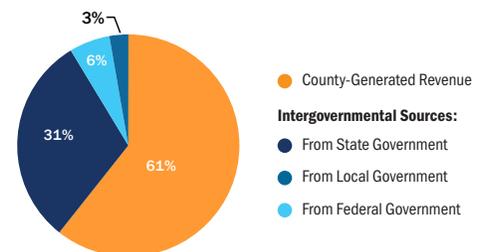
- **Construction Tax:** A county may impose a construction tax by adopting an ordinance or resolution. The tax may be imposed on improvements to real property that result in a new structure or additional square footage.
- **Lodging Tax:** Counties may impose a transient lodging tax at hotels, motels, campgrounds and other temporary lodgings. Counties may contract with the state to administer the local transient lodging tax.

## OREGON COUNTIES INVEST \$4.1 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - 2017 Census of Individual Governments: Finance

## OREGON COUNTIES RECEIVE \$1.6 BILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017