

OREGON

COUNTY GOVERNMENT OVERVIEW

Counties

36

Government Form

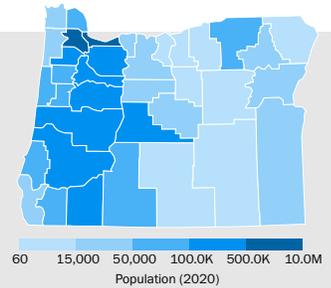
Traditional¹

Governing Body Size

3-5

Population (2020)

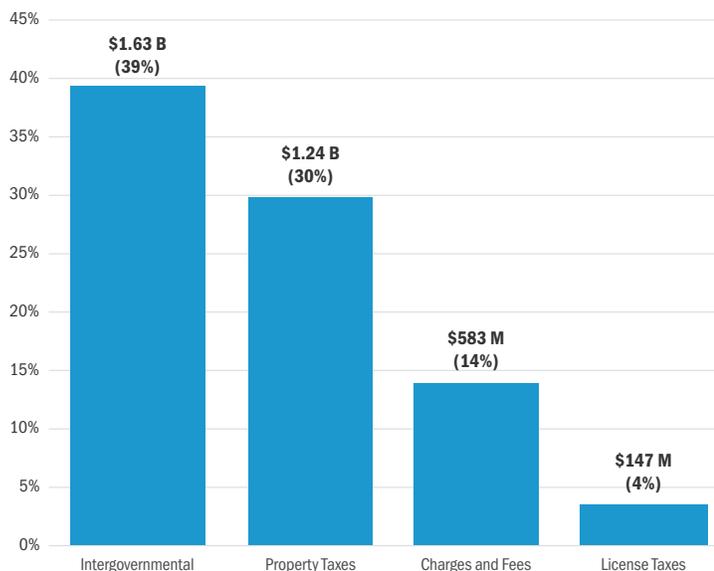
4.2 million²



County Authority

Most Flexible (Home Rule): All 36 Oregon counties have home rule power, meaning counties may take any action consistent with 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 grants home rule power equivalent to the nine charter counties, with the exception that charter counties have more options for 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: Finance, 2017

¹“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.”

²NACo 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 **MAY** 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 services.

STRUCTURE/AUTHORITY

SUMMARY

Oregon counties have a baseline structure 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 many county courts functioning in counties with smaller populations. Most counties have also converted commissioner positions to be non-partisan. A few counties have expanded 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

*Counties may adopt a charter or ordinance that exempts them from appointing a surveyor.



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, where the county judge position still exists, judges are also chairpersons of the county board. 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 any needed actions related to county property and concerns.

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 a state of emergency. The county may also adopt an ordinance to establish procedures 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 19 county service districts. 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 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, Oregon has a constitutional provision prohibiting further unfunded state mandates on counties. Additionally, counties must 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: Counties **may** serve as local public health authorities and must 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 **may** create master plans and establish service districts to provide hospital services.

Senior Care Facilities: The **state** plans, coordinates, develops and evaluates 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: Counties **must** appoint a local planning committee for alcohol and drug prevention and treatment services.

Child Welfare: Counties **may** allocate surplus budget funds to aid homeless children, neglected or abused children or children who need correctional or institutional care. Counties may also conduct programs and coordinate activities for the prevention, reduction or control of juvenile delinquency, including establishing youth care centers.

Welfare: The **state** manages welfare services. Counties are generally not involved.



INFRASTRUCTURE

Roads: Counties **must** maintain 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: The **state** regulates public utilities. People's utility districts may be formed by a petition and election within the boundaries of any proposed district. People's utility districts may operate and supply water and electric energy. Cities may own and operate public utilities, including sewage disposal, water systems and electric systems. County governments are not directly involved in providing public utilities.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: Counties **may** 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: Counties **may** establish, equip and maintain public libraries and law libraries.

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



ZONING AND DEVELOPMENT

Zoning Power: Counties **may** form planning commissions to 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 county land. Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones.

Zoning Restriction: Unless a city provides otherwise, county zoning or land use planning ordinances apply to both incorporated and unincorporated areas.

Housing Authority: The **state** creates a housing authority in each county. However, the county's governing body must declare a need for the authority to transact business or exercise power.

Economic Development: Counties **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: Counties **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: Counties with a circuit of the court **must** provide suitable courtrooms. Counties must take responsibility 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 establishment of firefighting facilities.

Ambulance: Counties **must** plan and provide ambulance services. Two or more contiguous counties may join to provide ambulance services.

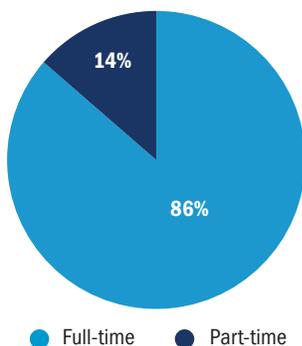
Emergency Management Agency: Counties **must** establish an emergency management agency. The county's governing body shall appoint an emergency program manager responsible for the organization, administration and operation of the agency.



SCHOOLS

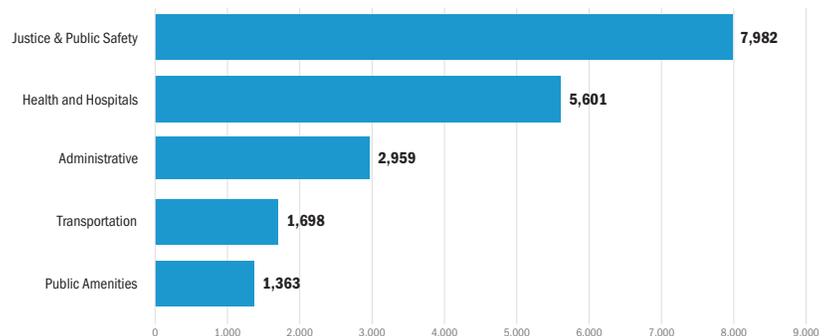
Education, Generally: The **state** board of education establishes standards and curriculum for K-12 schools. The governing body of each county **must** create a county school fund, which apportions funding into the several school districts in the county. Additionally, there are 21 regions within the 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 to provide 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 on real and tangible personal property. Counties may also impose fuel taxes, construction taxes and a tax on transient lodging. Oregon counties may 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 **must** tax real and personal property. Oregon’s constitution sets a property tax rate limit of 1.5 percent with a maximum annual increase of 3 percent.

Personal Property: Counties **may** assess tangible personal property for 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: Counties **may** tax fuel for motor vehicles, subject to voter approval.

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 general obligation bonds in a principal amount that exceeds 2 percent of the real market value of the taxable property in the county.

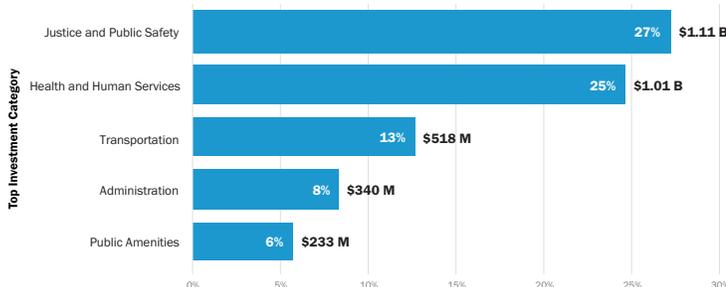
State Shares:

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

Other Finance Info:

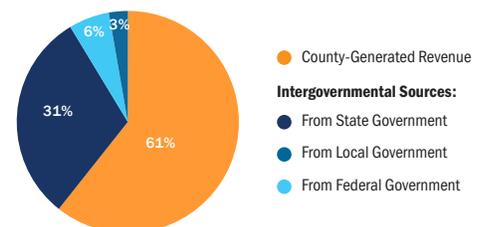
- **Construction Tax:** Counties **may** impose a construction tax. The tax may be imposed on improvements to real property that result in a new structure or additional square footage.
- **Lodging Tax:** Counties **may** impose a transient lodging tax at hotels, motels, campgrounds and other temporary 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 - Census of Individual Governments: Finance, 2017

OREGON COUNTIES RECEIVE \$1.6 BILLION FROM INTERGOVERNMENTAL SOURCES



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