County Government in Oregon

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Cover: Benton County, Oregon, courthouse, by
Covallis artist Cora M. Wetter

COUNTY GOVERNMENT IN OREGON

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ABSTRACT

Counties in Oregon are involved in the provision of a wide variety of important public services. The administration of this complex system is organized in a number of different ways in Oregon. Although specific forms of organization may differ among counties, all counties are structured to encourage extensive involvement of citizens in advisory and decisionmaking roles. Opportunities exist for Oregonians to have significant impact on the way their counties raise and spend public money and on the provision of specific public services. This publication explains the structure and functions of county government in Oregon, the basics of county finance and the ways in which citizens can become actively involved in county government.

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I. COUNTY POWERS, FUNCTIONS AND ORGANIZATION

Why County Government?

County government is our oldest but perhaps our least understood local government institution. American colonists in Virginia and other southern states organized counties with powers and functions similar to those of England, where counties had been established since at least the Norman Conquest. Pioneers from these areas wno settled in central and eastern parts of this country in turn established counties in the patterns with which they were familiar.

Since their earliest origins, counties have functioned as the local agents of the central political authority. The English monarchs appointed county officers to collect their taxes and to enforce their military service obligations. Since the early 19th century, the major county officials in the U.S. generally have been elective rather than appointive officials. However, our counties still function as agents of the state in the assessment and collection of taxes, administration of the courts, enforcement of state criminal laws, conduct of elections, and other ways.

During the present century, counties have assumed a new role as significant units in their own right for local governance purposes. They now function both as agents of the state and as units of local government. In their capacity as local government units, counties provide a wide range of services. Since the entire state is divided into counties, counties are more logical units for certain local government purposes than cities or special districts, because their jurisdiction reaches to all citizens regardless of residence.

Powers of the County

Before discussing what counties do, it's necessary to discuss what they can do--i.e., the scope of their legal powers.

Historically, since they were regarded as "agents of the state," counties were limited to whatever the state statutes required or allowed them to do, plus "necessarily implied" powers. For example, counties could not build or maintain roads unless there was a state statute requiring or permitting them to do so, but if there had been such a statute, then the power to employ personnel and set up procedures for road construction and maintenance could have been "implied."

Even when counties expanded their role as units of local government, the courts still held that they could perform only those functions expressly authorized by statute. Accordingly, as each new need arose, counties had to present a case to the state legislature to justify whatever authority they required to provide such services as parks, libraries, airports, sewers, etc. Without express statutory authorization, they simply could not respond to demands for services.

This situation led to efforts to liberate the counties from their subservience to the state legislature, and these efforts have been at least partially successful.

The first major breakthrough was the county home rule constitutional amendment, which the people of Oregon approved in 1958. County charters adopted under this amendment could "provide for the exercise by the county of authority over matters of county concern." This phrase has never been defined in terms of particular functions, but charter counties have given it a common sense interpretation, expecting that they might

be taken to court from time to time if they should overstep their bounds. In the only appellate court case to date on this point (Schmidt v. Masters, 7 Or. App. 421 [1971]), the Court of Appeals held that a county with appropriate charter powers could regulate the business of solid waste collection without specific statutory authority to do so.

By 1973 only a few counties had adopted charters, and the legislature enacted a state statute (ORS 203.035) that delegated to all counties "authority...over matters of county concern"--the same phrase used in the county home rule constitutional amendment. The intent of this statute was to extend to all counties (not just charter counties) the power to perform local government functions without first getting specific state legislative authorization to do so.

There is still some uncertainty about the scope of county powers, despite the home rule amendment and the 1973 statute. For one thing, there is doubt that counties can rely on the ORS 203.035 delegation of powers in cases where there is another state statute dealing with the specific matter involved, since the general rule of statutory construction is that a specific statute prevails over a general statute on the same subject.

Another source of uncertainty is the recent Oregon Supreme Court case of La Grande/Astoria v. PERB, 281 Or. 137 (1978). This case holds that where there is a conflict between a state statute and a local action of some kind, the state statute prevails if it is "addressed primarily to substantive social, economic, or other regulatory objectives" (as distinguished from matters of local government organization or procedure)

and there is legislative intent to supersede the local action.[1/] This contrasts with the previous rule that a local enactment on any subject would prevail over a conflicting state statute if the subject matter were of predominately local concern. La Grande/Astoria is an interpretation of the city home rule amendments rather than the county home rule amendments, and there are substantial differences in the language of these two constitutional provisions; but there is language in La Grande/Astoria indicating that the Court will apply its new standard to county home rule as well as city home rule.

Limitations that can be imposed on county powers, either by the existence of specific state statute that might apply to a local action. If the state statutes are silent with respect to a particular matter, counties are free to act under either charter authority or the authority of ORS 203.035 if the action contemplated can be considered to be "of county concern."

County Functions

Whatever the scope or source of county powers, counties today provide a great variety of public services and facilities. Most county programs or services are provided countywide, but some, such as police services and road maintenance, are provided mostly in areas outside cities. Still others are provided only within specific subcounty areas

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[1/] Even a statute concerned with local government organization or procedure can be found to be paramount to a local charter or ordinance provision if the state can justify its enactment as being necessary "to safeguard the interests of persons or entities...affected by the procedures of local government."

that have established county service districts to finance them, or within incorporated cities that arrange for them by contract.

It is important to understand that some county functions (and the expenditures to pay for them) are mandated by state law, while others are permissive. Generally, the distinction between mandatory and permissive functions corresponds to the distinction between functions the counties perform as agents of the state and those they perform as units of local government. Some county functions are mandatory both as to the basic requirement to provide the service and as to the level or amount of service to provide, while others require only that the service be provided, leaving to the county the determination as to level or amount of service.

Examples of county functions mandatory in both senses include the requirement that counties must levy a certain amount of taxes for support of the schools, the requirement that taxable property be physically appraised within a certain ratio to true cash value every 6 years, and the requirement that counties pay court reporter salaries in an amount at least equal to the amount set by statute. Among the numerous county functions mandated by state law but with local discretion as to the amount or level, are road maintenance, law enforcement, and public health.

Permissive functions--those which the law permits but does not require counties to perform--are of virtually endless variety. This is so because of the leeway counties now have under the constitutional and statutory provisions discussed previously to develop programs and services locally in response to the perceived needs of their citizens.

Table 1 lists selected county functions, both mandatory and permissive, that are specifically mentioned in state statutes. This list does not include additional functions counties may be performing solely under charter authority or solely under authority of ORS 203.035. Table 1 lists in separate categories those functions that are the administrative responsibility of the county court or board of county commissioners, and those under other county elective officials. This is an important distinction for citizens to make in evaluating the performance of county government.

Since there are so many county services and programs, it would be impossible to describe each one here. A partial listing follows. It is designed to include the major functions that all or most Oregon counties perform.

Managing the Physical Environment

Counties do many things to protect and improve the health, safety, convenience, and attractiveness of the physical environment. For examples:

- Planning and land use control. Oregon counties were first authorized to engage in planning, zoning, subdivision regulation, and other land-use-control activities in 1947, and by the mid-1960's most counties had established planning commissions and were involved in some planning and regulatory activities.

The 1969 Legislature made county planning a mandatory rather than a permissive function, and the 1973 Legislature enacted the state Land Conservation and Development law, which established a new role for state government in land use planning. Since 1973, local planning has been

Table 1. Selected Line Functions of General Law County Governments in Oregon Authorized by Statute.

Functions, Programs, and Services under County Court or Board		
Air pollution control	Dog control	Public housing
Alcohol and drug programs	Economic development	Public transportation
Building regulation	Extension Service	Regulation of gambling
Cemeteries	Fire protection	Regulation of outdoor mass gatherings
Civil defense	Food stamp and distribution programs	Roads and related facilities (bridges, sidewalks, bicycle paths, etc.), construction, maintenance, control
County hospitals, nursing homes, and emergency medical services	Franchises and regulation of garbage and solid waste disposal service	Sewage disposal and surface drainage
Community mental health programs	Garbage and refuse disposal sites	Street lighting
Community work and training programs	Housing code	Urban renewal
County airports	Licensing	Veterans services
County fairs	Livestock preservation	Vocational rehabilitation
County libraries	Mined land reclamation	Water resource development
County parks and forests	Mosquito and vector control	Water supply and distribution
Court facilities, indigent counsel, public guardian, public defender, and related services	Museums, armories	Weather modification
Disposition of abandoned property	Noise control	Weed control
Diking and flood control	Nuisance control	Youth care centers
	Planning, zoning, subdivision and other land use controls	Youth work camps
	Predator control	
	Public health	

Functions, Programs, and Services under Other Elective Officers		
Court services (county clerk, sheriff, constable)	Juvenile services (county judge or circuit judge)	Property tax administration (county assessor and county sheriff)
Elections (county clerk)	Law enforcement (county sheriff)	Surveying (county surveyor)
Jails and correction facilities (county sheriff)	Property records (county clerk)	Treasury management (county treasurer)

subject to goals and guidelines promulgated by the state Land Conservation and Development Commission. However, counties and other local governments retain most of the planning authority they had previously, as long as it is exercised in accordance with the broad state goals and guidelines.

The Land Conservation and Development law, with certain exceptions,[2/] vested county governing bodies with responsibility as local coordinators of land use planning. Under this statute, "Each county through its governing body shall be responsible for coordinating all planning activities affecting land uses within the county, including those of the county, cities, special districts, and state agencies, to assure an integrated comprehensive plan for the entire area of the county." ORS 197.190(1).

● Parks. Most Oregon counties develop and maintain parks for public use. County parks generally are located in nonurban areas, although many of them are designed for intensive day use, and all are available to city residents on the same basis as residents of rural areas. However, most Oregon counties have not developed organized recreation programs such as those administered by many city park and recreation departments. The number of counties providing park systems has increased rapidly since World War II, and amounts budgeted for park purposes have increased substantially during this time.

[2/] The law provides for alternatives to county governing body coordination. In the Clatsop-Tillamook County, and Lane County areas, the coordination function has been assumed by councils of governments. In the tri-county (Multnomah, Clackamas, and Washington) Portland metropolitan area, the Metropolitan Service District performs the coordination function.

● Waste management. One of the newer county government functions in Oregon is the ownership and operation of facilities for the disposal of solid wastes. Some counties also have begun to franchise and regulate the operations of solid waste collection services operating in unincorporated areas. Almost all counties have recently completed long-range plans for solid waste management, using grants from the State Department of Environmental Quality, which were funded from state pollution-control bonds authorized by the voters in 1970. Many of the plans seek to move counties in the direction of recycling and energy recovery from solid waste as a supplement or alternative to the traditional landfill means of disposal.

● Development regulation. Counties, in partnership with various state agencies, play a key role in promoting environmentally sound growth through public regulation of development. Through various regulatory programs, counties enforce minimum standards for land subdivision and partitioning, sewage disposal and water supply facilities, and structural features of buildings constructed. This is accomplished through both state laws and rules and county ordinances, and enforced through a system of state and county permits and inspections. The state role in setting standards and requirements in this field has increased during recent years.

Transportation

● Roads and bridges. As a mandated minimum, counties must maintain existing county roads in a safe condition for public use; and they may be held liable in a suit for damages by an injured party if they do not.

Beyond that, counties attempt to budget money to improve, reconstruct, and construct county roads and bridges to accommodate increasing flows of vehicular traffic, improve the convenience of intra-county travel, and to serve the needs of farmers, loggers, and others who must use public highways to transport materials in industry and commerce. Closely associated with this county function are related activities such as snow removal, installation and maintenance of drainage systems, weed and brush control, street lighting, signing, parking regulation, etc. Also closely associated with the road function is the provision of bicycle paths; and some counties also provide sidewalks for pedestrian travel in certain congested areas.

- Airports. A few Oregon counties operate and maintain public airports and terminal facilities. In some cases, responsibilities for airports is shared with city governments.

- Mass transit. Several counties provide support for mass transit systems. A few counties contract directly with privately owned bus systems to provide this service, while several others contribute money to aid cities or nonprofit corporations that provide public transportation services. Most of the latter consist of limited programs for senior citizens, handicapped persons, or other special groups.

Providing Human Services

Counties are more involved than any other unit of local government in a variety of people-oriented services, including physical and mental health and certain educational programs. These are examples:

- Public health programs. Counties serve as agents of the state

Health Division in delivering public health services. Among the basic programs are communicable disease control, public health nursing, immunization, maternal and child health services, inspection of such public facilities as restaurants and nursing homes, mosquito and rodent control, supervision of public water supplies, recording of vital statistics, and public-health education programs.

● Hospitals. Although only 7 Oregon counties operate and maintain public hospitals, these facilities account for a major share of county expenditure in the counties that have them. A few counties also provide other types of health care facilities, such as nursing homes and emergency medical services.

● Mental health programs. Oregon counties also perform a number of local mental health services for persons who are mentally or emotionally disturbed, retarded or developmentally disabled, alcoholic, or drug dependent. Upon state approval of an annual county plan for such services, state matching funds ranging from 50 to 100 percent, depending on the particular service involved, are made available. Specific mental health programs include outpatient diagnosis and treatment, aftercare for persons released from mental institutions, and various services which function as alternatives to state hospitalization, including inpatient treatment in community hospitals and other residential facilities, as well as mental health education and consultation to the general public and community agencies.

● Educational programs. One of the earliest legal mandates for counties in Oregon (along with the requirement to provide for courts, jails, road maintenance and care of the poor) was the requirement for a

county tax levy to support the public schools. While most school funding now comes from school districts' own property tax levies and from the state basic school support fund, counties are still required to levy $10 per census child (or the amount levied in 1964-65, whichever is less) and deposit the proceeds in the county school fund. Counties also contribute to education through joint support (along with the State and the Federal government) of the Oregon State University Extension Service, and in some counties through provision of county library services. County fairs and museums also perform an educational function.

- Other human services. Counties provide several other human service programs. These may include veterans services, various programs for senior citizens, youth programs, programs serving the handicapped or other disadvantaged groups, and family planning services. Several counties also participate in public or publicly-assisted housing programs, and this is customarily classified as a human service program although it might also be regarded as an environmental program.

Protecting Life and Property

Enforcing state criminal laws, administering justice through the state court system, and providing correctional programs and facilities are important county responsibilities in Oregon. This group of programs includes the district attorney's office; the circuit, district, justice, and juvenile courts (including clerks, counselors, and other support services); juvenile detention facilities and the county jail; and various programs administered by the county sheriff--including patrol, criminal investigation, criminal records, civil process serving, emergency

communications, search and rescue, and in some counties related programs such as animal control and marine law enforcement. The state government provides leadership in overall criminal justice planning and pays a share of the cost of the circuit and district courts, but counties still provide the bulk of the funding and bear the main administrative responsibilities in the area of law enforcement, courts, and corrections.

Assessment, Tax Collection and Treasury Management

Another important county function is providing financial services, not only to support the county's own needs, but also to support the programs of other local governments. The most significant of these services is property tax collection and administration. County governments list and appraise all locally assessed property subject to ad valorem taxation, and these values are used not only by the county, but also by school districts, cities and other taxing units as the basis for their property tax levies. Counties also serve as the collection agency for property taxes levied by all taxing units, and the county treasurer provides custodial and treasury management services for tax receipts after they are collected. The county treasurer also maintains accounts and provides other services in connection with the issuance and retirement of certain local government bond issues.

Other Functions

Counties perform a large number of functions in addition to those listed, as indicated in the following sections.

- Agricultural services and animal control. Counties may operate some programs that relate primarily or exclusively to agriculture. Among

these are county programs to eradicate or control weeds, programs to control predatory animals, and inspection of horticultural products to control insects and diseases. County dog control programs were originally organized as a protection to livestock operations, although in recent years these programs have been oriented to serve the special needs of urban areas also.

- Records. As agencies of the state, counties provide service in recording a wide variety of private and public documents, such as deeds, mortgages, liens, subdivision plats, wills, marriage licenses and passport applications, etc. In most counties, recording is a responsibility of the county clerk, but some counties have assigned this function to another county officer.

- Surveying. The services of the county surveyor are available to provide information on property lines, to review and approve subdivision plats, to develop and provide information on property surveys, and to conduct property surveys for county agencies and the courts.

- Elections. Counties function as agents of the state in conducting national, state, and local government elections. This includes establishing election precincts, registering voters, recruiting and training election workers, and tabulating election results.

- Licensing and regulating businesses. Counties issue a variety of types of business licenses and enforce state and county regulations associated with regulating such businesses. Such businesses as peddlers, auction markets, secondhand stores, dance halls, and traveling carnivals or other shows are most frequently subject to county licensing, although a few counties have more comprehensive business regulatory programs.

Overhead Functions

The previous sections describe generally those functions, programs, services, and facilities which counties perform, provide, or operate for their residents or for other local government units. There are several additional activities in which counties may engage--to set policy, supervise, coordinate, or otherwise facilitate the performance of various functions. These include overall policy making and managerial activities of the county governing body and its chief management officials; maintenance of a system of personnel administration for county employes; various county government finance activities such as budgeting, accounting, purchasing and auditing; data processing; operation of central motor pools; provision of legal services; public information activities; and others. The so-called "line" functions, the "overhead" functions are subject to a variety of State and Federal mandates, such as the duty to bargain collectively with county employees, minimum standards for retirement and other fringe benefits, occupational health and safety standards, and many others.

County government is truly a wide-ranging, diverse public enterprise requiring the services of the qualified personnel as well as informed professional and citizen leadership. Accordingly, the next section will consider the challenge of organizing and managing such a complex system.

County Organization and Administration

County Governing Bodies

Overall governing responsibility in most Oregon counties is divided between a small, elected governing body and a number of independently elected administrators.

Governing bodies in 13 eastern Oregon counties are designated "county courts." These bodies consist of two county commissioners and a county judge. Of the 13 county judges, 9 actually have some judicial functions (juvenile or probate or both), while the judicial functions of the other 4 have been transferred to the circuit or district courts.

Governing bodies in the other 23 Oregon counties are designated "boards of county commissioners." The major difference between county courts and boards of commissioners (except for differences in home rule counties) is that county judges with judicial functions serve 6-year terms, while county commissioners serve 4-year terms. County judges also preside over the county courts, while the position of chairman of a board of county commissioners is subject to annual election by the commissioners.

Some variations in the composition of the governing body have appeared in the 5 of the 6 Oregon counties that have adopted charters (Washington, Lane, Multnomah, Hood River, Benton and Jackson). Multnomah, Washington, and Hood River counties adopted charters that increased the size of the board of commissioners from three to five members, although Washington County returned to a 3-member board in 1979. Lane County's 1962 charter provided for a 3-member board, but this was changed to 5 members effective in 1979. All governing board members are elected at large in noncharter counties; but Hood River, Multnomah and Lane counties elected part or all of their members by district. Washington County elected 3 of its 5 members from districts until 1979, when it returned to at-large elections.

All county governing-board members are elected on partisan ballots except in Lane, Washington, and Hood River, which provide for nonpartisan

elections. Terms of office for county commissioners in all counties (charter and noncharter) are 4 years. Hood River County had 2-year terms for county commissioners from 1972 to 1976, but returned to 4-year terms under the charter adopted in May, 1976. Multnomah County went from 4-year terms to 2-year terms under a charter amendment which was adopted in 1976, but repealed the following year. Lane County had 6-year terms from 1962 until 1972, when it returned to 4-year terms.

Administrative powers of county governing bodies include the power to hire and fire county employes, expend county funds in accordance with duly adopted budgets, and supervise the administration of county programs.

In the exercise of their administrative powers, county governing bodies are constrained by the fact that in most counties some of the major county functions are under the supervision of administrators who are elected by and responsible to the voters, and therefore not responsible to the governing body. They also are constrained by a host of Federal and State standards and requirements, including laws that establish minimum qualifications for certain types of county personnel, mandate provision of certain fringe benefits, require use of certain procedures in purchasing and contracting, and otherwise regulate or control the conduct of county business.

Growing management workloads in county government have led many counties to delegate some of their administrative functions to specially qualified administrators, as will be seen in the next section.

County Administrative Organization

- Centralizing administrative responsibility. About one-third of

the Oregon counties have taken steps to delegate varying degrees of administrative responsibility for overall county management to a single administrative position. In only one county (Multnomah) has this been done in such a way as to divest the elected governing body of ultimate responsibility, however. In Multnomah County, the county executive is an elected official who is responsible directly to the people rather than to the board of commissioners. In all other cases the central executive or administrative officer is appointed by and responsible to the board of commissioners.

The administrative roles of persons appointed to these positions vary widely from county to county. As an independently elected official, the Multnomah County executive has broader powers than the administrative officers of the other Oregon counties. In all counties except Multnomah, the position is established and its duties defined by ordinance, or merely by making budgetary provision for such a position. In some counties the administrative officer or assistant appoints subordinate department heads, subject in some cases to board approval. In other counties the administrator lacks this authority. Similarly, arrangements with respect to departmental liaison, budget preparation, labor negotiations, and other types of administrative duties vary considerably.

● Departmentalization. County governing bodies generally are free to assign and reassign functions among various county departments under their supervision, although there are some exceptions and limitations. The major exception is functions vested by state statute with specific elective officials. (For example, state laws require that the elective county clerk serve as recorder of property documents. In a noncharter

county, a board of county commissioners could not, for example, transfer the recording function to the county assessor or set up a separate department for this purpose.)

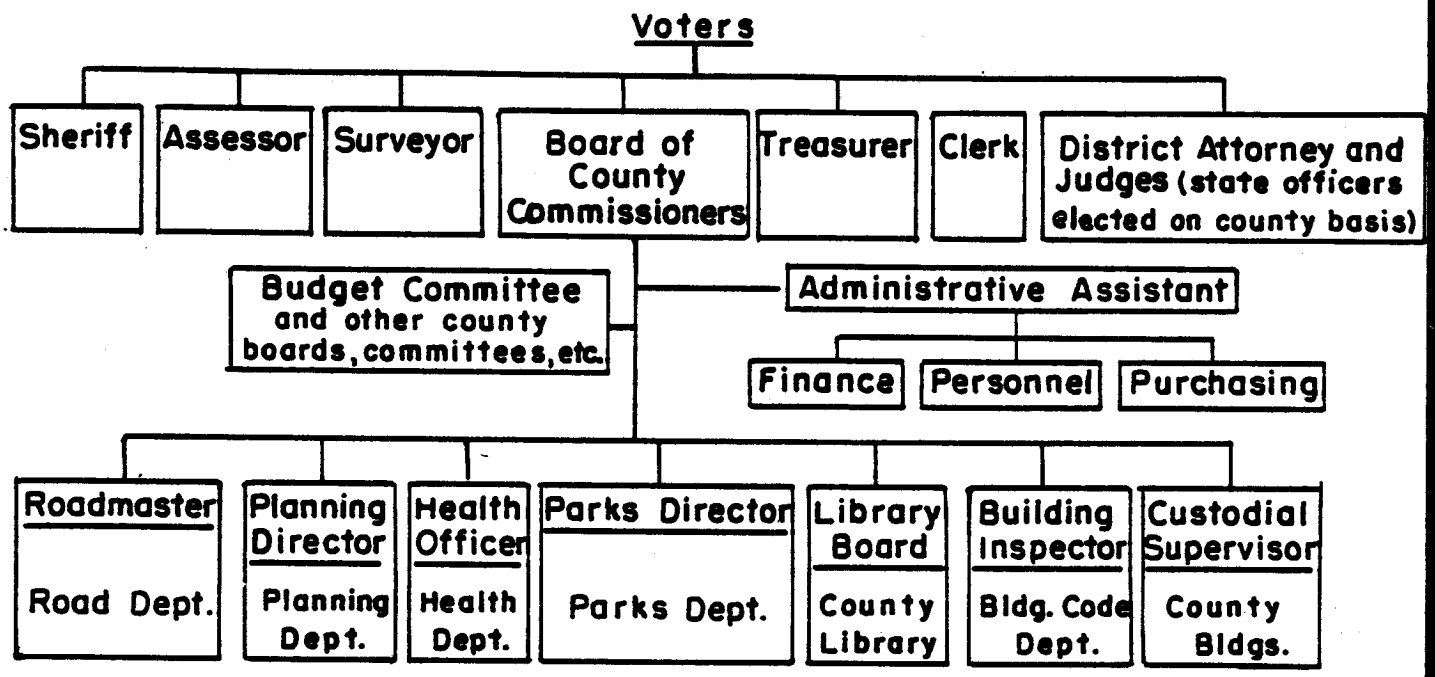
The elective "row officers" or department heads common to all non-charter counties are the sheriif, assessor, clerk, treasurer, and surveyor. As charter counties, Multnomah County has converted all 5 of these offices to appointive status (although it continues to elect a county auditor); Washington and Hood River elect only the sheriff; and Lane and Benton have converted all but the sheriff and the asessor to appointive positions. The Jackson County charter, adopted in 1978, made no change in the elective status of these officers.

● Boards and commissions. In addition to the governing body and departments with either elected or appointed department heads, counties have numerous appointive boards and commissions, some purely advisory and others with specific administrative duties. Among the more common boards and commissions are planning commissions, boards of equalization, library boards, parks boards, civil service commissions, and fair boards. One of the most important county boards is the budget committee, which consists of the county court or board of commissioners plus an equal number of appointed citizens.[3/] Counties also commonly appoint citizen advisory committees of various types on either a temporary or permanent basis.

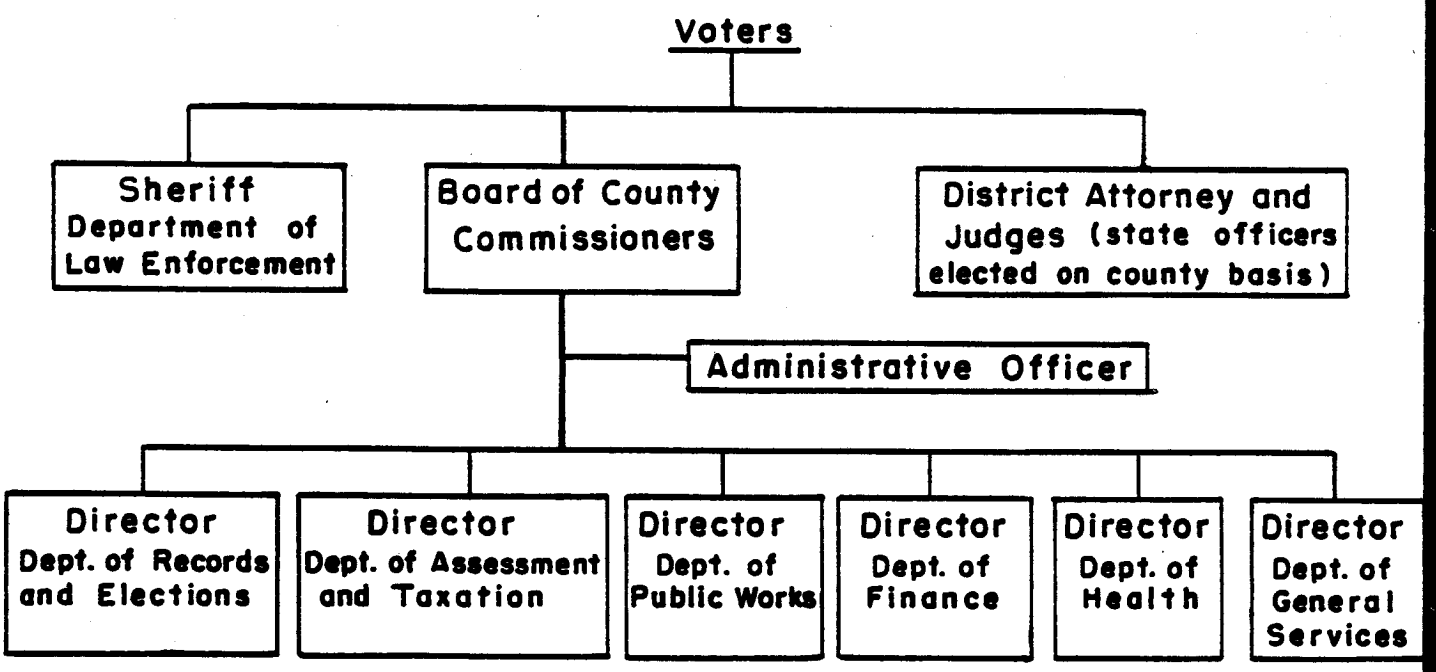
[3/] In Multnomah County there is no budget committee. There the Board of Commissioners prepares the budget, which is reviewed by the Multnomah County Tax Supervising and Conservation Commission.

Figure I. Illustrative Organization Charts

General Law County



Charter County



County Service Districts

As urban growth spilled over municipal boundaries, particularly during the post-World War II days, counties came under increasing pressure to respond to needs for urban services in the urbanizing unincorporated areas. For several years most counties found it difficult to provide such services because they had no way of charging the costs to the property receiving the services. Until 1963, when a workable county service district law was passed by the legislature, counties would have had to meet the cost of most services that might have been provided in such areas out of the general county fund, which was financed through property taxes and other revenues collected from the county at large, including rural areas, which did not need urban services, and incorporated cities, which paid for their own services.

The county service district law now permits counties to provide such services as sewage disposal, surface drainage, street lights, parks and recreation programs, mass transit, water supply, and solid waste disposal to specific areas of the county and to finance them through property taxes, assessments, service or user charges, or connection charges paid only by residents and property owners within the districts receiving the service. County service districts are also authorized to issue bonds within certain limits, the obligation of which is limited to property within the district. A county service district is a distinct municipal corporation separate from the county and functions in most respects like an independent special service district, except that its governing body is the county court or board of commissioners instead of an independently elected board, its administrative personnel are county

employes, and it has easier access to county equipment and facilities than would an independent special district.

Relationships with Other Governments

Counties are very much involved in relationships with other governments--local, State and Federal. They are mandated by state law to provide such services as property tax administration, planning coordination, and elections to cities, school districts and other special districts. In addition they typically have a variety of voluntary intergovernmental agreements and contracts with other local governments covering jail and police services, building inspection, and many other services and facilities.

The state government impacts counties by enacting legislation and administrative rules applicable to county affairs; providing shared revenues and grants-in-aid; and exercising administrative supervision over certain county programs. The Federal government is also the source of various mandates affecting county government, as well as substantial revenues such as general revenue sharing and a variety of payments made to counties that contain National Forests, Federal public domain lands, and other Federally-owned lands.

Because so much of the funding and so many of the policies and programs of county governments are established or influenced by other levels of governments, Oregon counties generally attempt to be active participants in intergovernmental affairs. They participate by making recommendations for specific action to State and Federal agencies and legislative bodies, which requires that they keep informed on current develop-

ments in the state and national capitols. They have formed associations (the Association of Oregon Counties and the National Association of Counties) to assist them in these efforts, and county officials find that the efficient discharge of their responsibilities requires them to devote considerable time to the affairs of these groups, as well as other intergovernmental advisory committees, councils of governments, commissions, etc.

II. COUNTY FINANCE

Oregon counties budgeted $421 million in fiscal year 1975-76 for the provision of services and facilities. County provision of services requires raising revenues and decisions about allocation of funds. How counties allocate money among the various services and how they obtain funds to finance these services are the principal concerns in financing county government.

Revenues

There has been a dramatic increase in the revenues collected by county governments over the past two decades. Between 1954 and 1974 annual county revenues increased almost five-fold, from $57 million to $271 million.

Although the property tax is an important source of county revenue, it provided less than one quarter (23 percent) of the revenues of county governments in Fiscal Year 1974.[4/] In Fiscal Year 1954, the property tax was the source of 43 percent of county revenues and has been declining ever since, as the Federal and state governments have dramatically increased their shared revenues and grants-in-aid programs. Figure 2 shows the proportions of revenue received from the four major sources in 1954 and 1974.

The category of fees, fines, and other local non-tax revenue has maintained its share as a source of county revenue over the period at

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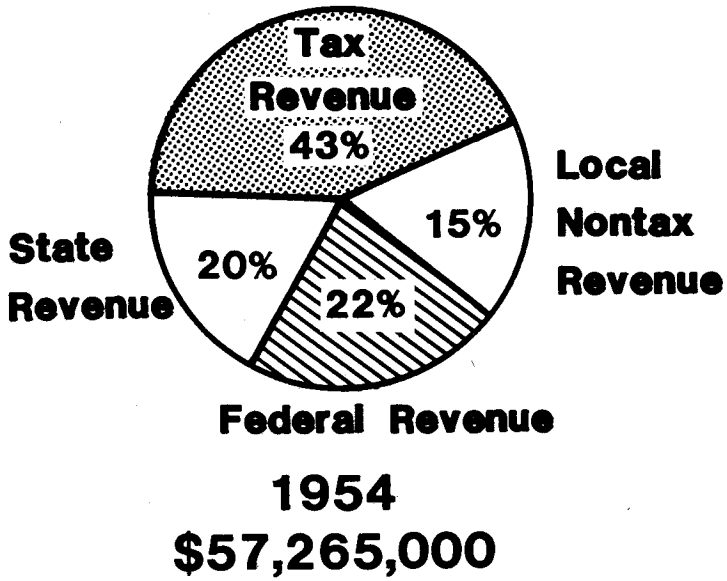
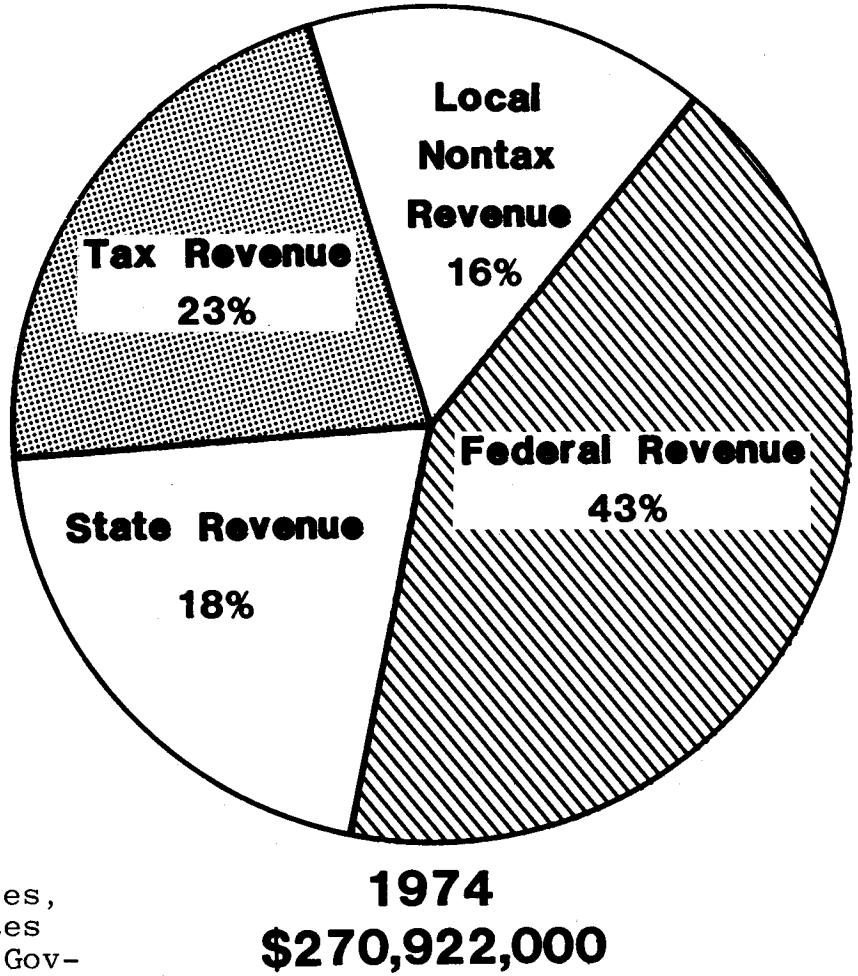
[4/] Fiscal Year 1974 (July 1, 1973 through June 30, 1974) is the most recent year for which county revenue data with the necessary detail and comprehensiveness is available.

Figure 2. Revenue Sources for Oregon Counties Fiscal Years 1954 and 1974





Source: Revenue Sources of Oregon Counties, Fiscal Year 1953-54, and Revenue Sources of Oregon Counties 1973-74, Bureau of Governmental Research and Service, University of Oregon.

about one-sixth of total revenues.

Intergovernmental revenue increased from 42 percent to almost 62 percent of county revenue from 1954 through 1974. State shared revenues and grants-in-aid have contributed just under one-fifth of county revenues while the Federal share has increased from one-quarter (22 percent) to two fifths (43 percent), largely because of the increase in O&C revenues,[5/] national forest revenues and the inception of revenue sharing.

Revenue Sources: 1974

One way of classifying county revenues is to separate them into revenues from own sources and intergovernmental revenues. See Table 2. This shows the dependence the county has on other governments. Reliance on other governments for large proportions of county revenue reduces the need for local tax support of county services, but it also makes a county more vulnerable to changes in Federal and State policy and to other external factors, such as timber prices.

- Revenues from own sources. Revenues raised directly by Oregon counties provide less than two-fifths (38.3 percent) of total county revenues. Property taxes are the most important "own" source of revenue, supplying almost two-thirds of such revenues. Counties have begun to levy nonproperty taxes in the form of transient lodging taxes and solid waste franchise taxes, although these accounted for less than 0.2 percent of county revenues in 1974.

The most important local nontax revenues are fees and permits; interest earnings; district, circuit and justice court fines, and public

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[5/] See page for a discussion of O&C revenues.

Table 2. Revenue Sources of Oregon Counties, Fiscal Year 1973-74.

Revenue Source	Total revenues	Revenue per capita	Proportion of total revenues
	Millions of dollars	Dollars	Percent
I. REVENUE FROM OWN SOURCES			
Tax revenue			
Property taxes	61.0	27.41	22.5
Other taxes	0.5	0.24	0.2
Local Nontax revenue			
Licenses, permits, service charges & fees	13.3	5.96	4.9
Fines, forfeitures, court costs	5.7	2.57	2.1
Interest earnings	12.1	5.46	4.5
Public service enterprises	9.1	4.11	3.4
Other local nontax revenue	1.9	0.86	0.7
SUBTOTAL: REVENUE FROM OWN SOURCES	$103.7	$ 46.61	38.3%
II. INTERGOVERNMENTAL REVENUE			
Federal Revenue			
General revenue sharing	15.2	6.81	5.6
Federal land revenue sharing:			
O&C revenue	47.2	21.21	17.4
National forest revenue	42.5	19.09	15.7
Other	1.0	0.44	0.4
Grants-in-aid	9.3	4.20	3.4
State revenue:			
Shared revenue	42.6	19.14	15.7
Grants-in-aid & other	5.0	2.26	1.8
Inter-local revenue	4.4	2.00	1.6
SUBTOTAL: INTERGOVERNMENTAL REVENUE	$167.2	$ 75.15	61.7%
TOTAL REVENUE, ALL SOURCES	$270.9	$121.76	100.0%

Source: Planned Expenditures of Oregon Counties, Fiscal Year 1975-76, Special Report 467, Oregon State University Extension Service, Corvallis, Oregon, November 1976.

service enterprise revenue. More than half of the "fees and permits" revenue comes from three sources: county clerk fees, health department and mental health clinic fees, and construction and land use permits. County public service enterprises include such enterprises as county hospitals and nursing homes, toll bridges, county fairs, airports, and solid waste facilities. Hospitals and nursing homes generate two-thirds of the public service enterprise revenue.

● Intergovernmental revenues. Federal and state revenues supplied more than three-fifths (61.7 percent) of the money used by the county to provide county services in 1974, see Table 2.

Federal money provided more than two-thirds of these intergovernmental revenues. More than 90 percent of the Federal revenues are from three sources: (1) O&C revenues, (2) National forest revenues, and (3) General revenue sharing as follows:

(1) O&C revenues. Part of the Oregon and California Railroad land grant was returned to Federal ownership in 1916. The Federal Bureau of Land Management manages this timber land (commonly referred to as the O&C lands) in the 18 Oregon counties[6/] in which this land is situated. Congress directed in 1937 that counties should receive in lieu of taxes 75 percent of the gross receipts from the sale of timber and other resources. Since 1951, one-third of this share has been used to reimburse the Treasury for appropriations made to the responsible Federal agencies for such purposes as access-road construction, reforestation, and recreation development. The effect of this is that counties now receive

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[7/] There is O&C land in Klamath County and every Oregon county west of the Cascades except Clatsop.

50 percent of the gross receipts. These funds may be expended for any legal purpose.

(2) National forest revenues. Thirty-one counties[7/] in Oregon contain national forest land. In 1908, Congress provided that 25 percent of the gross receipts from this land (primarily timber sales revenue) should be earmarked for county roads and schools, in proportion prescribed by state legislatures. Oregon law specifies that counties must spend 75 percent of national forest revenues on roads and 25 percent on schools. This 25 percent is put into the county school fund and distributed to school districts.

(3) General revenue sharing. The State and Local Fiscal Assistance Act of 1972 (as amended in 1976) provides for distribution of Federal revenues to state and certain local governments on the basis of formulas that include population, per capita income, adjusted taxes, and intergovernmental transfers. Local governments may use revenue sharing funds for any capital or operating and maintenance expenditures. Previous restrictions on broad categories of permissible expenditures have been removed.

In 1976, the Congress passed the Payments-in-Lieu of Taxes Act, which authorize payments to counties with certain Federal "entitlement lands" within their boundaries. These lands include those administered by the Bureau of Land Management, the U.S. Forest Service, the Bureau of Reclamation, the National Park Service and the Corps of Engineers, but exclude O&C and Coos Bay Wagon Road lands. The amount received by the

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[7/] The five Oregon counties with no national forest land are Clatsop, Columbia, Gilliam, Sherman, and Washington.

county is the greater of (a) 75 cents per acre of entitlement land minus Federal payments from these lands received during the previous fiscal year; or (b) 10 cents per acre of entitlement land. There is a payment limit based on county population which ranges from $50 per person for counties with 5000 population to $20 per person for counties with 50,000 population. In no case may the payment exceed $1 million.

Almost one-third of the intergovernmental revenues received by counties in 1974 were from the State. More than half of this state revenue was shared highway revenues and another third is from shared liquor, cigarette, and State timber sale revenues:

(1) Highway revenues. Oregon law provides that counties shall receive 20 percent of the money credited to the state highway fund from gasoline taxes, motor vehicle registration and license fees, motor carrier fees, and certain fines for the violation of motor vehicle laws. This money is distributed monthly to counties on the basis of motor vehicles, trailers, etc. registered from that county during the preceding calendar year. This money must be spent on roads and streets, parks, and other related purposes.

(2) Liquor revenues. Ten (1) percent of the gross receipts from the sale of liquor by the state is distributed to counties monthly on the basis of population.

(3) Cigarette tax revenues. One-ninth of the gross proceeds of the state cigarette tax is distributed monthly on the basis of population.

(4) State forest timber revenues. The State Forestry Department manages certain lands deeded to the state by the counties. Fifteen

counties[8/] have state forest land and share in the revenues from timber and other receipts from this land. After certain deductions, 75 percent of the proceeds from timber sales and other receipts from this land are returned to the counties in lieu of taxes for distribution to the local governments in which the forest land is situated. Distribution is on the basis of tax rates in each affected district. Counties retain "not... less than 10 percent" for county costs.

In an effort to relieve counties of the financial burden of the court system, the 1977 legislature enacted a new program in which the state distributes to counties from the state general fund, an amount equal to $40,000 per circuit court judge (in 1978-79).

Table 3 shows the actual amounts received by Oregon counties for selected state and Federal payments to counties. This table demonstrates the tremendous importance of the Federal O&C and National Forest revenues to Oregon county government.

A minor source of county revenue is inter-local transfers, mostly city payments to counties for services provided by the county within the city limits.

The importance of Federal and state payments and of the property tax in financing county governments varies by county. Figure 3 shows the importance of these sources in the 36 counties in Oregon. For some counties, like Gilliam and Sherman, which do not get large amounts of Federal money, the property tax is far and away the major source of

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8/ Benton, Clackamas, Clatsop, Columbia, Coos, Douglas, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Polk, Tillamook, and Washington. Two-thirds of the land is in Tillamook and Clatsop counties.

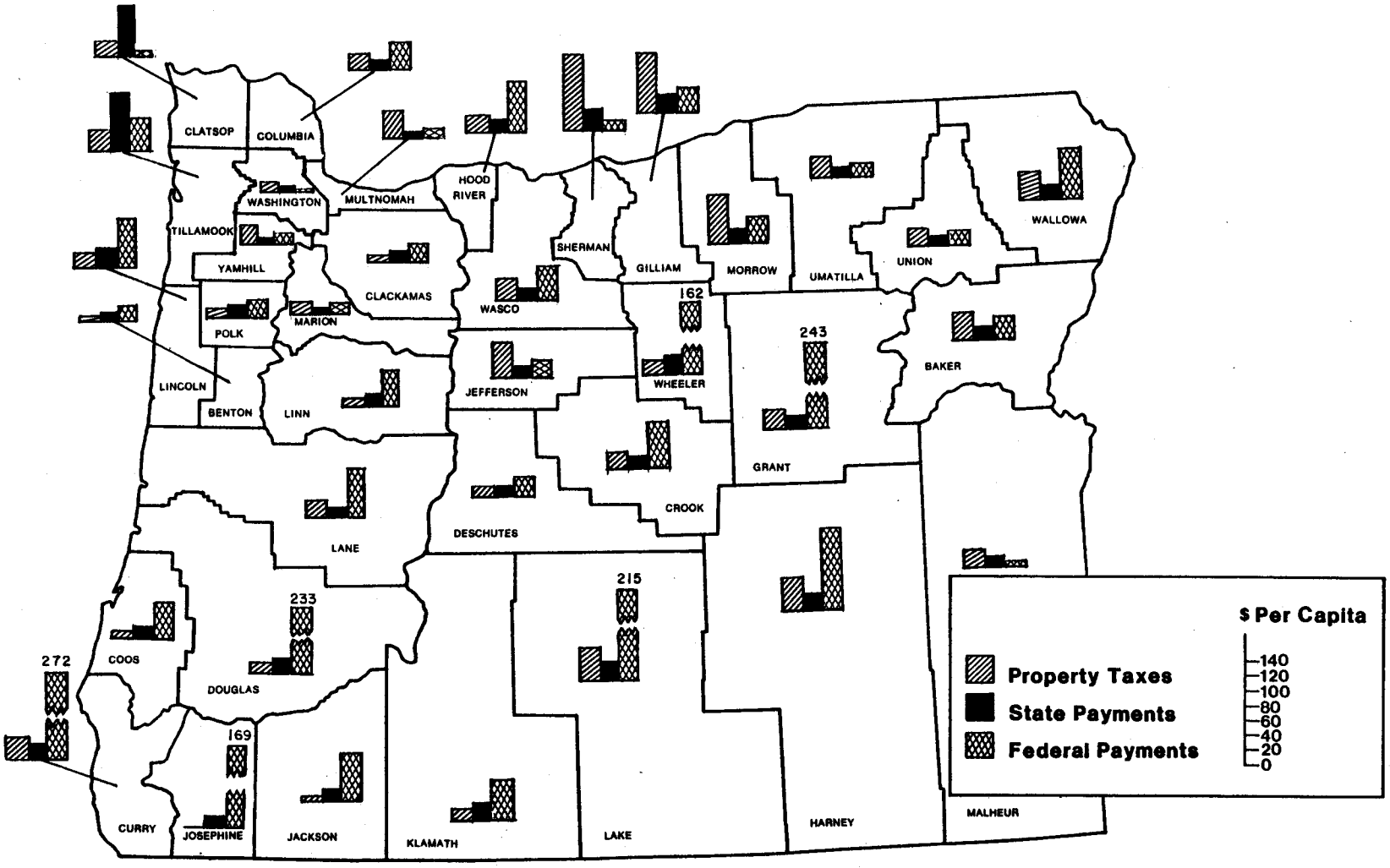
Table 3. Selected State and Federal Payments to Oregon Counties, Fiscal Year 1977-78

	Actual Receipts (thousands of dollars)
Federal Revenues:	
O&C	106,045
National Forest	89,775
General Revenue Sharing	18,360
Payments-in-Lieu of Taxes	3,538
BLM Grazing Land Revenues and Coos Bay Wagon Road	1,392
Public Land Sales Revenues	298
U. S. Mineral Leasing and Federal Flood Relief Control Funds	223
State Payments:	
Highway Revenue	30,500*
Liquor Revenue	5,200*
Cigarette Tax Revenue	3,612*
State Forest Timber Revenue	12,640
Amusement Devise Tax Revenue	195
Beer and Wine Tax Revenue	1,800*
Racing Commission Revenue	832*

*Estimated

Source: "State and Federal-Shared Revenue Estimated for 1978-79," Association of Oregon Counties, June 12, 1978.

Figure 3. Per Capita Amounts of County Revenues from Property Taxes, State Payments and Federal Payments Fiscal Year 1973-74



Source: Revenue Sources of Oregon Counties Fiscal Year 1973-74 Information Bulletin No. 170, Bureau of Governmental Research and Service, University of Oregon

revenue. In coastal Clatsop and Tillamook Counties, with large state forests, State timber sale revenue is the major source of income. In those southern Oregon counties with large tracts of O&C lands and/or large National Forests (Douglas, Curry, Josephine, Grant, and Lake counties), Federal revenues are the major source of county money.

Debt Revenue

Counties have the power to issue long-term debt in order to finance certain types of major capital projects. Counties are authorized under Oregon law to issue four types of debt.

- General obligation bonds. These bonds are backed by the "full faith and credit" of the county: the county may, if necessary, tax property in order to repay these bonds. There are certain restrictions on the counties' ability to contract this type of bonded indebtedness: (a) the aggregate amount of bonded indebtedness of counties is limited to 2 percent of the true cash value of all taxable property of the county; (b) indebtedness must be for the purpose of carrying into effect powers granted to counties by law; (c) prior authority to bond for the needed amount must be obtained from the voters. General obligation bonds issued under these restrictions have been used by counties to finance major expansions to county courthouses, county hospitals, and nursing homes, and other major facilities.

- Revenue bonds. These bonds are not secured by the full faith and credit of the county and bonds in which both interest and principal are payable exclusively from the earnings of the enterprise to be funded by the proceeds of the bond. Counties have express statutory authority to

issue revenue bonds to finance the cost of interstate bridges (toll bridges) and a few counties have done so. The extent to which counties might issue revenue bonds for other purposes, and the conditions that might be attached to this type of bond issue, would depend upon interpretations of county charter authority and the general delegation of power to counties under ORS 203.035. Such interpretations have not been made because no county has attempted to issue revenue bonds under these authorities.

- Industrial development revenue bonds. Counties are eligible (along with port districts, the City of Portland, and the State) to issue industrial development revenue bonds. Counties, however, can issue these bonds only for pollution control purposes. Lane County has issued such bonds.

- Bancroft bonds. These bonds are paid for by special assessments levied against the benefitted properties, but backed by the full faith and credit of the local government. They are not bound by either the 2 percent limitation or the prior approval of the voters restriction. Bancroft bonds have been used by counties to finance roads and other urban improvements in unincorporated areas.

Expenditures

Over half of the budgets of Oregon counties are allocated to roads, human services, and law enforcement. As is evident from Table 4 and Figure 4, no one of these categories dominates county spending. The classification of expenditures used in this section parallels the classification of county functions in the proceeding section (pp. 4-15).

Table 4. Planned Expenditures of Oregon Counties, Fiscal Year 1975-76.

Function	Total planned expenditures	Dollars per capita 1/	Percent of total planned expenditurs
	Millions of dollars	Dollars	Percent
Managing the physical environment			
Planning and land use control	3.9	1.70	.93
Parks	11.2	4.87	2.66
Waste management	12.4	5.41	2.96
Development regulation	2.9	1.24	.68
Total environmental management	30.4	13.22	7.23
Transportation			
Roads and bridges	90.4	39.34	21.49
Airports	.8	.33	.18
Total transportation	91.2	39.67	21.67
Providing human services			
Public health	17.2	7.46	4.08
Hospitals	13.0	5.66	3.09
Mental health	10.9	4.74	2.59
Education (including county school fund)	31.2	13.58	7.41
Other human services	9.9	4.31	2.36
Total human services	82.2	35.75	19.53
Protection life and property			
Sheriff	26.9	11.70	6.40
District attorney	8.3	3.61	1.97
Corrections: jail and juvenile	17.6	7.67	4.18
Courts 2/	13.2	5.73	3.13
Total protection of life and property	66.0	28.71	15.68
Assessment, tax collection and treasury management	17.3	7.51	4.10
Other functions			
Agricultural services and animal control 3/	2.6	1.12	.61
Records	.6	.24	.13
Surveying	1.4	.59	.32
Elections	2.5	1.09	.59
Licensing and regulating businesses	-	-	-
Total other functions	7.1	3.04	1.65
Overhead functions	32.1	13.94	7.63
Public buildings	41.9	18.23	9.85
Miscellaneous 4/	52.6	22.96	12.56
TOTAL	420.8	183.03	100.00

1/ Based on population of 2,299,000 (July 1, 1975).

2/ This figure does not include items frequently identified as court expenditures such as the juvenile department, the district attorney, personnel of the county clerk or the sheriff who are performing court duties, law libraries, or the share of county building expense related to construction and maintenance of courtrooms and related facilities.

3/ This estimate includes only expenditures on dog control.

4/ For detail, see source cited below.

Source: Planned Expenditures of Oregon Counties, Fiscal Year 1975-76, Special Report 467, Oregon State University Extension Service, Corvallis, Oregon, November 1976.

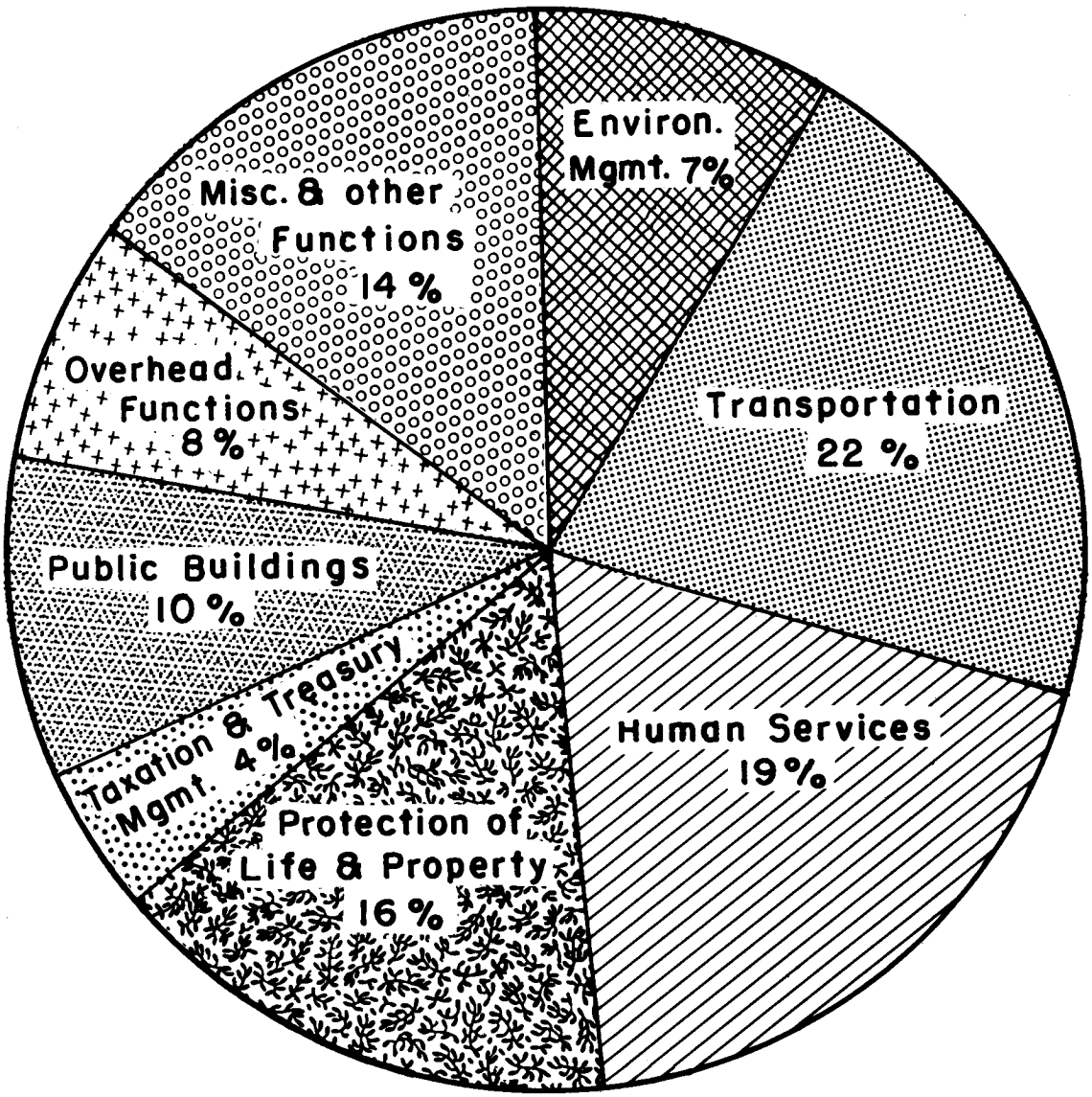


Figure 4. Planned Expenditures of Oregon Counties Fiscal Year 1975-76

The largest county expenditure category in 1976 was transportation, with planned expenditures for roads and bridges and airports representing almost 22 percent of the fiscal year 1976 county budgets.[9/] Human Services (such as public health, mental health, county hospitals and education) accounted for almost 20 percent of these budgets, a close second. Protection of Life and Property (expenditures for the sheriff and district attorney's offices and for the courts and corrections programs) represented 16 percent of the county planned expenditures in 1976. Environmental Management (parks, solid waste management, land use control, and development regulation) comprised 7 percent of county budgets. Assessment Tax Collection and Treasury Management, Overhead Functions (administration of the machinery of government) and Public Building Construction and Maintenance constituted 6, 8, and 10 percent respectively of the county budgets, and the remaining 14 percent was spent on a variety of services not included in these categories.

Restrictions on County Budgeting

Restrictions on the Capacity to Raise Taxes

Local governments in Oregon are limited in their power to raise taxes in two ways:

- The 6 percent limitation. Local governments in Oregon are prohibited from increasing their property tax levies by more than 6 percent over the prior year's tax base without authorization from the voters.[10/]

[9/] Fiscal Year 1976 (July 1, 1975 through June 30, 1976) is the most recent year for which county expenditure data with sufficient detail is available.

[10/] Except for cases where a government failed to levy the full amount allowed in the previous year.

For governments who have managed to stay within the 6 percent limitation in previous years (this includes the majority of Oregon counties) this means that their levy is able to increase only 6 percent per year without a vote of the people. This is true even if assessed valuation or population have increased very rapidly. For fiscal year 1976-77, six Oregon counties went to the voters for special levies outside the 6 percent limitation, although only 4 counties received approval. In 1977-78, 13 counties received voter approval for levies outside the 6 percent limitation. A fuller explanation of this provision of the Constitution is contained in Extension Circular 906, "Oregon's 6 Percent Limitation."

- Restrictions on new taxes. A home rule county may not levy a new tax without the voters having an opportunity to petition for a vote on it. A general law county must refer new tax measures to the voters for approval.

In most cases, a county ordinance levying a new tax will include a provision for referendum vote. If it does not do so, the Oregon Supreme Court has ruled, in effect, that there must be an opportunity for the voters to submit a referendum petition on such a measure.

Restrictions on the Use of County Revenues

The county board does not have complete freedom in the use of the revenue sources outlined. More than one-third of the revenues the county receives must be spent on particular functions or passed through to other governments.

- Revenue pass-throughs. State law requires counties to "pass through" certain revenues it receives to other local governments. These

"pass throughs" represented 8 percent of county revenues in 1974. Three major "pass throughs" accounted for 97 percent of the revenues passed through in 1974: (1) By law, 25 percent of the National Forest revenues received by the county must be put in a county school fund to be distributed to school districts. (The other 75 percent is earmarked for roads.) (2) Each county is required to pay to schools through a county school fund an amount equal to $10 per school census child (or the amount required in fiscal year 1965-66, whichever is less). This money usually is raised through a county school fund levy and must be in addition to the National Forest revenues. (3) Counties must pass through State timber sales revenue to the taxing districts in which the State timber lands are located. Allocation is on the basis of the district tax rates, which makes schools the major recipient of these funds.

● Earmarked revenues. At least one-third of the revenues received by the counties in 1974 was required to be spent on specified functions. There are two major shared revenues which are earmarked: (1) National Forest Revenues, 75 percent of which must be spent on roads (this amounted to 11.8 percent of county revenue in FY 1974) and (2) State shared highway revenues (raised from the state gasoline tax, licenses, and other fees and fines) must be spent on road, street, park, and other purposes specified in the State Constitution. (This amounted to 10.0 percent of county revenues.)

Three other types of revenue are generally earmarked: (1) Federal and State grants-in-aid, which generally must be spent on the purpose of the grant. Grants-in-aid accounted for 5.1 percent of county revenue in 1974. (2) Inter-local revenues include contractual payments from other

local government units for specific services to be provided by the county. These accounted for 1.6 percent of county revenues in FY 1974. (3) Public service enterprises occasionally are operated as semi-autonomous agencies with separate funds for accounting purposes. Occasionally, the receipts of such enterprises (hospitals, toll bridges, the county fair, etc.) are earmarked.

Pressures on County to Increase Spending

There are also a number of pressures on the expenditure side that tend to limit the counties' ability to hold down expenditures. These include:

- Inflation. From 1974 to 1977 the prices of goods and services purchased by state and local governments in the United States increased by 24 percent. In order to provide the same real level of service in 1977 as they did in 1974, local governments would have had to increase spending by this percentage.

- Mandated services. As noted, the state requires counties to provide certain services. Counties are required, for example, to provide law enforcement, assessment of property, road maintenance, and public health services. In some cases the State requires counties to raise a certain amount of money or provide a certain level of service. For example, the statutes require counties to levy a certain amount of taxes for distribution to school districts, to physically appraise most taxable property in the county every 6 years, and to keep all classes of property on the tax rolls assessed to within a specified ratio to true cash value. Furthermore, the state has mandated standards for the construction and

operation of correctional facilities and set certain occupational safety and health requirements to which the county must comply.

For most of the mandated services, however, including some law enforcement functions, road maintenance, record-keeping, and public health, the statutes do not indicate a standard that must be met or a minimum level of service.

The point remains that a significant proportion of county expenditures are for functions mandated by the state and such mandates reduce the flexibility of counties to reduce expenditures.

● Population increases. Additional population tends to put pressure on existing services and may create demands for new services. Oregon's population grew 18.2 percent from 1960 to 1970 and has since grown an estimated 14.6 percent over the 1970 mark. It is interesting to note that since 1970, the rate of growth in Oregon nonmetropolitan areas--17.9 percent for nonmetropolitan areas against only 12.5 percent for metropolitan areas.

III. CITIZEN PARTICIPATION

Citizen participation has long been a significant feature of local government in Oregon. Citizens in Oregon have the opportunity to influence county government decisions in three primary ways:

(1) at the ballot box, through voting on candidates for office, measures referred to the electorate or initiated by them, or on measures required by law;

(2) through the numerous formal structures (committees, boards, commissions) in which citizens have a prominent role in governmental decisionmaking; and

(3) through certain formal procedures such as public meetings and hearings by which public officials are encouraged or legally required to consult with various publics.

There are, of course, informal channels for influence, such as direct personal communication with those who make the decisions. In this report, the principal focus is on the formal measures.

The Ballot Box

Candidates for County Office

Decisions made by county government are obviously determined to some extent by the philosophies and personalities of the office holders. Citizens can influence county decisions by running for office or by working to elect and by voting for candidates whose views most closely match their own.

Initiative and Referendum

Oregon was one of the first states in the union to adopt the initiative and referendum, which give citizens the opportunity to make laws directly and to vote on certain decisions of the legislative body (for counties, the county board or county court).

The initiative gives citizens the opportunity to create their own laws if the legislative body fails to act. Citizens can write and place a legislative proposal on the ballot for a vote.

The referendum gives citizens a check on the legislative body. If the county board, for example, passes a law that some voters feel is inappropriate, citizens may circulate a petition to require the law to be referred to the voters. The county board may also, and often does, refer new laws to the voters on its own decision.

In order for an initiative or citizen-initiated referendum to be placed on the ballot, a certain minimum number of registered electors must sign the petition. The minimum number of signatures and the procedures for drawing up, circulating, and filing such petitions are described in a Manual for Initiatives and Referendum Sponsors available on request from the Secretary of State, Elections Division, State Capitol, Salem, Oregon 97310 (503-378-4144).

Counties and other local governments in Oregon are required to seek voter approval for three types of fiscal measures:

(1) tax levies outside the 6 percent limitation;

(2) certain bond measures; and

(3) (in general law counties) any measure imposing taxes (which could include income or sales taxes, transactions taxes, etc.) or providing

for tax exemptions.

The first two of these were described in more detail in a previous section.

Boards, Committees, and Commissions

A second avenue for citizen influence on county government is through the various formal structures that include citizens as members.

The participation of citizens in local regulatory and administrative policy development through membership on boards, commissions, and committees is quite common in Oregon. Citizens also have the opportunity to act in an advisory capacity through organized advisory committees, generally established to advise decisionmaking bodies about specific functions of county government.

Decisionmaking Boards and Commissions

Many counties have citizen-filled boards and commissions with decisionmaking responsibility on policy and administrative matters.

Every county in Oregon has a planning commission, composed of citizen members usually appointed by the county governing body (board of commissioners or county court, hereafter called the "commissions"). Planning commissions have certain administrative, quasi-judicial, and quasi-legislative duties--such as consideration of requests for zoning changes, subdivision proposals, petitions for variances and conditional use permits, etc. The decisions of the planning commission are subject to review by the county commissioners. On some matters, through such means as recommendations about adoption and implementation of the comprehensive plan, the board acts in an advisory capacity to the county commissioners.

Another decisionmaking body to which citizen members are appointed is the county budget committee. This committee (composed of the county commissioners and an equal number of citizens appointed by the commissioners) meets during the winter to consider, revise and approve the proposed county budget for the following fiscal year (July 1 to June 30). This approved budget is then forwarded to the county commissioners for possible revision and adoption. Before adoption, the commissioners must publish a summary of, and hold a public hearing on, the approved budget. The commissioners may not adopt a budget that (a) increases the size of any fund by more than 10 percent or (b) increases the tax levy over the amounts indicated in the approved budget, unless they republish a budget summary and hold another public hearing. Thus the county budget committee, in reviewing and approving the budget, sets a limit on the amount of tax that can be levied by the county and establishes limits on total permissible expenditures in each fund.

Another important decisionmaking board in which citizens have a central role, is the county board of equalization. This 3-member panel is the main forum for contesting one's property valuation. Any taxpayer feels his property has been over assessed may file a petition for a reduction in assessment to the board of equalization. In general law counties, the board consists of a budget committee member, a county commissioner or judge and one nonoffice-holding county resident appointed by the other two members. Home rule counties have more flexibility in specifying membership. A 1977 law allows counties to appoint additional board members to handle a heavy volume of petitions for reduction of assessment. The main duties of the board are: (1) to review the ratio

study (which is conducted each year to equalize property values for assessment and taxation purposes between and within counties); (2) to examine and correct the assessment rolls prepared by the assessor; (3) to increase or reduce the valuation of any property so that it is at true cash value; and (4) assess omitted taxable property.

Through membership on park boards, citizens are involved in establishing regulations related to park use. Citizens, as members of fair boards, have responsibility in administration of county fairs.

Advisory Committees

The county commissioners frequently appoint committees of citizens to advise the commissioners on specific matters, such as parks and open space, safety, health and mental health programs, corrections, and housing. These committees often assess community needs in their specific areas, evaluate county programs in terms of how they meet these needs and make recommendations to the county commissioners on county policy programs and priorities in these areas. They also serve as a vehicle for communicating citizen concerns to the commissioners.

Citizen advisory committees are required by law in matters related to comprehensive planning. In 1973, the legislature adopted Section 35 of SB 100 [ORS 197.160(2)], which provides in part that:

> "...each county governing body shall submit to the commission a program for citizen involvement in preparing, adopting and revising comprehensive plans within the county. Such a program shall at least contain provision for a citizen advisory committee or committees broadly representative of geographic areas and of interests relating to land uses and land use decisions."

While this added land use planning to the areas where citizen involvement is required in county government, it primarily added an element

of county-wide and statewide coordination of citizen involvement to what had already been fairly common practice among Oregon local governments. Usually such citizen advisory groups are formed by geographic districts. Citizen advisory committees usually assist in identifying community issues and problems, collecting data and drafting the preliminary comprehensive plan for their area. They also may become involved in formulating policy, designing implementation techniques, and reviewing applications required for planning decisions.

Some advisory committees or task forces of citizens are set up for a specific advisory function and are dissolved when the committee makes its report to the board of commissioners, or when the need which prompted the formation of the committee is no longer pressing.

County Community Organizations

Residents of cities have used the vehicle of neighborhood associations to communicate neighborhood concerns to city officials for some time. Counties in Oregon have begun to adopt this concept for the purpose of giving residents of unincorporated areas a formal mechanism for influencing the decisions made by county commissioners.

In 1975, Lane County commissioners approved a plan under which residents of unincorporated areas can form a community organization in their area and gain recognition by the county. Such recognition allows the citizens' group to consult with and advise the county commissioners on matters affecting the liveability of the community, often in such matters as transportation systems, parks and open space, housing, planning, water and sewage disposal systems, and human services. County commission agendas,

planning commission agendas, and information about county programs are sent to the community organization members on a regular basis. The needs and concerns of individual communities are identified by these groups and reported back to the affected county departments. As of late 1978, 11 community organizations had been chartered in the county and two were in the process of formation. The county has a full-time liaison person and two CETA employees working with these groups.

Public Meetings and Hearings

A third avenue for citizen influence on county government is through attendance at public meetings and participation in public hearings.

Public Meetings

In Oregon every meeting of a "governing body" which has a quorum requirement is open to the public and adequate public notice must be given prior to the meeting. Any group with authority to make decisions for a public body on policy or administrative matters or with authority to make recommendations to a public body on these matters is considered a "governing body" under the law. Included under this statute (ORS 192) are budget committees, boards of commissioners, planning commissioners, and boards of equalization. Among the exceptions to this law are certain meetings at which collective bargaining, discipline of a public official, and purchase of property are discussed. These exceptions are outlined in ORS 192.660.

While the public has a legal right to be notified of public meetings and to attend them, not all public meetings can be public hearings. There are times when the efficient conduct of public business requires that

participation in the discussion be limited to members of the governing body. However, county governing bodies generally provide opportunities for the general public to speak on matters before them, even when there is no legal requirement that they do so.

Hearings

Two important areas in which citizen involvement is sought through hearings are (1) budgeting, and (2) land use planning.

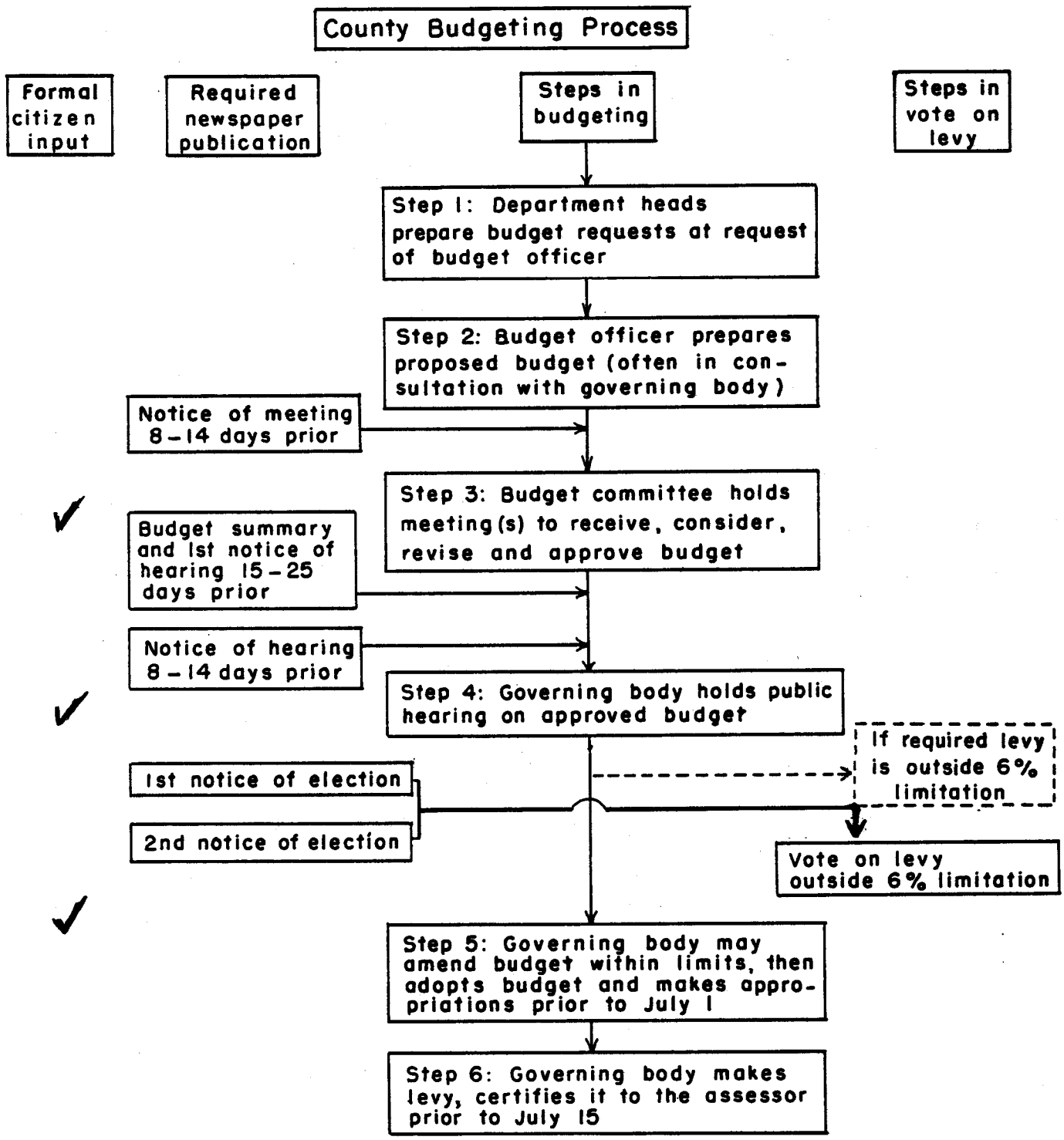
- Budgeting. The county government budget process is outlined in Figure 5. If the county budget does not require a levy outside the 6 percent limitation, there are two points in the budgeting process in which the opportunity for citizen input exists:

(1) All budget meetings of the county budget committee are open to the public. Although such meetings are not required to be public hearings, the committee may allow anyone who wishes to discuss the budget to do so.

(2) After the budget is approved by the budget committee and before its adoption by the county commissioners, the commissioners are required to hold a public hearing on the budget at which any citizen may speak on any matter related to the adopted budget. This public hearing procedure has not generally been widely used by Oregonians, although there are instances in which testimony at public hearings has led to changes in the county budgets.

The commissioners make changes in the approved budget after the public hearing before adoption of the budget. However, they cannot adopt a budget which increases taxes over the amount published in the budget summary without republishing a revised budget summary and holding another budget hearing.

Figure 5.


County Budgeting Process
Formal citizen input
Required newspaper publication
Steps in budgeting
Steps in vote on levy
Step 1: Department heads prepare budget requests at request of budget officer
Step 2: Budget officer prepares proposed budget (often in consultation with governing body)
Notice of meeting 8-14 days prior
Step 3: Budget committee holds meeting(s) to receive, consider, revise and approve budget
Budget summary and 1st notice of hearing 15-25 days prior
Notice of hearing 8-14 days prior
Step 4: Governing body holds public hearing on approved budget
If required levy is outside 6% limitation
1st notice of election
2nd notice of election
Vote on levy outside 6% limitation
Step 5: Governing body may amend budget within limits, then adopts budget and makes appropriations prior to July 1
Step 6: Governing body makes levy, certifies it to the assessor prior to July 15

If the commissioners wish to adopt a budget that requires a levy outside the 6 percent limitation, they must submit the levy to a vote of the people. This vote, although it generally occurs after the public hearing and before adoption of the budget, may be held at anytime prior to the fiscal year. Voting on the levy may even continue into the fiscal year to which the levy applies, if necessary.

If the levy measure does not pass the first time, the governing body[11/] must amend the budget and/or resubmit the levy measure until either the levy required to balance the budget is inside the 6 percent limitation or a measure for a levy outside the 6 percent limitation passes.

● Land use planning. Public meetings and public hearings are an integral part of the land use planning process. All planning commission meetings are open to the public and must be announced through public notices.

In addition, public hearings are required at various stages in the adoption of the comprehensive plan. The county commissioners must hold a public hearing on the comprehensive plan before its adoption, at which any person may speak on issues related to the proposed plan. The commissioners are also required to hold public hearings on any ordinances that implement the comprehensive plan, such as a zoning ordinance, subdivision ordinance or a capital improvement plan.

Public hearings are required before any changes can be made in either the comprehensive plan or the implementing ordinances.

[11/] Board of County Commissioners or County Court.

Public hearings are also required before requests for variances or conditional use permits can be approved. This allows potentially affected parties to express their views on the proposals.

OREGON STATE UNIVERSITY
EXTENSION SERVICE

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