

# WHAT IS COUNTY HOME RULE?

Home Rule Committee of the  
League of Women Voters of Coos County

# THE ROLE OF COUNTIES IN GOVERNMENT

A COUNTY is a political subdivision of a state.

- Originally, local structures for enforcing state law
- Later, a mechanism for providing local services

State law takes precedence.

- Counties can't enact laws that countermand state law
- Counties have discretion only over “matters of county concern”

## OREGON'S LAWS EVOLVE

### Outgrowing one-size-fits-all county governance

- 1958: Constitutional amendment creating home rule (administrative organization only)
- 1973: Statutes passed extending to counties more extensive power to legislate (ORS 203.035–203.075)
  - But the state legislature can modify or repeal any powers granted in these statutes

# WHAT ARE HOME RULE POWERS?

Counties can decide, by a vote of the people, to adopt a specific home rule charter.

- Restructuring county government
  - Number of commissioners (or commissioners + county judge)
  - Commissioners elected by district or at large, full-time or part-time
  - Commissioners partisan or nonpartisan
  - Commissioners directly run county government or hire a county administrator
  - Restructure county services (but must provide all state-mandated services)
  - Assessor, Surveyor, Clerk, Sheriff, Treasurer elected or appointed; some discretion over qualifications [continues]

## WHAT ARE HOME RULE POWERS? (CONT'D.)

- Making laws of purely local interest
  - Police power (the power to regulate private conduct to promote the general welfare)
  - Revenue power (imposing taxes, charges, and fees to supplement state taxes)
- Offering services that compete with private enterprise, if services are delivered primarily within the county

New taxes must always be put to a popular vote before being levied, but a home rule charter can set terms and conditions for when fees or expenditures must be put to a popular vote.

## WHAT ARE THE LIMITS OF HOME RULE?

- Can't establish rules or laws in “matters of statewide significance,” which includes
  - public employee collective bargaining
  - land use planning
  - education
  - elections
  - public health
  - and more

## WHAT ARE THE LIMITS OF HOME RULE? (CONT'D.)

- All counties must provide services required by state law
- Can't eliminate departments established under state law
- Local laws can't supersede state laws unless impact is only local
- Can't re-allocate state funds for unintended purposes
- Can raise extra revenue only for county-specific purposes

# HOW MANY HOME RULE COUNTIES ARE THERE IN OREGON?

Nine Oregon counties have adopted a home rule charter:

- Benton
- Clatsop
- Hood River
- Jackson
- Josephine
- Lane
- Multnomah
- Umatilla
- Washington



## HOW A COUNTY ADOPTS HOME RULE

Oregon counties without home rule are known as “general law” counties. To become a home rule county:

- Create a charter committee
- Research and draft a charter
- Conduct public hearings and modify draft after public input
- Submit charter to county clerk
- County residents vote on whether to adopt

# OBLIGATIONS OF GENERAL LAW COUNTIES

Under state law a general law county must

- elect commissioners (or commissioners led by a full-time judge)
- elect County Clerk, Assessor, Sheriff, Surveyor, & Treasurer
- adopt a budget using the state accounting format
- appoint a budget committee
- annually assess property values
- levy taxes to pay for expenses

[continues]

## OBLIGATIONS OF GENERAL LAW COUNTIES, CONT'D.

- provide a jail
- plan & zone
- provide public & mental health services
- regulate and finance roads
- develop a homeless removal policy
- provide water services & waste disposal services

## PROS & CONS OF HOME RULE

### PROS:

- Allows greater flexibility in county government organization
- May allow for a more efficient county government
- People can decide whether certain positions need to be elected
- May give the people a greater direct say in how they are governed

## PROS & CONS OF HOME RULE, CONT'D.

### CONS:

- May set unnecessary provisions and restrictions
- May open the door to favoritism
- May introduce rules or laws that are inconsistent with state law
- May expose the county to more expensive litigation
- May increase the costs of running the county

## THE LEAGUE'S VIEW

The Oregon League of Women Voters is generally in favor of home rule under its positions favoring economical and efficient government.

The Coos County League of Women Voters had a Home Rule position in the past but dropped it when it became out of date. We examined home rule in general terms in 1982, 2004, 2009, and 2012, but when a home rule charter came up for a vote in 2012, our existing positions did not allow us to advocate or oppose.

## COOS COUNTY AND HOME RULE

Although Coos is currently a general law county, a home rule charter was proposed and defeated at the ballot box in 2012. It included the following provisions:

- 5 full-time Commissioners, elected at large
- term limit of 2 consecutive terms
- Commissioners can vote only at regularly scheduled board meetings
- citizen comments at all public meetings
- 4 out of 5 Commissioners must vote to approve any action, with reasons stated [continues]

## COOS COUNTY 2012 HOME RULE CHARTER, CONT'D.

- quorum of Board of Commissioners must approve any grant application; grants over \$5K subject to special requirements
- County Administrator position prohibited without a vote of the people
- voters have to approve expenditures of \$100K or more, urban renewal decisions
- elected Human Resources Director
- voters must approve any salary increases for officials



## GOAL OF THE HOME RULE COMMITTEE

The Coos County League of Women Voters is working on home rule because:

- We want to develop a clear view of what is desirable and undesirable in a home rule charter
- When past home rule charters were proposed, we did not have a sufficiently specific position and could not advocate for or against
- If a new home rule charter is proposed, we want to be prepared with a comprehensive position