

# Home Rule

Early county governments in Oregon were very limited in the services they provided. Their primary responsibilities were forest and farm-to-market roads, law enforcement, courts, care for the needy and tax collections. Counties functioned almost exclusively as agents of the state government. Their every activity had to be either authorized or mandated by [state law](#).

State law allowed counties to form governments consisting of three elected and paid commissioners and five elected and paid department heads: sheriff, county clerk, treasurer, assessor and surveyor. The commission was responsible both for setting policy and for seeing that it was carried out. The department heads were responsible for managing his or her department.

## **Home rule becomes an option**

In 1958, a [constitutional amendment](#) authorized counties to adopt “home rule” charters, giving voters the power to adopt and amend their own county government organization. A 1973 state law granted all counties power to exercise broad “home rule” authority.

**“Home rule” is simply what the term implies - voters in counties decide how to rule themselves.**

Since 1962, nine Oregon counties have adopted home rule charters that allow voters the power to adopt and amend their own county government organization within certain limits set by the state. The other 27 counties are organized under state statutes that determine their structure and functions.

The home rule counties in Oregon are Washington and Lane (1962), Hood River (1964), Multnomah (1967), Benton (1972), Jackson (1978), Josephine (1980), Clatsop (1989) and Umatilla (1993).

Some home-rule counties chose to continue the same organizational structure as prescribed by state law, some chose to follow the manager-commission form of government common among cities, and others developed something in between.

In adopting a home-rule charter, effective January 1989, Clatsop County voters made sweeping changes in how the county was set up. The biggest change was with who ran the county’s day-to-day business.

Under the old system in Clatsop County, set up by state law, three full-time commissioners, each paid \$30,000 a year plus benefits, shared the administrative duties with six other elected positions – the assessor, clerk, treasurer, surveyor, sheriff and district attorney.

The charter put oversight of the daily operations into the hands of a professional county manager hired by the Board of Commissioners. The Board of Commissioners was expanded to five unpaid commissioners living in different geographic areas of the county and its role was changed to strictly policy-making.

The other elected managerial positions, except for the district attorney -- which is a state position elected by county voters -- became appointive. The treasurer's job no longer exists, essentially absorbed by the finance director.

### **How did Clatsop County's Charter come about?**

Interest in home rule in Clatsop County began in the 1960s, and the question was first put to a vote in 1972. It lost then and again in 1986 before being passed in 1988.

What finally convinced Clatsop County voters to take this step was a crisis in county finances. Several tax levies failed and staff was being terminated – in one case resulting in a lawsuit that the county lost. Many offices were open only half time.

By 1980, the treasurer had no duties except to receive taxes collected by the sheriff, then deposit them in some local institution from which they could be withdrawn when needed.

The commissioners had no authority over department heads, which made the county “ungovernable” any time a department head refused to follow commissioners’ directives.

### **How was the home rule charter drafted?**

A committee was appointed as required by [state law](#), consisting of nine citizens, with a variety of expertise, chosen by the then-serving commissioners and the state representatives and senator for this county.

Consensus was reached early that a professional manager was needed to handle day-to-day county business and to assign certain areas of responsibility to department heads responsible to the manager.

A board of citizen commissioners would set policies under which the county was to be governed. Implementing those policies would be the duty of the manager, who would be chosen by the commissioners and be responsible to them. Commissioners would be elected by and responsible to the voters of the county.

With this division of labor, the job of commissioner was not expected to be full time. A citizen could perform it as a public service. The money saved by eliminating the three salaries (\$30,000 a year plus about \$15,000 in benefits per commissioner) would be invested in attracting a qualified professional manager.

The Board was expanded from three to five commissioners to distribute the workload. To assure that concerns of all areas of the county were addressed, each commissioner would be

nominated from one of five geographic districts of roughly equal population.

There was extensive debate on whether the commissioners should be elected at-large or by voters in the district in which they lived. It was finally decided to elect at-large in hopes of motivating each commissioner to be aware of and concerned about the interests of the county as a whole.

A minimal allowance was to be paid each commissioner to cover expenses incurred in the performance of their duties, with expenses incurred on business out of the county compensated.

### **Voters make changes to the charter**

Since the charter went into effect in January 1989, voters have made several changes:

**May 1994** – Voters amended the Charter to provide for an election to fill a vacancy on the Board of Commissioners. Amended to fill vacancy at next available regularly scheduled election date provided under Oregon law. Proposed by Board of Commissioners after meeting with members of the original charter committee.

**September 1994** – Voters restored sheriff to an elected position. Proposed by initiative petition.

**November 1999** – Voters approved an initiative to elect each commissioner by district of residence instead of at-large. Proposed by initiative petition. Voters defeated an initiative measure seeking to restore the county clerk, assessor and treasurer to elected positions.

**November 2001** – Voters rescinded the old charter and adopted a new charter.

**November 2006** – Voters rescinded the charter and adopt a new one reflecting changes made by a citizen review committee and the county commissioners.

## **Supporting Documents**

1958 Constitutional Amendment 41.9 KB

County Home Rule 23.38 KB

Early State Law 46.91 KB