

MANDATED COUNTY SERVICES
QUICK REFERENCE GUIDE
[2011]

List provided to Curry
County Citizens' Advisory
Committee December 2011.

1) ANIMAL CONTROL (SHERIFF'S OFFICE)

- The County may declare a dog control district. (This has been done.) – ORS 609.030
- The County may hold an election to determine if dogs may run at large. (This has been done.) – ORS 609-040
- Regulation of dogs subject to the provisions of ORS Ch. 609 & Curry County Code [CCC], Article IV
- Complaint process – ORS 609.095 and CCC §4.01.090
- Impoundment – ORS 609.090, 609.155, 433.375-.390; CCC § 4.01.090 and §4.01.170
- Hearings required – ORS 609.156 and CCC §4.01.170
- Dog licenses – CCC §4.01.050

2) ASSESSOR

- Process boundary district changes – ORS 198.747
- Annual appraisal & assessment of all taxable property in County – ORS Ch. 305, 306, 307, 308, 308A, 309
- Create and maintain Assessor's maps of all property in County – ORS Ch. 306
- Process special assessments & exemptions – ORS Ch. 307, 308A, 321
- Update & maintain assessment roll and records – ORS Ch. 308
- Maintain record of all property appraisals – ORS Ch. 308
- Update property ownership records – ORS Ch. 308
- Write annual report about the County's appraisal program – ORS 308.050
- Collect sales data for FMV – ORS 308.050, 308.210, 308.234, 309.200-.400
- Ratio review studies – ORS Ch. 309
- Assessment of historical properties – ORS 358.505-.565

3) BOARD OF COMMISSIONERS

- Compensation for DDAs – ORS 8.760
- Appoint ME – ORS 146.065
- Burial of unclaimed bodies – ORS 146.075(5), 146.100, 146.121(4)
- Declare and prosecute nuisances by ordinance – ORS 203.065
- Develop a policy on removal of homeless persons camping on public property – ORS 203.077 and County Order No. 9968
- Compensation for elected officials – ORS 204.112, 204.116, 204.126, 209.080
- Fix number & compensation of employees – ORS 204.116 & 204.601
- Provide office to Sheriff – ORS 206.180
- Surveyor expenses – ORS 209.230
- Elections expenses – ORS 246.250(2)
- Sale of County lands – ORS Ch. 271, 275
- Economic Development – ORS 280.500
- Examine books and papers of County Clerk, Clerk of the County Court, Treasurer and Sheriff of the County – ORS 294.085

- Adopt budget subject to local budget law – ORS 294.305-.565
- Appoint Budget Officer & Budget Committee – ORS 294.331; 294.336
- Annual audit of County’s fiscal affairs – ORS 297.405-.555
- Audits of circuit courts, all elected or appointed county officials, & cost account for County road work – ORS 297.515; 297.525
- Appoint BOPTA pool – ORS 309.067
- Levy of taxes- ORS 310.022
- Appoint Tax Collector – ORS 311.055
- Creation of County School Fund – ORS 328.015
- Hearings on road vacations, LIDs, road legalizations, ways of necessity – ORS Ch. 368
- Appoint Emergency Program Manager – ORS 401.305(2)
- Designate partnership [State, County, private] on juvenile crime prevention & lead agency to develop juvenile crime prevention plan – ORS 417.855
- Establish Local Public Safety Coordinating Council [LPSCC] – ORS 423.560-.565
- Costs associated with involuntary commitments [custody, medical care, hospital, etc.] – ORS 426.250, 426.255
- Local Public Health Authority – ORS 431.375 [automatic unless relinquished to State or contract with private entity]
- Local Board of Health *ex officio* – ORS 431.410
 - (1) Must provide sufficient funds for operation of Health Department – ORS 431.510
- Regulation of County service districts: Curry County Public Transit Service District, 4-H Extension, – ORS Ch. 451
- Responsible for disposal of solid waste – ORS 459.017; choice of operating own facility subject to DEQ permits [ORS 459.205], issuing licenses to private industry providers, or allocating franchises – ORS 459.085; recycling program – ORS 459A.065
- Adopt plan and establish ambulance service areas – ORS 682.062; CCC Art. II, Div. 1
- BOC Procedures – CCC Art. I, Div. 7, & 10
- County fees – CCC Art. IX, Div. 1
- Code Enforcement – CCC Art. X, Div. 1
- Contract Review Board – County Order No. 12053 as amended

4) BOPTA

- Hears and decides property tax appeals – ORS Ch. 309
- Keep records of hearings – ORS 309.024
- Publish public notice of when BOPTA will convene – ORS 309.025

5) BUDGET OFFICER (CURRY COUNTY ACCOUNTANT)

- Appointed by and acts under direction of BOC – ORS 294.331
- Preparation of budget subject to local budget law, and publication of financial summary and adopted budget – ORS 294.391-.435

6) BUILDING (PUBLIC SERVICES)

- The County may administer all or part of a building inspection program – ORS 455.150(1)
- Programs run for four years. – ORS 455.150(2).
- The County must appoint a building official. - ORS 455.150(3)

- At any time the County can give notice to the State that it will be abandoning the building program, but in such event it will be difficult to take back the program at a later date. – ORS 455.150(13)
- 7) **CCPTSD (Curry County Public Transit Service District) – ORS 451.010(1)(h);**
ORS Chapter 451
- 8) **CLERK (Mandated pursuant to Article VI, Section 6 of the Oregon Constitution)**
- Maintain County records [BOC, liens/mortgages, deeds, etc.] – ORS Ch. 87, 93, 205
 - Collection & distribution of various fees: ORS 106.045(2); 203.148(2) & 205.323
 - (1) Public Land Corner Preservation Fund
 - (2) Domestic Violence Fund
 - (3) OLIS Fund
 - (4) A&T Fund
 - Maintain Marriage licenses domestic; partnership registration & records, death certificates, – ORS 106.100, 106.041; 205.110-.130; 432.205, 432.405 432.408
 - May, but is not required to, solemnize marriages – ORS 106.120
 - Open 9am-4pm (with exceptions provided for by statute)– ORS 205.242
 - Elections – ORS Ch. 246, 247, 253, 254, 255, 258; CCC Art. VII, Div. 1, 2, & 3
 - (1) Board must cover election expenses – ORS 246.250
 - (2) Clerk must register voters, maintain the voter register, deliver and safeguard absentee ballots, publish and distribute voter pamphlets, and process all voter ballots. ORS Chapters 247, 253, 254
 - Open 7am to 8pm on election days- ORS 246.270
 - Appoints BOPTA members from pool; serves as clerk – ORS 309.020-.150
 - Serves as the County registrar for state vital statistic records – ORS 432.040
- 9) **COMMISSION ON CHILDREN & FAMILIES [CCCCF]**
- A County Board of Commissioners must establish a regional commission on children and families – ORS 417.760
 - A county may enter into an agreement with other contiguous counties to establish one of these commissions - ORS 417.760(1)
 - This department, through the local commission, must create a local coordinated comprehensive plan to promote the wellness of children, submit the plan to the Board of Commissioners for approval, and then submit it to the State Commission on Children and Families which determines the amount of State funds to submit to the County. ORS 417.760(1)(c) and 417.787(1)
- 10) **COMMUNITY CORRECTIONS AND PAROLE AND PROBATION (SHERIFF'S OFFICE)**
- The County can give this program back to the State under the circumstances outlined in ORS 423.483, with certain ramifications for doing so.
 - County responsible for felony offenders sentenced < 12 months - ORS 423.475-.565; post-prison parole & supervision – 137.523; 144.104
 - Community-based supervision, sanctions and services – ORS 423.478
 - LPSCC participation – ORS 423.560

11) COUNTY COUNSEL

- Discretionary appointment – ORS 203.145
- Board must provide necessary expenses, personnel, facilities, office space necessary to provide services – ORS 203.145(2)
- Counsel acts as risk manager for the County. The County is liable for its torts and contracts. It can sue and be sued, and these types of activities are processed through the Office of County Legal Counsel

12) COUNTY SCHOOL FUND

- Although this fund is mandatory, it is a pass through fund. - ORS 328.005

13) DISTRICT ATTORNEY*

- Prosecution of crimes/violations, general duties – ORS 8.610, 8.650-.670
- Grand jury – ORS 8.670
- Support enforcement – ORS 8.675 [This program was given back to the State in 2000, and it remains with the State.]
- Forfeitures/collection – ORS 8.680
- Assist juvenile court – ORS 8.685
- County must provide office space, facilities, supplies, & “stenographic assistance” necessary to efficiently perform duties – ORS 8.850
- Services for prosecution of involuntary commitment hearings including services of DA, costs of transport, costs of hearings, and fees charged by physicians and other qualified persons– ORS 426.100

***Note: Under many statutes, the DA [a state employee] is required to perform services, although the mandate is not applied to the County *per se*. As a practical matter, a local DA could not perform all of his/her mandated services without County staff & support; some of these services are provided under state & federal grants or IGAs that impose contractual obligations to provide the services. The list above generally only reflects clear county responsibility for specific duties and services.**

14) ECONOMIC DEVELOPMENT (This is not a mandated department)

- Funding is provided through the Oregon State Lottery, ORS Chapter 461

15) EMERGENCY SERVICES (SHERIFF'S OFFICE)

- Establish emergency management agency – ORS 401.305(1); CCC Article VI, Division 6 (This may need to be amended.)
- Emergency Program Manager – ORS 401.305(2)
- Shall perform emergency management functions – ORS 401.305(4)&(5)
- Emergency Operations Plan – ORS 401.305(5)
- Emergency Operating facilities – ORS 401.305(5)(a)
- Coordination with OEM, NIMS model – ORS 410.305(5)(c)
- Must participate in 9-1-1 emergency reporting system – ORS 403.115

16) FAIR (EVENT CENTER ON THE BEACH)

- Discretionary creation – ORS 565.210

17) FINANCE (INCLUDES HUMAN RESOURCES FUNCTIONS)

- Required to provide various mandated payroll services for employees – pay wages, deduct payroll taxes and other assessments required by state and federal law
- Provide accounts payable services
- Enter into collective bargaining with employees and conform to federal, state and local personnel and employment rules.
- The BOC by ordinance may create the office of County Accountant - ORS 210.100, CCC Art. I, Division 4 (This is not a mandatory position by statute.)

18) HOME HEALTH AND HOSPICE

- This is a discretionary program that will be spun off from Curry County on June 30, 2011.

19) INFORMATION TECHNOLOGY [IT]

- Discretionary/administrative services
- Subject to requirements of Public Records law – ORS Ch. 192

20) JUVENILE

- May conduct programs for the prevention, reduction or control of juvenile delinquency, including youth centers – ORS 418.025
- Establish Juvenile Dept. & appoint 1 or more juvenile counselors – ORS 419A.010(1)(a)
- Conduct investigations & provide information to court; designate places of temporary custody – ORS 419A.012; 419A.059
- Report annually to the Oregon Criminal Justice Commission – ORS 419A.014
- Monthly reports to school districts – ORS 419A.015
- County responsibility for operating costs of department - 419A.020
- Supervision of youth on probation – ORS 419C.570(1)
- Coordination of youth services through LPSCC – ORS 423.560-.565

21) LAW LIBRARY

- Discretionary creation – ORS 9.840
- Funded by court fees – ORS 9.850

22) MAINTENANCE

- Requirements of State Building Code – ORS Ch. 455
- Requirements of State Fire Marshall – ORS Ch. 479
- Occupational Health & Safety – ORS Ch. 654
- Elevator maintenance & alarm -
- Fire extinguisher maintenance –

23) MEDICAL EXAMINER

- Required position/appointment – ORS 146.065

- Investigate questionable deaths – ORS 146.065(1)
- County must pay for expenses for office, equipment, investigations – ORS 146.075-.095
- County must pay for the burial of unclaimed bodies- ORS 146.075(2)

24) MENTAL HEALTH (HEALTH AND HUMAN SERVICES)

- Must provide/cover costs of emergency psychiatric care, custody & treatment – ORS 426.241
- BOC must appoint local alcoholism planning committee – ORS 430.342
- Discretionary creation of Community Mental Health Program [CMHP] under statute – ORS 430.620; 430.640
- CMHP basic services required *subject to availability of funds* – ORS 430.630; 430.675
- Must develop a comprehensive plan for delivery of services – ORS 430.630(11)
- Participation in Jefferson Behavioral Health intergovernmental entity

25) OFFICE SERVICES

- This is a discretionary department. However, functions such as copying and mail services have to be provided by someone.

26) OSU EXTENSION

- County Service District ORS 451.010(1)(i); ORS Chapter 451

27) PARKS

- Discretionary creation under statute – ORS 275.320
- Regulation under CCC Art. Five

28) PLANNING (PUBLIC SERVICES)

- Coordination with cities & special districts – ORS 195.065
- Coordination with DLCDD; compliance with state law – ORS Ch. 195, 197 & 215
- BOC must appoint Planning Director – ORS 215.042
- Must maintain comprehensive plan and zoning ordinance - ORS 215.050
- Land use hearings & decisions – ORS 215.406; 197.175

29) PUBLIC HEALTH (HEALTH AND HUMAN SERVICES)

- The county must manage local public health services unless the county relinquishes its health authority to the state or contracts out its health related duties.
- Submit annual plan – ORS 431.385; OAR 333-014-0060
- BOC is Local Public Health Authority *ex officio* – ORS 431.410
- Administration and enforcement of public health laws – ORS 431.416(1); OAR 333-014-0050
- Investigate & control preventable diseases – ORS 431.416(2)(a); 433.006
- Parent & child health services – 431.416(2)(b)
- Collection and reporting of health statistics – ORS 431.416(2)(c); 432.040
- Information & Referral in health related services – 431.416(2)(d)
- Environmental Health services – ORS 431.416(2)(e); 448.100(1); 448.170(1); 624.495(2); 624.510

- Must provide sufficient funds for operation of Health Department – ORS 431.510
- Investigate, control and report communicable/reportable diseases – ORS 433.006, 433.269
- Declaration, quarantine, enforcement of public health emergencies – ORS 433.035; 433.121; 433.443(4)(a); 433.452
- Make immunizations available regardless of ability to pay; provide preventive immunizations to employees – ORS 433.269, 433.416
- Investigation/reports of animal bites to humans, rabies – ORS 433.345(1)
- Provide family planning and birth control services [within available funds] – ORS 435.205, 431.416(2)(b)
- Licensing, inspection & enforcement of tourist facilities – ORS 446.310 to 446.350

30) ROAD

- Jurisdiction over & regulation of all county roads, local access roads & trails – ORS Chapters 368, 368.016, 371, 374; CCC Art. III
- Manage maintenance and improvement of County roads - ORS 368.016
- Maintain complete cost accounting of County roadwork – ORS 368.051
- Regulate access onto public roads, gate permits – 368.056
- Road legalizations – ORS 368.201-.221; CCC Art. IV, Div. 7
- Abate road hazards – ORS 368.251-.281
- Process road vacations – ORS 368.326-.366
- May remove materials unlawfully posted within the rights of way. ORS 368.945
- Process road improvements/LIDs – ORS 371.605-.660
- Process Facility Permits-CCC Article III Division 4
- Coordination with ODOT & County Planning on Transportation System Plan [TSP] OAR 660-012-0015

31) SANITATION (PUBLIC SERVICES)

- This is a discretionary program under which the County has contracted with the State to perform these services. – ORS 454.725
- Program can be terminated with 30 days notice.
- When assuming responsibility for the program, the County must maintain adequate personnel and resources to receive and process applications for evaluation reports and permits for all on-site sewage disposal systems proposed for construction, alteration, repair or connection within the County.

32) SHERIFF (Mandated pursuant to Article VI, Section 6 of the Oregon Constitution)

- Serve on the Court Security Advisory Board- ORS 1.180
- Provide security for a jury sequestered or kept overnight when so ordered- ORS 10.125
- Summon additional jurors when so ordered by the Court- ORS 10.235; ORCP 57B
- Sell property (Sheriff's sales in judgment proceedings) – ORS 18.758
- Collect fees in certain civil actions, suits and proceedings – ORS 21.410
- Collect various fees- ORS 21.410
- Enter foreign restraining orders into LEDS- ORS 24.190
- Comply with a court order in a writ of habeus corpus – ORS 34.380
- Conduct sales for foreclosure by advertisement and sale- ORS 87.306

- Act as a receiver for certain property under lien (when so ordered)- ORS 87.326
- Remove a group home tenant given termination notice- ORS 90.440
- Conduct sale of unclaimed consigned or bailed property- ORS 98.179
- Enforce writs of execution – ORS 105.161
- Service of process & warrants, court orders & subpoenas – ORS 105.161; 136.585; 206.010(3); 206.030; 419B.845
- Perform various functions with respect to the Family Abuse Prevention Act- ORS 107.700 to 107.735
- Perform various duties relating to service, LEDS entry and enforcement regarding abuse prevention- ORS Chapter 124
- Transports & costs: inmates – ORS 131.415; 136.603; 131.415; 135.767; 206.315; Mental commitments – ORS 426.190
- Dispose of and distribute forfeited property when seizing agency is not the state – ORS 131.594
- Seize and handle stolen live meat animal or fowl, any meat food animal or carcass, vehicles of transport, etc. ORS 133.460 to 133.495
- Provide interpreters to disabled arrestees- ORS 133.515
- Take material witness into custody- ORS 136.611
- Select jurors for an inquest – ORS 146.145
- Enter stalking orders into LEDS – ORS 163.741
- Properly dispose of forfeited deadly weapons – ORS 166.279
- Process, issue, renew and revoke concealed handgun permits – ORS 166.291, 166.292, 166.293, and 166.295
- Must provide jail/correctional facility – ORS 169.030-.677
- Custody & care of prisoners – ORS 169.220, 169.320
- Provide sex offender information – ORS 181.592
- Maintain order/arrest – ORS 206.010
- Keep records of fees – ORS 206.020
- Office in courthouse – ORS 206.180
- Sell County- owned property – ORS 275.110-.160
- Levy on assets to pay warrant issued by Department of Revenue and Department of Transportation- ORS 314.430, 319.182, 320.080, 323.390, 323.610 and 324.190
- Must participate in 9-1-1 emergency reporting system – ORS 403.115
- Search & Rescue – ORS 404.120, 404.130
- Investigation of reports of child abuse – ORS 419B.020(1); 430.743(2)
- Impoundment of animals that bite humans – ORS 433.355(4); not inoculated for rabies – ORS 433.375(2), 433.385-.390; dogs running at large – ORS 609.090, CCC Art. IV § 04.01.120
- Have a designated person available during normal business hours to accept service of subpoenas- ORCP 55D
- Perform various functions relating to provisional process- ORCP 84 & 85

33) SOLID WASTE

- Provide opportunity for citizens to recycle – ORS Ch. 459A
- Solid waste planning & management – ORS 459.017; CCC Art. II, Div. 5, 6, & 7; OARs
- Send annual post closure reports on Port Orford Landfill to DEQ

34) STATE COURTS

- County must provide courtrooms, offices, jury rooms & maintenance/utility costs – ORS 1.185(1)

35) SURVEYOR

- Elected position in Curry County–CCC Art. I, Division 13
- Approve plats of subdivisions and partitions and condominium plats– ORS 92.050(4); 92.100; 100.115(4)
- Approve, mark and record affidavits of correction to plats – ORS 92.170; 100.115(5)
- Perform field, mathematical and office checks of all new cemetery plats submitted for recording – ORS 97.310
- Must act as a commissioner in the establishment of a public land survey corner that is the subject of an action in Circuit Court – ORS 105.718
- Establish & maintain all public land survey corners; fees – ORS 203.148; 209.070; CCC Art. IX, Div. 5
- Maintain records of all County surveys – ORS Ch. 209
- Conduct surveys of county land when a Court orders the county surveyor to do so – ORS 209.020; 209.030
- The Board must compensate the Surveyor, and pay for the surveyor’s materials and other job-related expenses- ORS 209.030 and 209.080.
- Review all surveys for state and local compliance- ORS 209.250(4)

36) RSVP

- This is not a mandated service.

37) TAX COLLECTOR

- Levy of property taxes – ORS Ch. 310
- Collection of property taxes – ORS Ch. 311
- BOC designated/appointed position – ORS 311.055
- Foreclosure of tax liens – ORS Ch. 312

38) TREASURER (Mandated pursuant to Article VI, Section 6 of the Oregon Constitution)

- Accept & hold lien deposits – ORS Ch. 87
- Prepare monthly financial statements – ORS 208.090
- Receive monies & disburse County payments; maintain records & accounts – ORS 208.010, 208.070
- Annual settlement of debt to BOC – 208.140
- Makes books available to the BOC- ORS 294.085
- County Road Fund – ORS 368.705(1)

39) VETERANS

- Appointment of Veterans Service Officer discretionary – ORS 408.410