**Background Information on Jurisdictions in Oregon**

The word jurisdiction refers to the area for which a particular elected or appointed person or body has the official power to make legal decisions and judgments. In common usage, when one refers to having jurisdiction over a certain location this means, generally, having the administrative authority or decision-making power over that specific region or defined area. The term jurisdiction is relevant in many contexts, such as law enforcement and state regulatory functions. You may have heard it used in reference to:

* Court cases
* Law enforcement investigations
* Regulatory functions

In the context of health and tobacco policy change and advocacy work, jurisdiction refers to the governing body with authority to pass, implement, and enforce ordinances or laws related to health and tobacco regulation and licensing.

Oregon is unique, in that there are different governmental entities that may hold this authority, depending on the region or specific location. While all Oregon counties now have broad governing powers, some counties have additional authority based on constitutional provisions. This explanation from the Oregon Blue Book provides some historical context for the two different structures of county government in Oregon:

“Originally, counties functioned almost exclusively as agents of the state government. Their every activity had to be either authorized or mandated by state law. However, in 1958, an amendment to the Oregon Constitution authorized counties to adopt “home rule” charters, and a 1973 state law granted all counties power to exercise broad “home rule” authority. As a result, the national Advisory Commission on Intergovernmental Relations has identified county government in Oregon as having the highest degree of local discretionary authority of any state in the nation.

Nine counties have adopted “home rule” charters, wherein voters have the power to adopt and amend their own county government organization. Lane and Washington were the first to adopt “home rule” in 1962, followed by Hood River (1964), Multnomah (1967), Benton (1972), Jackson (1978), Josephine (1980), Clatsop (1988) and Umatilla (1993).

(Read more at <http://bluebook.state.or.us/local/counties/countiesgen.htm> )

More detailed information on the history and description of county jurisdiction is available in the publication “COUNTY HOME RULE IN OREGON” available on the website of the Association of Oregon Counties (AOC) at [www.aocweb.org](http://www.aocweb.org) and a link to this document has been added to HPCDP connection on the Technical Assistance page.

Due to the fact that there are different ways that county governments are structured, your first step in identifying jurisdictions is to determine the type of county. There are basically two types, but different names may be used for each type.

* A “constitutional” county is also sometimes called a “charter” county. This is a county which has adopted a “home rule” charter and has more extensive authority based on the 1958 amendment to the Oregon constitution. Most of the state’s population lives in counties that have a county charter.
* A “statutory” county is sometimes called a “general law” county. This is a county which relies on the broad authority accorded to counties in the 1973 statute (law).

**Some tips:**

* There is some **helpful context about the roles and authorities** of each county authority in a charter county on pages 32 through 37 of the AOC document.
* On page 38 of the AOC document there is an **explanation of how ordinances are passed in charter counties**.
* Remember that **city jurisdictions must also be taken into account**. County ordinances sometimes do not include incorporated city areas within the county. These jurisdictions are under the authority of a city government. Counties can and do enact ordinances that encompass city areas. However, in some cases, doing so may result in a challenge from the city, on the basis that two governing authorities cannot hold the same power in the same jurisdiction. This situation is further examined on page 86 of the AOC document.

Once you identify the governing bodies with jurisdiction to enact or change ordinances to achieve your local tobacco policy objectives, you will then identify the individuals who hold positions in those governing bodies and complete the HPCDP Jurisdictions form with specific information about these authorities.

This decision tree may help identify the government structure in your county:

***Has your county adopted a “Home Rule” Charter?***

*(Benton, Clatsop, Hood River,*

 *Jackson, Josephine, Lane, Multnomah, Umatilla, Washington)*

**Your county is governed by a board of commissioners comprised of three to five elected members**

**YES**

**NO**

**Your county is governed by a board of commissioners comprised of five elected members**

**YES**

***Are you in Clackamas County?***

**NO**

**Your county is governed by a “county court” consisting of a county judge and two commissioners**

***Are you in Crook, Gilliam, Sherman, Wheeler, Grant, Harney, Morrow or Malheur County?***

**YES**

**Your county is governed by a board of commissioners comprised of three elected members**

**NO**