

County Government Structure: A State by State Report

NACO *National Association of Counties*

The Voice of America's Counties

County Government Structure: A State by State Report

A Publication of the
Research Division
of NACo's County
Services Department

Updated by
Kathryn Murphy
Research Associate

March 2009



About the National Association of Counties

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation's 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.

Acknowledgements

NACo gratefully acknowledges staff of the various state associations who provided current data for updating.

This Report was updated under the supervision of Jacqueline J. Byers, Director of Research and compiled by Kathryn Murphy, Research Associate. Cover and design work by Emily Pollock, Public Affairs.

Table of Contents

Foreword • 5

Introduction • 6

Outline of County Structure • 9

Row Office Overview • 21

Row Office Table • 22

Section I

State by State Narratives and Maps

Alabama • 26

Alaska • 27

Arizona • 28

Arkansas • 29

California • 30

Colorado • 31

Delaware • 32

Florida • 33

Georgia • 34

Hawaii • 35

Idaho • 36

Illinois • 37

Indiana • 38

Iowa • 39

Kansas • 40

Kentucky • 41

Louisiana • 42

Maine • 43

Maryland • 44

Massachusetts • 45

Michigan • 46

Minnesota • 47

Mississippi • 48

Missouri • 49

Montana • 50

Nebraska • 51

Nevada • 52

New Hampshire • 53

New Jersey • 54

New Mexico • 55

New York • 56

North Carolina • 57

North Dakota • 58

Ohio • 59

Oklahoma • 60

Oregon • 61

Pennsylvania • 62

South Carolina • 63

South Dakota • 64

Tennessee • 65

Texas • 66

Utah • 67

Vermont • 68

Virginia • 69

Washington • 70

West Virginia • 71

Wisconsin • 72

Wyoming • 73

Structure Summary Tables

City County Consolidations • 74

Charter Counties by State • 75

Section II

County Home Rule Review • 78

Sequence of County Charter/Home Rule Movement • 82

References • 83



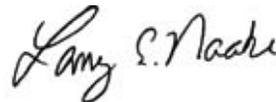
This third edition of *County Government Structure, A State-by-State Report* is an attempt to update the structural changes that have taken place within counties since the report's updated publication in 2001. In this state by state report, you will find that some states have experienced vast changes, while others have had virtually no changes. It is our hope that this third edition will help to foster a better understanding of the existing county government structures. While county government structure had undergone dramatic changes in the last few decades, it has primarily been a result of an attempt to reduce barriers to service delivery. Efforts to reform counties to achieve more effective and efficient operations have largely been met with public failure. Success has been more prevalent in the area of establishing clear executive responsibilities, accountability and leadership, with the major focus being on an elected official or an appointed management leader.

There are a number of other sources that attempt to address the relative merits of various structural alternatives. It is not our attempt in this document to do an analysis of the advantages and disadvantages of any one type of government structure. Rather, this document is an attempt by NACO to document what is currently in place structurally. We are sure there will be some errors, even misunderstandings. County positions and definitions are not always clear in county ordinances or in state statutes. Power delegated to an executive/manager in one county will vary significantly from that of another. While such is the case, each may be defined in a rather generic sense. Obviously, to do so tends to blur significant differences. We have attempted to use caution in the definitions and interpretations while developing this report.

I would especially like to thank the state associations for providing useful information on county government structure in their states. Their input was essential in the creation of this report. We hope this publication contributes to a better understanding of county government structure.



Sincerely,



Larry Naake
Executive Director
National Association of Counties

Introduction

County government in America represents the most encompassing level of local government with the ability to comprehensively address local issues and needs. Research devoted to examining responsibilities, functions, and structures of county government has continued to be minimally supported at a time when the states, and their supporting county structures, are being called on by citizens and other levels of government to help carry “more of the load.” This has placed additional pressures on governing, including greater responsibility for service provision, state and federal mandates, budget reductions, and fiscal constraints. The lack of analysis on governing issues prompted the National Association of Counties (NACo) to undertake the initial research described in this report to focus on governing structure and the availability of county options to effectively deal with these multiple issues was considered necessary in examining the current compositions of county government.

In 1989, NACo conducted its first research report on county government structure in 48 states (Connecticut and Rhode Island do not have functioning county governments). This publication is a second attempt to update that information. State associations provided the majority of the data used to update this publication. Information was also drawn from state constitutions, statutes, charters, ordinances, universities, elected officials, and various other resource materials.

Historical Background

Historical development of county government can be traced to 603 AD in what is now England. During the Middle Ages, England was divided into cities and counties known as boroughs and shires, respectively. Shires were controlled by the monarchy through the appointment of governing officials, such as local justices of the peace. This system evolved and thrived throughout England and was brought to America with the English colonizers.¹

Modern county government reflects the heritage of the many nationalities of people who originally seeded in America.² These ancestors brought diverse needs that required government adaptation throughout the colo-

nies. Counties in New England were limited mainly to judicial functions, while towns were vested with significant governing authority. These governing structures met the economic and security demands of concentrated communities. In New York and Pennsylvania, both counties and cities developed substantial political authority. Further south, Virginia counties emerged as the dominant local governmental power.³ American independence brought about many changes, including the strengthening of state governments and more defined county structures and roles. The primary county role continued to develop as an arm of state government, wielding only those powers granted by state constitutions and laws. This role was upheld by the Iowa Supreme Court in the late 1800s and became known as Dillon’s Rule named for the presiding judge, John F. Dillon.⁴ It is under this definition that county government would continue to function, struggle, and slowly evolve. County effort to enhance efficiency and meet growing demands for services began to emerge in the 1940s and 1950s. Reforms and structural changes included home rule adoption, greater service provision, and better systems to meet the fiscal needs of the county.⁵ These areas continue to be focused on today in county efforts to spur organizational evolution to best meet the needs of their communities.

Counties Today

Today there are 3,068 counties, including 36 city-county consolidations. In addition, there are 42 independent cities. Independent cities represent municipal boundaries within which both city and county functions are provided by a city government.⁶

This report was designed to provide a functional overview of counties within their state framework. As a visual aid, maps for each of the 48 states geographically are also included.

The following terms, upon which the report data were gathered, are defined for readers so they may obtain a common frame of reference. The terms are as follows:

3 Koehler, pp. 11-12.

4 Herbert Sydney Duncombe, *Modern County Government* Washington, DC: National Association of Counties, pp 106-107.

5 Duncombe, pp. 29.

6 Barara H. Grouby and Natalie Wasserman, “Profiles of Individual Counties” *The County Yearbook 1978*. Washington, DC. National Association of Counties and the International City Management Association, pp. 11-12.

1 Government Research Institute, *Reorganizing Our Counties. A Catalogue of County Government Reorganization in America*. Cleveland: September 1980, pp 6-7

2 Cortus T. Koehler, Ph.D. *Managing California Counties*. Sacramento, California: County Supervisors Association of California, p 11.

Commission Form: This is the most common form of county government, consisting of a plural executive board with (generally) three to five members elected to multi-year terms from single-member districts or at-large. The board is empowered with executive and legislative powers and may frequently be referred to as a councilor board of supervisors.

County Administrator: This position is usually appointed by and is formally accountable to the governing board or legislative body. Administrators are charged with the daily administration of county affairs and are looked to for their professional skills in this capacity. County administrators reflect many levels of authority from county to county and are represented by numerous titles, including chief administrative officer, appointed administrator, and, simply, administrator. Another prevalent title is county manager. The manager title generally represents a greater level of autonomy and authority in managing county affairs than the other listed titles, although it depends on the legal and board-given powers.

Elected Executive: This position represents a political leader elected at large and charged with executive authority in county government. It is similar to a mayor and is responsible for working with the county legislative body. Generally, elected executives are strong, partially due to their veto power over the legislative body. Use of an elected executive represents a formal separation of powers.⁷

City-County Consolidation: This structure represents a formal consolidation of a city or cities with the county government. The consolidation generally creates one intertwined governing organization responsible for all government services to the combined area and electorates.⁸ It is also possible for self-sufficient municipalities within central city-county systems to retain independent status.

Executive vs. Legislative: These terms represent formal designations of governing powers assigned to elected and appointed representatives within the county structure. Executive powers generally include all county administration and service provision, while legislative powers imply lawmaking and oversight authority.

Constitutional “Row Offices”: These offices are designated in individual state constitutions or state statutes and represent independently elected county officials who act in concert with the county governing board to provide county services. Row officers maintain “their

7 Tanis J. Salant, D.P.A. *County Home Rule: Perspective for Decision-Making in Arizona*. Tucson, Arizona, University of Arizona Office of Community and Public Service, pp 11-12.

8 Grouby and Wasserman, pp 3

own legitimacy, constituency, and sources of political support.”⁹ In states which have designated additional row offices through statute, they may lack the permanence and breadth of existence that constitutional authority provides.

Home Rule Authority

A final critical concept, discussed in greater detail in Section II, is home rule authority and the various processes necessary to implement it. The broadest definition of home rule involves a grant of authority to counties through statutes or constitutions that allows local self-determination. This local government authority is focused in the three areas of structural, functional, and fiscal powers.¹⁰

Structural authority encompasses the ability to alter current structure to attain greater efficiency, accountability, and/or implementation of governmental responsibilities appropriate to each county’s needs.¹¹ The most common structural changes seem to focus on three areas of county government, with the most common effort directed at developing a focal point for administrative responsibility. A chief executive most often represents this focal point, which is usually an appointed administrator or an elected executive. A second focus of structural reform is the governing board itself, and centers on adjustments to the number of board members representing a county and changes in the methods for their election. Specific reforms might include single member district versus at large elections. A third focus for structural change seen occasionally is the election status of county row officers (i.e., appointed rather than elected positions).¹²

The appointment of a county administrator has generally not been considered a pure structural change in this report because the appointment of an administrator does not change final governing authority. However, it does represent a significant operational change in professionalizing county governing processes. Further, the appointed administrator position reflects a wide continuum of authority from layered on clerk-type administrators to strong, statutorily defined, appointed executives with broad appointive and management powers.

Functional authority focuses on service provision and the ability of counties to meet the changing service needs brought on by growth and other factors. The authority often refers to traditional municipal-type

9 Unpublished research by John P. Thomas, 1989.

10 John Thomas, “County Home Rule: A Fiscal Perspective” Unpublished dissertation, August 1982, pp 1-3.

11 Salant, pp. 10-13

12 Thomas, pp 50-90

service provision or multi-municipal services. Limited authority to provide necessary service and perform functions can be hindering since it represents the presence of legal requirements for counties to seek higher governmental approval to make changes in the governing process.¹³ This area of authority can also include interlocal service agreements that enable counties to consolidate services and functions and implement various other arrangements to enhance service delivery.

The final and possibly most critical area is fiscal authority involving local discretion to raise essential revenues. This authority is basic to county operations and service provision. Four common reforms discussed in greater detail in Section II include taxing authority, benefit service districts, bond issuance, and debt limit increases.

Throughout this study, home rule authority is discussed primarily in the structural domain. This authority is the most prevalent of the three identified levels to be provided through home rule reform measures which are most commonly implemented through statutory changes or charter formation. Statutory reform involves legislative initiatives outlining the type and level of authority to be granted to counties. The reform can be granted to all counties in a state, to specified counties by population limits, or to any other designation considered appropriate. Statutory authority most often provides optional forms of governing structures in an effort to improve county governing ability. Adoption of any changes usually requires the approval of the county's electorate through a special referendum or general election. Some changes in the governing process may be allowed by statute and may be quite narrow and defined but can result in needed changes that enhance a county's governing abilities. A common example is the creation of an appointed administrator for governing boards.

Charter reform is traditionally viewed as a broader tool for achieving greater levels of home rule authority. Adoption of a county charter generally begins with a state constitutional amendment or legislative measures allowing counties to form charter commissions. Established at the county's discretion, these commissions examine county need within the area or areas defined

as open to reform. Then it is the charter commission's prerogative to frame a charter outlining the desired reforms for voter approval. The charter can provide great freedom within limited constraints to create an entirely new structure or revamp service delivery. Legal provisions allowing charters do not necessarily stipulate any particular structure or methods as options, only the authority to change structurally or otherwise, although the level of constraint varies from state to state.

Structure of the Report

Section I of this report presents an overview of related processes and provides summary data where possible. Detailed information is given on the number of counties in each state; areas where there is no level of home rule authority; all governing structures allowed by statute; the number of counties using each structure; and appropriate titles of governing bodies within each state. Row offices are also discussed in greater detail and tabulated to demonstrate their occurrence throughout the 48 states which have functioning county governments. An examination of electoral districts for county governing bodies is also provided, as well as a tally of elected executives, county administrators, city-county consolidations, and individual charter counties. Finally, maps of each state are presented along with individual state narratives. Counties are identified where governing structures vary from traditional structures within the state.

Section II represents an excerpt from a report by Tanis J. Salant, D.P.A. titled County Home Rule: Perspectives for Decision-Making in Arizona. The excerpt comprises Chapter II and provides a more in-depth nationwide examination of home rule and effort toward developing home rule as of April 1989.

NACo hopes that this report will prove to be a valuable reference tool not only for those with a casual interest in county government organization, but also for the informed individual. County government will continue to play a vital role in most people's everyday lives. Perhaps this report will help to clarify the evolving structures that are a part of that role.

13 Salant, pp 13-14

Outline of County Government Structure

Table I has been developed to provide a state-by-state overview of existing county government structure. Connecticut and Rhode Island have not been included due to the absence of functioning county governments in these states. The table has been developed in outline format to demonstrate major structures and overlapping management plans.

The first column lists the state name followed by the total number of functioning county governments within the state. The second column designates current structure and for county governments within the

state. The third column shows the number of counties that actually use a given form of government. Indented items identify specific operational plans or governing forms within the main structure. The last column displays the most common titles given to the governing bodies within the main structures identified. More than one title is listed where multiple structures predominate. This table is meant to convey specific structures. It should be used in conjunction with the state narratives and maps to gain a fuller understanding of county structure.

Table II: State-by-State Overview of County Government Structure & Statutory Government

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Alabama	67 Counties	1) General Law	67	County Commission
		a. Commission	8	
		b. Commission with Elected Executive	16	
		c. Commission with Administrator	43	
Alaska	18 Boroughs	1) General Law	8	Borough Assembly and Mayor
		a. General Law	4	
		b. Manager Plan	4	
		2) Charter	6	
		3) Unified Home Rule	4	
		a. Unified Home Rule Manager Plan	4	
Arizona	15 Counties	1) General Law	15	Board of Supervisors
		a. Board of Supervisors with County Administrator/ Manager	15	

Table II: State-by-State Overview of County Government Structure & Statutory Government

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Arkansas	75 Counties	1) General Law	75	Quorum Court
		a. Quorum Court with Elected Executive	75	
California	58 Counties	1) General Law	44	Board of Supervisors
		a. Commission with County Administrator	41	
		b. Commission	3	
		2) Charter	13	
		a. Commission with County Administrator	13	
		3) City-County Consolidation	1	
		a. Commission with Elected Executive	1	
Colorado	62 Counties	1) General Law	58	Board of County Commissioners
		a. Board of County Commissioners	7	
		b. Commission with County Administrator	53	
		2) Charter	2	
		a. Board of County Commissioners	1	
		b. City Council	1	
		3) City-County Consolidation	2	
		a. Commission with County Administrator	1	
		b. Commission with Elected Executive	1	
		Deleware	3 Counties	
a. Levy Court Commission	1			
b. County Council	2			

Table II: State-by-State Overview of County Government Structure & Statutory Government

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Florida	67 Counties	1) General Law	47	Board of County Commissioners
		a. Commission	5	
		b. Commission with County Administrator	42	
		2) Charter	19	
		a. Commission with County Administrator	17	
		b. Commission with Elected Executive	2	
		3) City-County Consolidation	1	
		a. Commission with Elected Executive	1	
Georgia	159 Counties	1) General Law	155	Board of County Commissioners
		a. Board of Commissioners	39	
		b. Commission with County Administrator	107	
		c. Sole Commissioner	6	
		d. Sole Commissioner with Administrator	3	
		2) City-County Consolidation	7	
		a. Commission with County Administrator	6	
		b. Commission	1	
Hawaii	5 Counties	1) Charter	4	Councils and Mayors
		a. County Council	3	
		b. City-County Consolidation	1	
		c. Special Status	1	
Idaho	44 Counties	1) General Law	44	Board of County Commissioners
		a. Board of County Commissioners	44	

Table II: State-by-State Overview of County Government Structure & Statutory Government

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body	
Illinois	102 Counties	1) General Law	101	County Board	
		a. Commission	17		
		b. Executive	1		
		c. Township	70		
		d. Township with Administrator	13		
		2) Charter	1		Board of County Commissioners
		a. Executive	1		
Indiana	92 Counties	1) General Law	91	Board of County Commissioners	
		a. Board of County Commissioners	87		
		b. Board of County Commissioners with County Administrator	2		
		b. County Council	2		
		2) City-County Consolidation	1		City-County Council
		a. City-County Council	1		
Iowa	99 Counties	1) General Law	99	Board of Supervisors	
		a. Board of Supervisors	99		
Kansas	105 Counties	1) General Law	103	Board of County Commissioners	
		a. Board of County Commissioners	87		
		b. Board of County Commissioners with County Administrator	16		
		2) Charter	1		
		a. Commission with Elected Executive	1		
		3) City-County Consolidation	2		Board of Commissioners
		a. Commission with County Administrator	1		
		b. Commission	1		

Table II: State-by-State Overview of County Government Structure & Statutory Government

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Kentucky	120 Counties	1) General Law	118	
		a. Magistrate with Elected Executive	104	Magistrate Fiscal Court
		b. Commission with Elected Executive	14	Commission Fiscal Court
		2) Unified City-County	2	Council
		a. Elected Executive	2	
Louisiana	64 Parishes	1) General Law	41	Police Jury
		a. Police Jury	26	
		b. Policy Jury with Administrator	15	
		2) Charter	23	Council
		a. Council-President	18	
		b. Council-Administrator	1	
		c. City-Parish Consolidation	4	
Maine	14 Counties	1) General Law	12	County Commission
		a. Commission	6	
		b. Commission with County Administrator	6	
		2) Charter	1	
		a. Commission	1	
		b. Commission with County Administrator	1	

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Maryland	24 Counties	1) General Law	8	Board of County Commissioners
		a. Commissioner	8	
		2) Charter	9	Council
		a. Council with Elected Executive	7	
		b. Council with County Administrator	1	
		3) Code Home Rule	5	Commission
		a. Commission with Elected Executive	1	
		b. Commission with County Administrator	4	
		4) Independent City	1	Commission
		Massachusetts	14 Counties	1) General Law
a. Board of County Commissioners	2			
b. Commission with County Administrator	2			
2) Charter	1			Council
a. Elected Executive	1			
3) City-County Consolidation	1			
4) Abolished Governments	8			None
Michigan	83 Counties			1) General Law
		a. Board of County Commissioners	46	
		b. Commission with County Administrator	34	
		2) Charter	1	Council
		a. Council with Elected Executive	1	
		3) United	2	Board of County Commissioners
		a. Commission with Elected Executive	2	

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Minnesota	87 Counties	1) General Law	86	Board of County Commissioners
		a. Board of County Commissioners	24	
		b. Commission with County Administrator	62	
		2) Charter	1	
		a. Commission with County Administrator	1	
Mississippi	82 Counties	1) Beat	39	Board of Supervisors
		a. Beat	36	
		b. Beat with County Administrator	3	
		2) Unit	43	
		a. Unit with County Administrator	43	
Missouri	115 Counties	1) General Law	90	County Commission
		a. Commission	87	
		b. Commission with Administrator	3	
		2) Township	22	
		a. Commission	22	
		3) Charter	3	
		a. Commission with Elected Executive	3	
		4) Independent City	1	
Montana	56 Counties	1) General Law	53	County Commission
		a. Commission	52	
		b. Manager Plan	1	
		2) Charter	1	
		a. Commission	1	
		3) City-County Consolidation	2	
		a. Commission with Elected Executive	2	

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Nebraska	93 Counties	1) Commisioner	66	County Commission
		a. Commissioner	63	
		b. Commissioner with Administrator	3	
		2) Township-Supervisor	27	Board of Supervisors
		a. Township-Supervisor	27	
Nevada	17 Counties	1) General Law	16	County Commission
		a. Commission	8	
		b. Commission with Administrator	8	
		2) City-County Consolidation	1	Board of Supervisors
		a. Commission with Elected Executive	1	
New Hampshire	10 Counties	1) General Law	10	County Delagation
		a. Delagation	2	
		b. Delagation with Adminstrator	8	
New Jersey	21 Counties No HR	1) General Law	15	Freeholder Board
		a. Freeholder Board	1	
		b. Freeholder Board with Administrator	14	
		2) Charter	6	
		a. Executive Plan	5	
		b. County Manager Plan	1	
New Mexico	33 Counties No HR	1) General Law	32	Board of County Commissioners
		a. Commission	1	
		b. Commission with Administrator	31	
		2) Charter	1	County Council
		a. Incorporated County	1	

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
New York	58 Counties	1) General Law	36	
		a. Board of Supervisors	9	Board of Supervisors
		b. Board of Supervisors with Administrator	7	
		c. Legislature	1	County Legislature
		d. Legislature with Administrator	19	
		2) Charter	21	
		a. Legislature with Administrator	4	County Legislature
		b. Legislature with Elected Executive	17	
		3) City-County Consolidation	1	
a. City-County Consolidation	1			
North Carolina	100 Counties	1) General Law	100	Board of County Commissioners
		a. Commission with Administrator	100	
North Dakota	53 Counties	1) General Law	53	County Commission
		a. Commission	52	
		b. Commission with Administrator	1	
		2) Charter	5	
		a. Commission	5	
Ohio	88 Counties	1) General Law	87	County Commission
		a. Commission	42	
		b. Commission with Administrator	45	
		2) Charter	1	County Council
		a. County Council	1	
Oklahoma	77 Counties	1) General Law	77	Board of County Commissioners
	No HR	a. Commission	77	

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body	
Oregon	36 Counties	1) General Law	27	Board of Commissioners	
		a. Commission	11		
		b. Commission with Administrator	7		
		c. County Court	8		County Court
		d. County Court with Administrator	1		
		2) Charter	9		Board of Commissioners
		a. Commission	2		
		b. Commission with Administrator	5		
		c. Commission with Elected Executive	2		
Pennsylvania	67 Counties	1) General Law	60	County Commission or County Council	
		a. Commission	19		
		b. Commission with Chief Clerk	33		
		c. Commission with Administrator	8		
		2) Charter	6		
		a. Commission with Elected Executive	4		
		b. Commission	1		
		c. Council	1		
		3) City-County Consolidation	1		
		a. Commission with Elected Executive	1		
		South Carolina	46 Counties		1) General Law
a. Council	6				
b. Council-Administrator	34				
c. Council-Manger	2				
d. Council-Supervisor	4				
South Dakota	66 Counties	1) General Law	64	County Commission	
		a. Commission	64		
		2) Charter	2		
		a. Commission	2		

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Tennessee	95 Counties	1) General Law	90	County Commission
		a. Commission with Elected Executive	90	
		2) Charter	2	
		a. Commission with Elected Executive	2	
		3) City-County Consolidation	3	
		a. Commission with Elected Executive	3	
Texas	254 Counties No HR	1) General Law	254	Commissioner's Court
		a. Commissioner with Elected Executive	254	Commissioner's Court
Utah	29 Counties	1) General Law	29	County Commission or County Council
		a. Commission	22	
		b. Commission with Elected Executive	2	
		c. Council	1	
		d. Council with Administrator	2	
		e. Council with Elected Executive	2	
Vermont	14 Counties No HR	1) General Law	14	County Court
		a. County Court	14	
Virginia	95 Counties	1) General Law	92	Board of Supervisors
		a. Commission	1	
		b. Commission with Administrator	88	
		c. Commission with Elected Executive	3	
		2) Charter	3	
		a. Commission with Administrator	3	
		3) Independent Cities	39	

State	County Units	Form of Government	Number of Counties Using Form	Title of Governing Body
Washington	39 Counties	1) General Law	33	County Commission
		a. Commission	22	
		b. Commission with Administrator	11	
		2) Charter	6	County Council
		a. Commission with Administrator	2	
		b. Council with Elected Executive	4	
West Virginia	55 Counties	1) General Law	55	County Commission
		a. Commission	22	
		b. Commission with Administrator	33	
Wisconsin	72 Counties	1) General Law	72	Board of Supervisors
		a. Commission with Administrative Coordinator	42	
		b. Commission with County Administrator	19	
		c. Commission with Elected Executive	11	
Wyoming	23 Counties	1) General Law	23	County Commission
		a. Commission	23	

Row Officer Overview

A discussion on this topic cannot be comprehensive because there are many variations of row officers representing infinite degrees of authority and contributions to local government operations. The following narrative and table are offered as a starting point to grasp what popularly elected officials exist throughout county government in each state. Input is encouraged to aid NACo in continued development of the data in this area. It is hoped that this summary will provide some insight into the historical elected offices that occupy the same tier as the central governing body in numerous county organization charts nationwide.

The traditional county distribution of power is characterized by a division of administrative responsibilities between the county governing board and separately elected offices. These separately elected offices are commonly known as “row offices” due to their appearance in a row on organizational chart or election ballots and the relative autonomy of each office from the central board.

This autonomy or independence is built on their legal status and accountability to the electorate. Row offices are most common in commission- and board-structured counties, but they are also found in other forms. In non-commission counties, row offices are usually fewer in number and may have less authority. In charter counties, row offices may be appointed by the board or elected executive.

Constitutional provisions for certain row offices are common. The position of sheriff is present in all but two states though not all are constitutionally required. Alaska and Hawaii (which have elected police chiefs) are the only states without sheriffs. Other offices frequently mandated by state constitutions include the county clerk, auditor, treasurer, and court clerk. Where possible, offices are designated in the table as “constitutional”.

County clerks are generally responsible for administrative support to the county board and many times for election administration details. In California there are appointed and elected registers of voters and in Florida there are election supervisors. An auditor is responsible for the accounting and auditing of county agencies and general fiscal affairs. A treasurer is specifically responsible for all county moneys and records on revenues as well as other fiscal matters related to general funds. A court clerk is responsible for: serving the county court system, including records maintenance, and may be responsible for one or more levels of court proceedings;

collection and recording of fines, penalties, and court costs; and judicial correspondence. The position of court clerk is authorized in at least 27 states including Delaware and Pennsylvania where similar responsibilities are vested in positions titled prothonotarys.

Many row offices are also established by state statutes with frequent examples including the positions of assessor, coroner, county attorney, prosecuting attorney, recorder, register of deeds, school superintendent, surveyor, and tax collector. These positions may be included in a state constitution, but are more commonly enacted through state laws.

The general responsibility of a prosecuting attorney is to prosecute suspected criminals in the name of the state. The county attorney acts as the attorney to the county governing board by providing legal opinions and representing the county in legal matters. Many states and individual counties have combined these roles into one elected county attorney position and it can be appointed in nine states. A minimum of 41 states have a prosecuting attorney and/or a county attorney including South Carolina, which calls the position “solicitor.”

The register of deeds and the recorder’s office represent similar functions involving the recording of all transfers of property and additional legal documents as deemed necessary. This function exists under either name in at least 28 states. The function may also be carried out by the county clerk in states where the register or recorder position does not exist or may be legally combined with the clerk, as in Montana and Idaho.

The position of coroner is responsible for determining the cause of death resulting from suspicious or violent circumstances. Twenty-one states authorize this position including Hawaii, which allows it to be combined with the position of police chief; Iowa, which allows an appointed or elected medical examiner; and Wisconsin, which utilizes medical examiners and coroners. The assessor position, noted in 26 states, is responsible for establishing property values subject to county property taxes and in many states the assessor is charged with collecting property taxes. A specific tax collector position is only designated in eight states including Georgia’s tax commissioners and Tennessee’s trustees. Finally, elected county school superintendents, historically common, are identified in 12 states with limited powers over school financial and program services. While historically very strong, the surveyor’s office now exists with limited duties and is noted in only 11 states.

There are numerous other row offices and variations on row offices which are unique to one or two states or lay minor roles in county government operations. For example, Michigan elects a drain commissioner, Kentucky elects county jailers, and Vermont elects commissioners of jail delivery and Minnesota appoints civil defense directors. Ohio elects county engineers, while four other states appoint them and Wisconsin allows a combined Engineer- Surveyor position. Three states utilize public administrators responsible for the man-

agement of estates and implementation of state probate laws while New Jersey counties have the position of surrogate to fulfill this need. The public administrator position is often combined with another office such as coroner and is usually appointed or elected at the discretion of the community. In addition, the offices may vary among counties within the same state. The list of unique offices could continue with many more details.

Below is a general list of the Row Officers by state and whether they are elected or appointed.

Table II: Row Officers by State

State	<u>Assessor</u>	<u>Auditor</u>	<u>Circuit Judge</u>	<u>Clerk</u>	<u>Coroner</u>	<u>County Attorney</u>	<u>Court Clerk</u>	<u>Engineer</u>	<u>Judge of the Probate</u>	<u>Prosecuting Attorney</u>	<u>Public Administrator</u>	<u>Recorder</u>	<u>Register of Deeds</u>	<u>School Superintendent</u>	<u>Sherriff</u>	<u>Surveyor</u>	<u>Tax Collector</u>	<u>Treasurer</u>
Alabama	E				E	A	E		E	E				D	E		E	E
Alaska	A			A		A									D			A
Arizona	E*					E*						E*		E*	E*			E*
Arkansas	E			E	E							E*			E	E	E	E
California		D		D	D	A						D						D
Colorado	E*			E*	E*	A									E*	E*		E*
Delaware	E			E								E			E			
Florida	E*						E*								E*		E*	
Georgia							E*		E*					D	E*		E*	
Hawaii	D			D		D				D								D
Idaho	E*				E*		E*			E*					E*			E*
Illinois	D	E		E	D		E	D		E*		E			E*			E*
Indiana	E	E*		E	E*	A	E*	A		E*		E*			E*	E*		E*
Iowa		E				E						E			E			E
Kansas	A	A		E		E				E			E		E			E
Kentucky				E	E	E	E								E	E		
Louisiana	E				E		E			E				E	E			
Maine									E	E			E		E			E
Maryland										E			E		E			E
Massachusetts													E		E			E

E = Elected A = Appointed D = Discretionary, Appointed or Elected
 * = Constitutional ** = See Row Office Overview

Table II: Row Officers by State

State	<u>Assessor</u>	<u>Auditor</u>	<u>Circuit Judge</u>	<u>Clerk</u>	<u>Coroner</u>	<u>County Attorney</u>	<u>Court Clerk</u>	<u>Engineer</u>	<u>Judge of the Probate</u>	<u>Prosecuting Attorney</u>	<u>Public Administrator</u>	<u>Recorder</u>	<u>Register of Deeds</u>	<u>School Superintendent</u>	<u>Sherriff</u>	<u>Surveyor</u>	<u>Tax Collector</u>	<u>Treasurer</u>
Michigan							E*			E*			E*	A	E*			E*
Minnesota		D				E						D			E			D
Mississippi	E						E							E	E	E	E	
Missouri	E	A		E	E					E	E		E		E	E	E	E
Montana	D			E	D		E							E	E			E
Nebraska																		
Nevada	E	A		E				A		E	E	E			E	A		E
New Hampshire																		
New Jersey				E*			E*				E**			A	E*			
New Mexico	E			E					E						E			E
New York				E	E	A				E					E			E
North Carolina					E	A							E	A	E*			
North Dakota		E			E					E		E		A	E			E
Ohio		E			E			E		E		E			E			E
Oklahoma	E			E			E								E			E
Oregon	E			E						E				A	E	E		E
Pennsylvania		E			E		E	A		E		E	E		E			E
South Carolina		E			E*		E*		E				E	D	E*			E
South Dakota		E			D								E		E			E
Tennessee	E			E									E		E		E	
Texas	E			E		E									E	E		E
Utah	E	E		E						E		E			E	E		E
Vermont		A		A					E	E					E			A
Virginia				E		A				E					E		E	E
Washington	E	E		E	E					E					E			E
West Virginia	E			E			E			E					E	E		
Wisconsin					E		E			E			E		E			
Wyoming	E			E	E	E									E			E

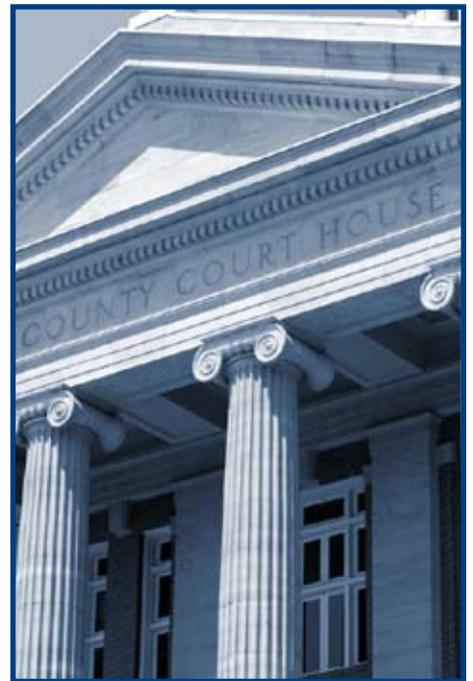
E = Elected A = Appointed D = Discretionary, Appointed or Elected

* = Constitutional ** = See Row Office Overview

For your Notes:

Section I:

State by State Narratives and Graphics



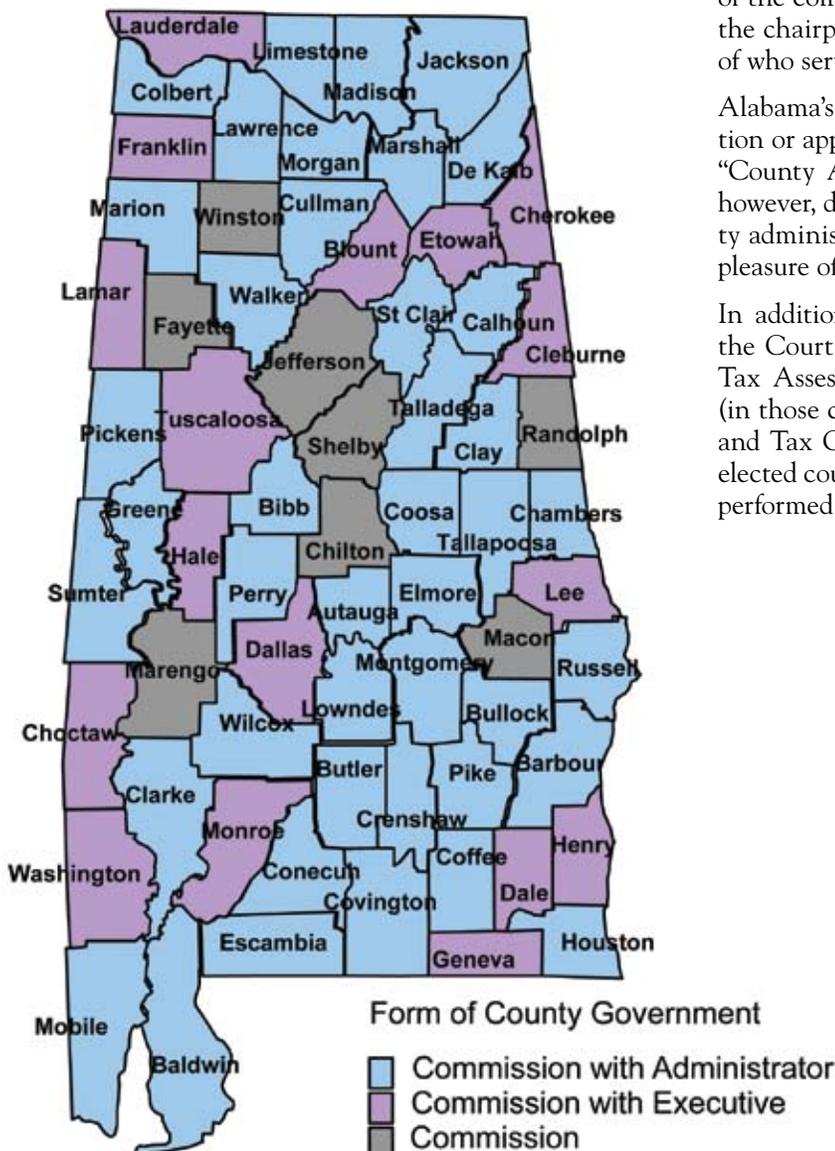
Alabama

Alabama's 67 counties derive most of their powers from state statutes, which establish the legal framework for county government and list the powers and duties of the county governing bodies. Alabama counties possess limited delegated powers and are a political subdivision of the state created by statute to aid in the administration of state functions. Alabama's constitution does not authorize county home rule, except by legislative act or by constitutional amendment. In May 2005, however, the Limited Home Rule Bill was passed and signed into law allowing public referendums on certain local matters, but does not allow for changes in taxing, zoning or business regulation.

County government is based on the Commission Form and utilizes a county commission that is composed of three to nine members, predominately elected by districts after meeting residency requirements. The general law of the state provides that the judge of probate is to serve as chair of the commission outlines the office's duties. The state legislature has approved some counties' requests for the chairperson to be a separate position. The judge of the probate still serves as chair in 16 counties (Blount, Cherokee, Choctaw, Cleburne, Dale, Dallas, Franklin, Geneva, Hale, Henry, Lamar, Lauderdale, Lee, Monroe, Tuscaloosa, and Washington), but the remaining counties either elect a chair or rotate the chairmanship among the members of the commission. With few exceptions, the duties for the chairperson are the same in all counties regardless of who serves in that position.

Alabama's general law does not provide for the election or appointment of an individual designated as the "County Administrator". Most county commissions, however, do appoint a person who has the title of county administrator. This position generally serves at the pleasure of the board.

In addition to the county commission, the Clerk of the Court, Coroner, District Attorney, Probate Judge, Tax Assessor, Tax Collector, Revenue Commissioner (in those counties in which the offices of Tax Assessor and Tax Collector are combined), and Sheriff and all elected countywide. Judicial functions in Alabama are performed on a statewide basis.



Alaska

Alaska's boroughs derive their powers from the state constitution and state statutes. Boroughs and cities are distinct legal entities (municipalities) incorporated under state laws to perform or provide both regulatory and proprietary functions such as law enforcement, zoning, utilities, and airports. There are 18 boroughs in the state and the remaining area is considered unorganized boroughs. Law authorizes three classes of General Law Boroughs and additional provisions are made for the adoption of home rule charters. First class and second class boroughs are almost identical, except that first class boroughs can acquire supplemental area-wide powers by ordinance rather than by referendum. Additionally, first class and second class boroughs must perform three area-wide duties: education, planning and zoning, and tax assessment and collection. Third class boroughs assume only two mandated powers, education and taxation. A General Law Borough may adopt a home rule charter for its own government. The establishment of a charter commission precedes adoption. This commission proposes the needed changes that must then be passed by a simple majority of borough voters.

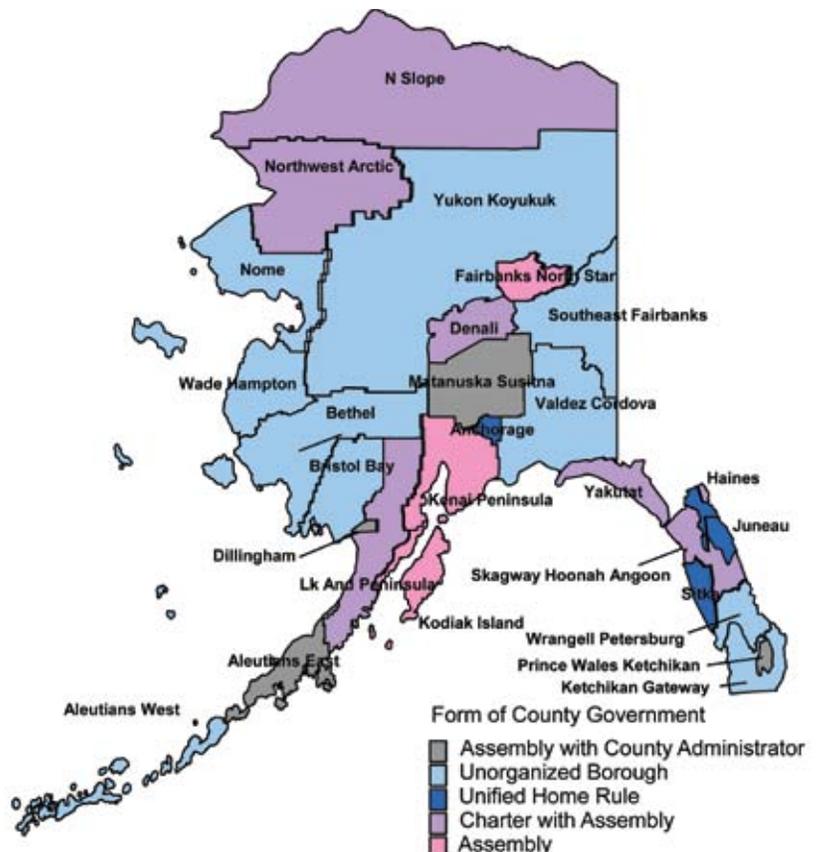
The adoption of a home rule charter provides the local government with all legislative powers not prohibited by law or charter (Article X, Sect. 11, Alaska Constitution). The charter authorizes the governing structure, functions, services, and restrictions on municipal powers in accordance with the community's situation. Additionally, boroughs may become Unified Municipalities, which are similar to city-county consolidations. This occurs when an organized borough and all cities within the borough unite, through a referendum, to form a single unit of government with a charter. Presently, there are four Unified Home Rule boroughs and they include the Municipality of Anchorage, Haines Borough, the City and Borough of Juneau and the City and Borough of Sitka. There are six Home Rule charter boroughs; these include Denali Borough, Lake and Peninsula Borough, North Slope Borough, Northwest Arctic Borough, Wrangel Borough, and the City and Borough of Yakutat.

The governing structure of a borough consists of an assembly, a legislative body ranging in size from five to eleven, which may be elected by district, at large, or a combination

of the two; a mayor elected at large; a school board; and a planning commission. The legislative powers of the borough are vested in the assembly, while the executive powers belong to the mayor. The mayor serves as a ceremonial head of government, executes official documents on authorization of the governing body, and is responsible for additional duties cited in the charter. A borough has the option to adopt the Manager Plan. In this situation, the assembly appoints a manager to serve as the chief administrative officer of the borough. Currently seven boroughs have an appointed manager or administrator, including Aleutians East, Bristol Bay, Juneau, Ketchikan, Lake and Peninsula, Matanuska-Sustina, and Sitka. If a borough does not choose the Manager Plan, then the mayor serves as the chief administrator and confers the powers of a manager or an appointee.

In 2007, two new boroughs were established: the Borough of Wrangle and the Borough of Skagwy.

Alaska is one of two states that does not have an elected Sheriff, but instead has elected police chiefs. In addition, the remaining row officers in Alaska are appointed positions.



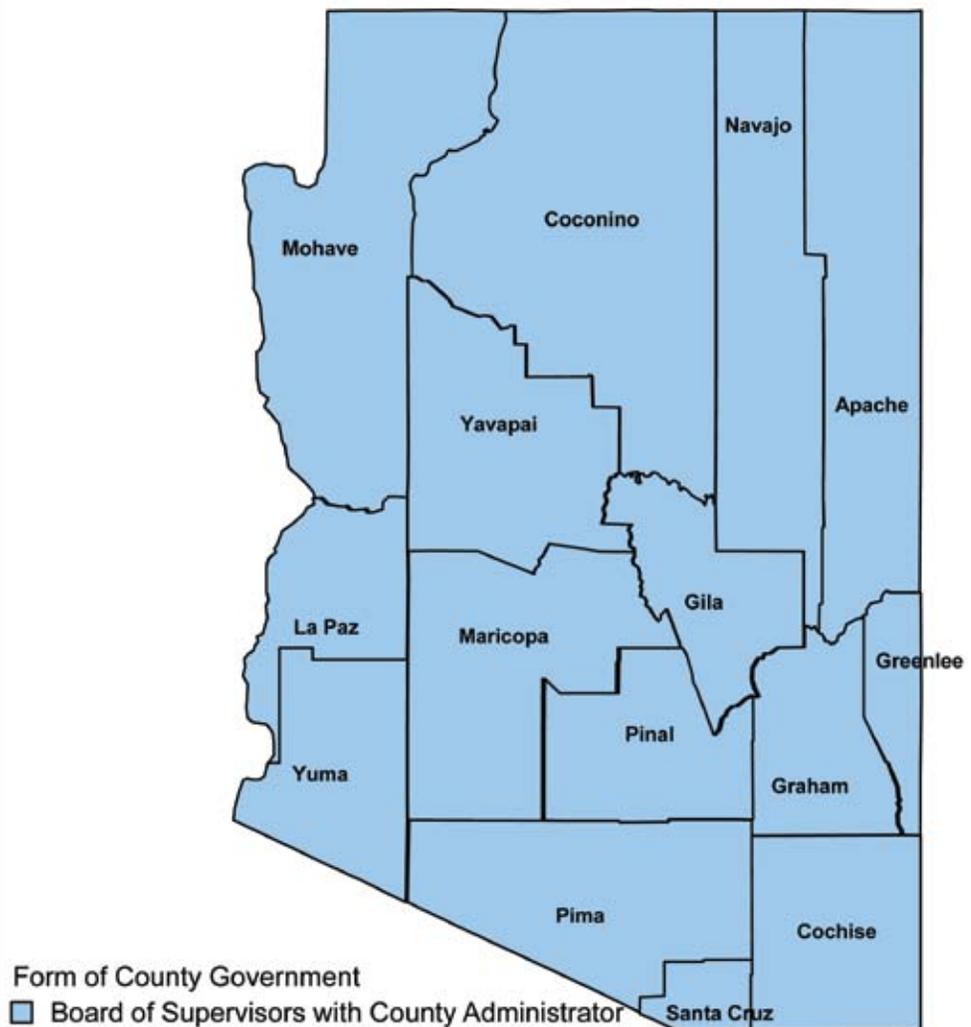
Arizona

Arizona's counties derive their powers from four provisions of the state constitution that provide for the creation of counties and their officers, while empowering the legislature to choose the mission of counties. Arizona county government is based on the Commission Form. Each county elects a three-member board of supervisors, from single-member districts, as its governing body. Two populous counties, Maricopa and Pima, have five-member boards, and, under local option, three other counties (Coconino, Navajo, and Yuma) have increased board size from three to five members. Few changes have occurred in county governmental structure since territorial days. The addition of an appointed county administrator to assist the board in its administrative duties represents the most significant change in Arizona county government structure since statehood. Although all of the state's 15 counties employ an administrator or manager, the position is not authorized by the state constitution or by statute.

Arizona counties have no chief executive officers. Instead, the board of supervisors performs the function of a chief executive. The board only performs this function in a limited capacity, however, since a great deal of the county's business is distributed among seven other elected county officials. These officials, known as row officers or constitutional officers, who serve as co-equals to the board. The board of supervisors has no legal authority over them except for budget review and appropriations. The row officers are Sheriff, County Attorney, Recorder, Treasurer, Assessor, Superintendent of Schools, and Clerk of the Superior Court. All of these posi-

tions except the Treasurer and the Clerk of the Superior Court are required by the state constitution to be elected positions.

Arizona counties are directed by the state to both fund and administer the typical host of services. Since counties are the administrative arm of the state government, they do not have the right to provide services other than those mandated or authorized by the state. The 13 smaller Arizona counties do not have available to them charter or home rule authority, but do have substantial authority for establishing departments and intergovernmental agreements to meet efficiently the modern-day needs of county constituencies. In 1992, a voter-approved change to the state constitution provided for a county charter process for Maricopa and Pima counties. The voters in the two counties did not approve either charter.



Arkansas

Counties in Arkansas derive their powers from the state's constitution as amended in 1974 by Amendment 55 and its implementing legislation Act 742 of 1977, which is often referred to as the County Government Code. This act defines county government formation and organization for Arkansas's 75 counties as well as the legislative powers of county government and elected officials, and prescribes the procedures and organization for administering county services and activities.

Arkansas county government is based on the Quorum Court Form, which consists of 9 to 15 members (depending on the population of the county). The members, called Justices of the Peace, make up the legislative governing body and are elected from single-member districts for two year terms. The Chief Executive Officer of the county is the county judge, who is elected countywide and serves as the chair of the legislative body. The county judge does not have a vote, but does have veto power. The county judge administers ordinances of the Quorum Court and most other county affairs except those specifically designed by statute or constitution to other county elected officials. Arkansas counties serve as units of local government to provide a diverse range of services from law enforcement to sanitation to all citizens of the county.

Arkansas Code Annotated 14-14-601 et seq. authorizes establishment of alternative forms of county government organizations. It states that "county government can be made more responsive to the wishes of the people through selected structural changes and consolidations." The Quorum Court may

also provide county residents the opportunity to select the form of government that best serves their needs. As provided by Amendment 55, Section 1 (a), county government acting through its Quorum Court may exercise local legislative authority not denied by the state constitution or by law. These self-government powers are synonymous to home rule authority, although to date no significant changes in structure or form have been adopted.

In addition to the Justices of the Peace, nine other offices are elected: Assessor, Coroner, County Clerk, Circuit Clerk, Judges, Sheriff, Surveyor, Tax Collector and Treasurer.



Form of County Government
 ■ Quorum Court with Elected Executive

California

The California constitution historically provided counties with two options, Charter or General Law status. Presently, 44 of the state's 58 counties function under the General Law form of government, while 14 have adopted charters, including one city-county consolidation.

The General Law counties derive their governing authority from Article XI of the California Constitution and state statutory law as contained in the Government Code. As legal subdivisions of the state, counties also administer state programs at the local level in areas such as health and criminal justice. The counties traditionally consist of a board of supervisors and three

mandated elected positions (Sheriff, District Attorney and Assessor). A county board of supervisors or a charter commission formed within the county may propose a charter. The fourteen counties which have adopted charters are Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Tehama.

California has given its charter and general law counties considerable latitude by offering three legislatively approved forms of government to choose from: Commission, Appointed County Administrator, or Elected Executive (county mayor). In the three "pure" commission counties (Colusa, Modoc and Shasta), the legislative and executive powers are exercised through the board of supervisors elected from single-member districts. In the Appointed Administrator form, also known as the appointed executive form and by other names in California, the board of supervisors oversees an appointed executive and retains authority over final budgetary decisions. San Mateo and Placer both adopted this form through the charter process and are unique in that their governing boards are elected at large to represent specific districts of residency.

The Elected County Executive form of government is an option only for counties adopting a charter. San Francisco County, the state's only city-county consolidation, is currently the only county operating with an elected executive. San Francisco, in effect, has two executives: the mayor who is elected at large and the appointed chief administrative officer. While the 11-member board of supervisors acts as the legislative body, the functions under the mayor's jurisdiction are given policy direction by citizen commissions whose members are appointed by the mayor. The mayor has the authority to veto board actions, but the veto may be overridden by a two-thirds vote of the board. The chief administrative officer operates a major set of city-county departments and services and is shielded by the charter against interference from the mayor or board.

Many row officers vary by county if each is elected or appointed. Only the County Attorney is appointed in every county.



Colorado

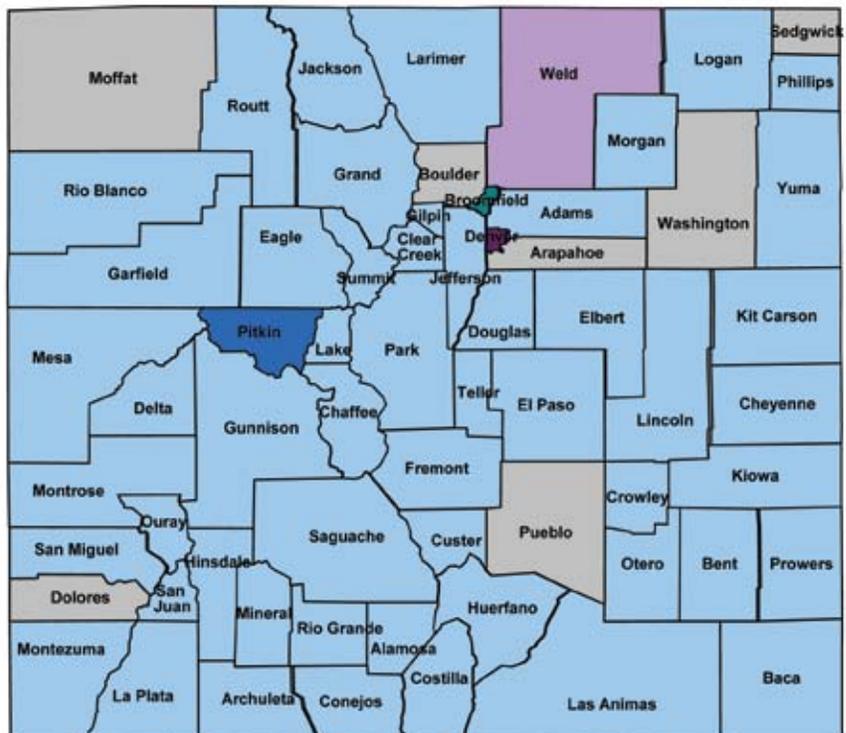
Colorado counties derive their powers from three principal sources: the Colorado constitution, the Colorado revised statutes, and case law developed by Colorado and federal courts. Article XIV of the Colorado constitution lists the major provisions concerning county government activities and its organization. Boards of county commissioners serve as both the administrative and policy-making bodies of counties. In most counties the board is composed of three members with an option available for a five-member board in counties with populations greater than 70,000 or counties having a home rule charter. The entire county elects the board, but its members are required to reside within established county districts. Additionally, the board may create the offices of county manager or administrative assistant to the commissioners, county budget officer, and any other office required for the efficient management of county business.

Colorado counties serve two vital roles as part of the state government and of being a local government. Counties provide the traditional services for which they were originally founded in addition to assuming newer responsibilities such as recreation and consumer protection plans. As an administrative branch of government, counties do not have a court system of their own. They possess no inherent legislative powers and may exercise only those powers delegated to them by the general assembly.

The organizational structure of all Colorado counties is the same with four exceptions. The City and County of Denver is the state's only city-county consolidation. The City and County of Broomfield was created by removing the city of Broomfield out of four existing counties and creating a city and county in order to improve service delivery. Pitkin and Weld counties are charter counties with home rule. The City and County of Denver and the City and County of Broomfield consolidation

are organized under a charter pursuant to Article XX of the state constitution. Pitkin and Weld are organized pursuant to Article XIV of the Colorado constitution, which allows voters of a county to adopt a home rule charter establishing the organization and structure of county government. Home rule counties are required to provide all state-mandated programs, services, and facilities and may provide permissible programs, services, and functions as authorized by state law. In reality, Colorado's home rule counties enjoy only a few more prerogatives than statutory counties.

All counties in Colorado have the authority to appoint county administrators to enhance administrative capabilities. Only eight counties (Arapahoe, Bolder, Dolores, Moffat, Pueblo, Sedgwick, Washington, and Weld) do not have a county administrator or county manager. In addition, all counties elect the Assessor, Clerk and Recorder (one office), Coroner, Treasurer, Sherriff, and Surveyor. The County Attorney is an appointed position.



Form of County Government

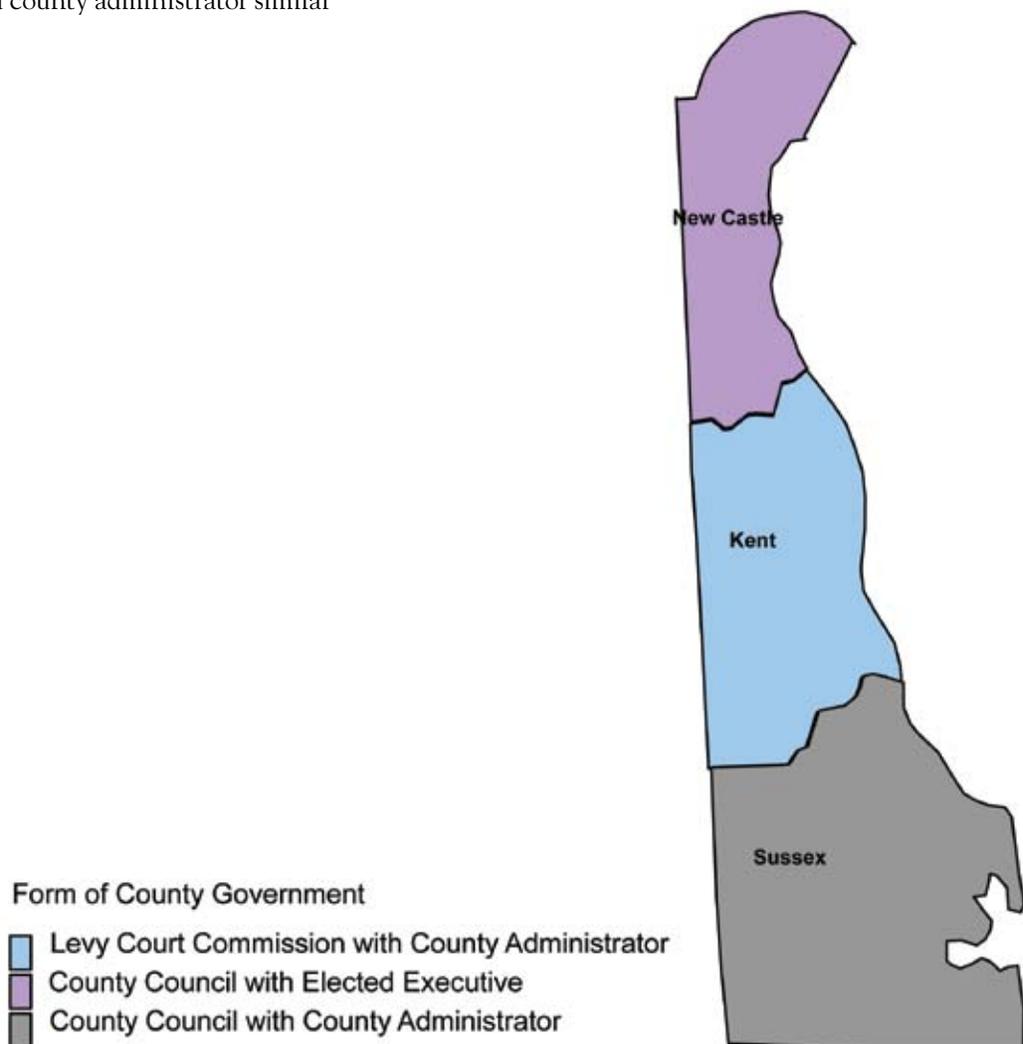
- Board of County Commissioners with County Administrator
- Board of County Commissioners
- Charter City Council
- City-County Consolidation with Elected Executive
- City-County Consolidation with County Administrator
- Charter Board of County Commissioners

Delaware

Delaware's three counties derive their powers from the state constitution. It establishes the legal framework for county government and lists the powers and duties of the county governing bodies.

Although New Castle and Sussex both utilize a Council form of government, there are some minor differences. Sussex has a five-member council elected from districts, while New Castle has six. Also, New Castle has a seventh member elected at large, serving as the president of the council. New Castle also has an elected county executive who serves as the chief executive officer of the county and an appointed chief administrative officer subordinate to the executive. Sussex county government has no single executive, but appoints a county administrator as the chief administrative officer of the county. Kent County uses the Levy Court system with seven Levy Court commissioners as the county governing unit and an appointed county administrator similar to that in Sussex.

Delaware counties are directed by the state to provide the typical range of services. Additionally, Delaware counties do not have charter authority, home rule authority, or any other substantial provisions for altering the structure of county government.



Florida

County government power is derived from Florida's constitution and statutes. Florida allows two basic forms of county government, charter and non-charter status. Currently, of the 67 counties in the state, 20 counties have adopted charters. These include Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia and Wakulla.

The Florida Constitution specifies that, except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. These boards are elected either at-large (33 counties), from single-member districts (28 counties), or a combination of both (6 counties).

Like all the non-charter counties, most of the charter counties operate under five- or seven-member boards with five exceptions: Broward (9-member board), Jacksonville/Duval (consolidated 19-member county council and elected mayor), Miami-Dade (13 members and

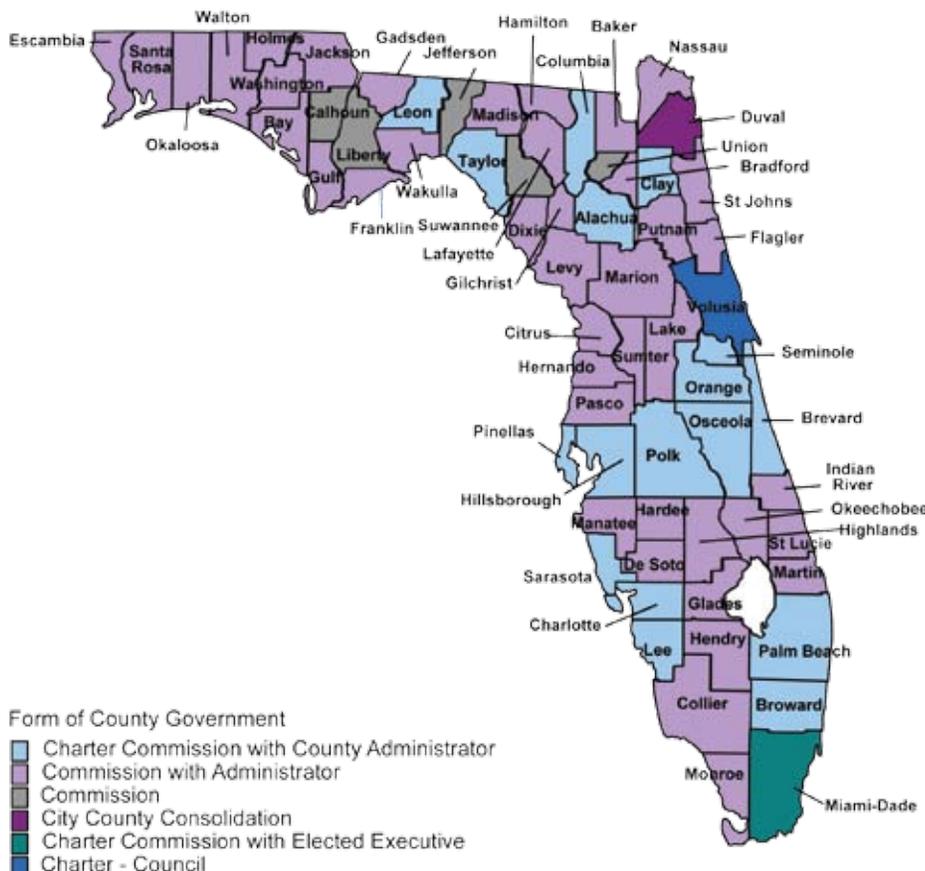
elected mayor), Orange (6 member and elected county chair), and Volusia (7 member county council).

All Florida counties have the powers of self-government, as provided by general law or special law, and may enact ordinances consistent with them. Any county that adopts a charter may change the structure and manner of selection for the governing body and county officers. According to Chapter 125, Part III of the County Administration Law of 1974, all counties have the option of authorizing a county administrator position to be responsible for the administration of affairs under the board's jurisdiction. To date, 61 counties have adopted some form of appointed county administrator.

In charter counties, the executive responsibilities may be organized using one of three optional forms: County Executive, County Manager, or County Chairman-Administrator. The County Executive form, adopted by Orange County and Miami-Dade County, provides for an elected executive officer that exercises the executive powers prescribed in the charter. The County Manager Form, adopted by Alachua, Broward, Charlotte, Clay, Columbia, Hillsborough, Lee, Leon, Palm Beach, Pinellas, Polk, Sarasota, Seminole, and Volusia counties, creates an appointed county manager who performs the executive functions, and serves at the pleasure of the board. The County Chairman-Administrator Form provides for an elected board chair and an appointed administrator; however, this model is not utilized by any of the charter counties in the state.

In 1968 the City of Jacksonville/Duval County consolidated the county and its cities and created an elected executive (mayor) who appoints a chief administrative officer. Consolidation plans may be proposed only by special law and after voter approval

The State Constitution allows for the election of the Clerk of the Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector.



Georgia

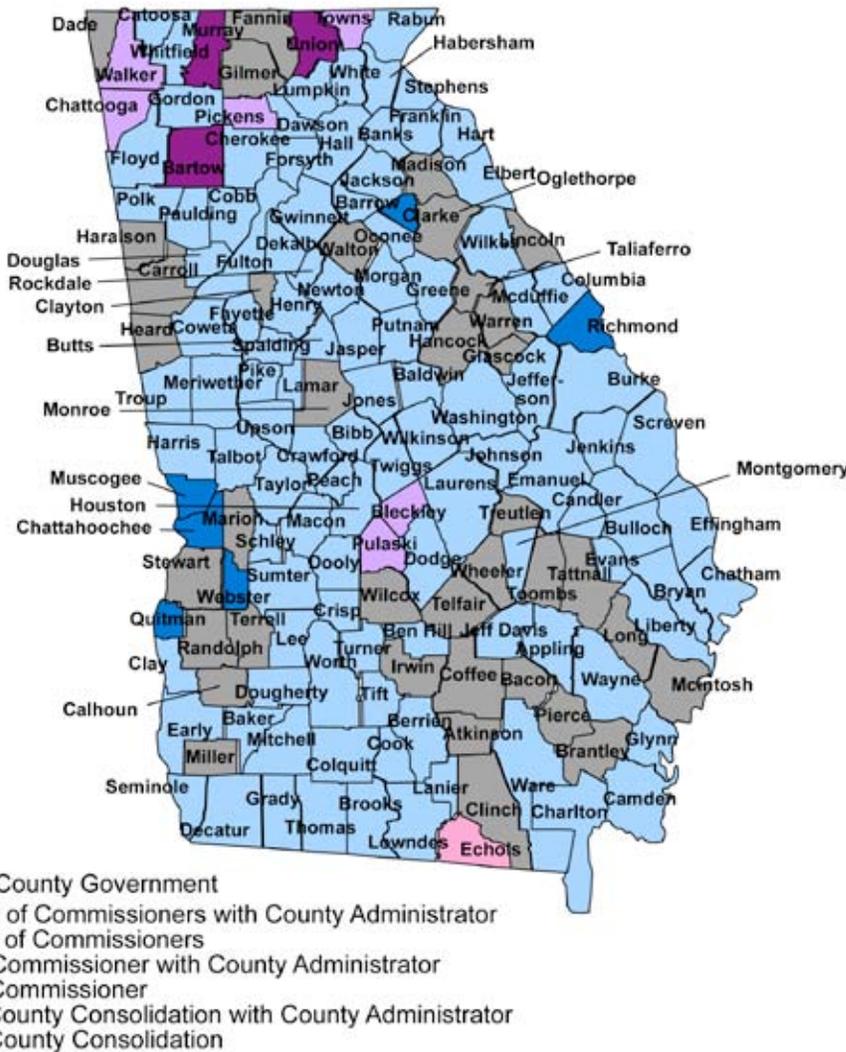
Georgia's counties derive their powers from Article IX of the Georgia constitution and state statutes. They establish the legal framework for county government, and list the powers and duties of the county governing bodies. County government is based on the Commission form. Traditionally, the size of the board of county commissioners is three to nine members. Nine counties, however, (Bartow, Bleckley, Chattooga, Murray, Pickens, Pulaski, Towns, Union and Walker) have only one commissioner. Although the governing authority of counties is the board of commissioners or a single county commissioner, several counties also employ an administrator as the chief administrative officer. Appointed administrators are currently responsible for daily administration in 110 of the 159 counties.

Georgia counties can only exercise powers conferred on them by law or implied from grants of other powers. In 1965, however, home rule authority was granted directly to counties by the state constitution. The governing body of each county has the legislative power to adopt ordinances, resolutions, or regulations relating to county property, and any aspect of local government for which no provision has been made by general law and which will be consistent with the constitution or any applicable state law. The authorization of home rule to counties contains eight specific exceptions to its use, and it places a limitation on the state's power to enact laws related to certain matters falling within the grant of home rule. The Georgia constitution permits city-county consolidation. Currently, there are

seven city-county consolidations: Athens-Clarke County, Augusta-Richmond County, Columbus-Muscogee County, Cusseta-Chattahoochee County, Georgetown-Quitman County, Preston-Webster County, and Statenville-Echols County.

Although Georgia counties do not have charters, they have similar acts establishing the county's board of commissioners and these acts may be amended by local legislation or home rule actions. The acts also provide for the election, terms of office, powers and duties, and compensation of the commissioners and other county officers. Additionally, a constitutional provision allows for counties to provide a diverse range of services from public housing to air-quality control.

In addition to the county commissioners, the Clerk of the Court, Judge of the Probate, Sheriff, and Tax Commissioner are elected positions.



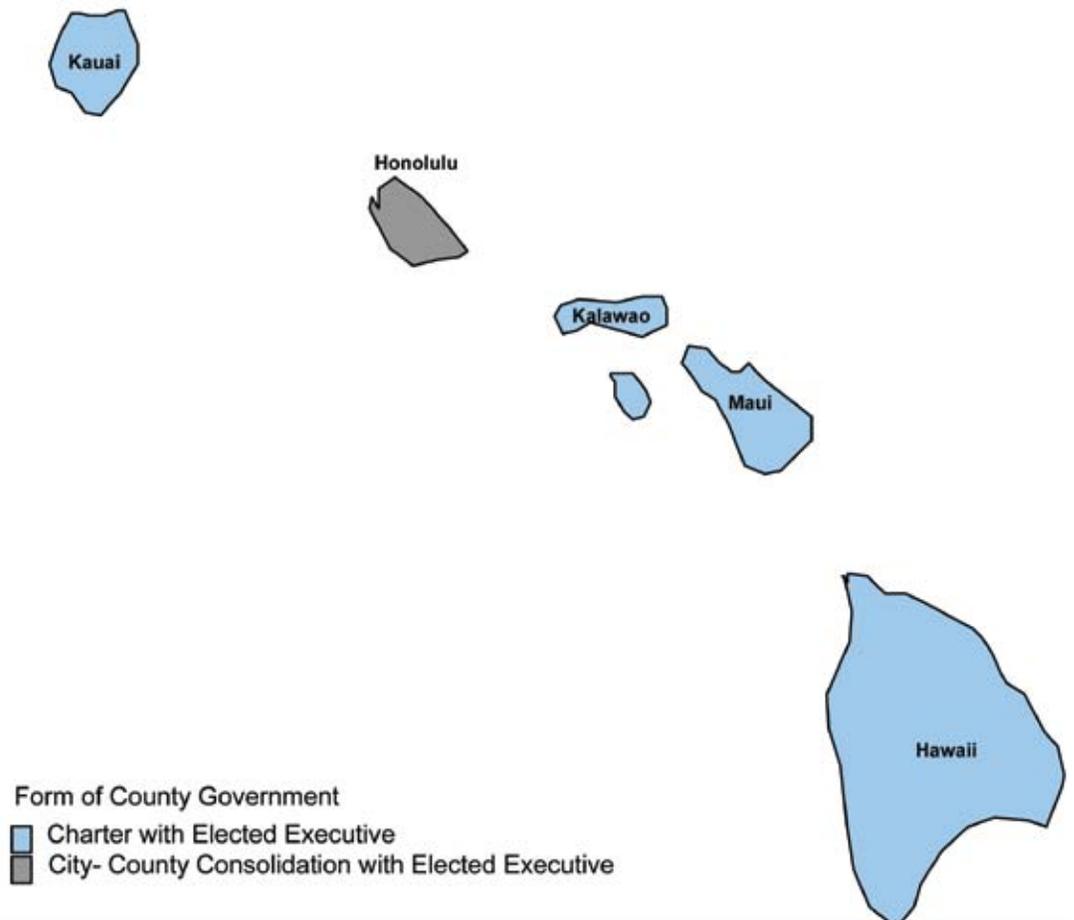
Hawaii

Hawaii's four counties derive their powers from the state Constitution. It establishes the creation and powers of counties and provides for home rule charters. Article VIII, Section 2, of the Hawaii constitution states that each county shall have the power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be provided by general law. These procedures do not require the approval of a charter by a legislative body. All county powers shall be used to serve and advance the general welfare, health, happiness, safety, and aspirations of its inhabitants.

Hawaii county government is based on the Charter form. Under this form of government, the legislative powers of counties are vested in councils, while the executive branch powers are vested in a mayor. Three of Hawaii's counties (Hawaii, Honolulu, and Maui) utilize a nine-member council, while Kauai has a seven-member council. Although Hawaii's constitution permits city-county consolidations, the City and County of Honolulu is the only consolidation.

A fifth county, Kalawao, does not have fully functional county status. It exists under a special status and is administratively tied to the County of Maui.

Since Hawaii's counties have individual charters, the elected and appointed positions vary by county.



Idaho

Counties derive their powers from the Idaho constitution. The constitution establishes the legal framework for county government, describes the powers of county officials and their terms in office, enumerates the functions that counties perform, places limitations on county indebtedness, and contains detailed provisions on county boundaries. County government is based on the Commission form with a three-member board of county commissioners acting as the governing body of the county. These commissioners are elected at large while also meeting district residency requirements.

In 1994, the Idaho Constitution was amended to allow optional forms of county government. In 1996, the Idaho Legislature amended the Idaho code to implement

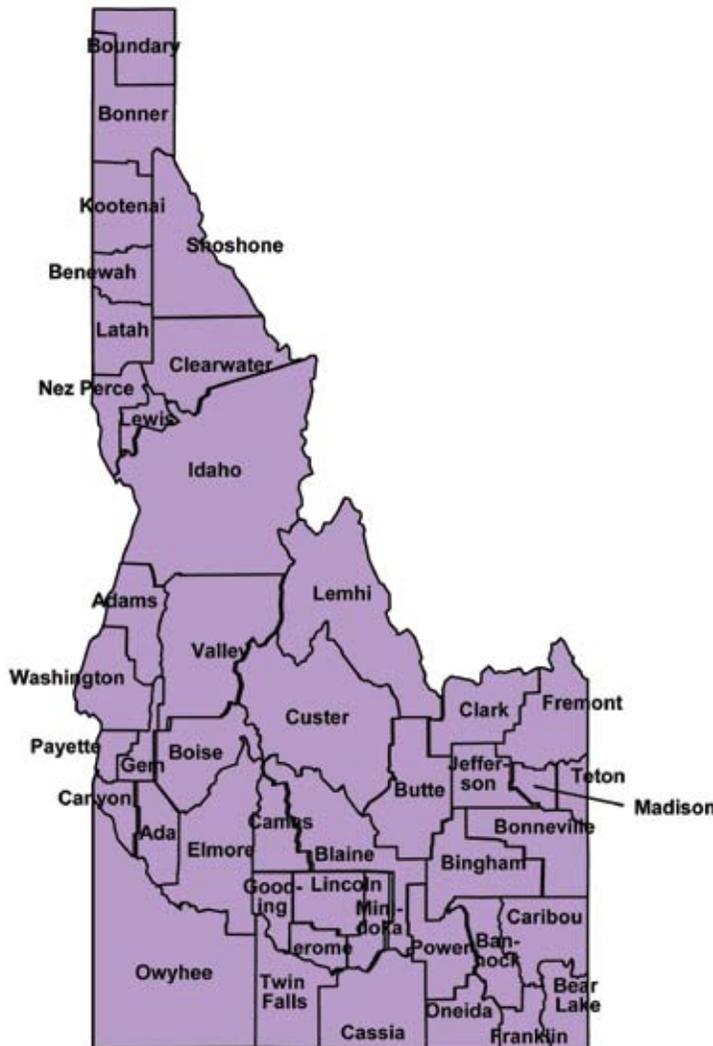
the amendments. Upon review by a study commission and approval by the voters of a county, a county may adopt an elected executive/commission form or a manager/commission form, appoint row officers, increase the commission to five or seven members, or adopt certain combinations of these options. Three elections have been held, but no county has adopted an optional form.

The board of county commissioners has power to adopt a budget, levy county taxes, enact ordinances, and oversee county administration. In addition to being the legislative body of the county, state law designates the county commissioners as the chief executive authority within the county government. The commis-

sioners are granted not only those specific executive powers stipulated in law, but also implied powers necessary for governing. Idaho counties serve as a unit of the state government in administering elections, enforcing state laws, and performing many state-mandated functions. They also act as a unit of local government in meeting the needs of its own citizens by providing the standard services ranging from public works to welfare.

Idaho does not have a county home rule provision in its constitution. Although a provision relating to consolidation of counties was added to the state constitution in 1932, it requires a two-thirds majority vote in both counties. No counties have chosen to merge to date.

The Constitution also stimulates that the Assessor, Clerk of the Court, Coroner, Prosecuting Attorney, Sheriff, and Treasurer must be elected positions.



Form of County Government

■ Board of County Commissioners

Iowa

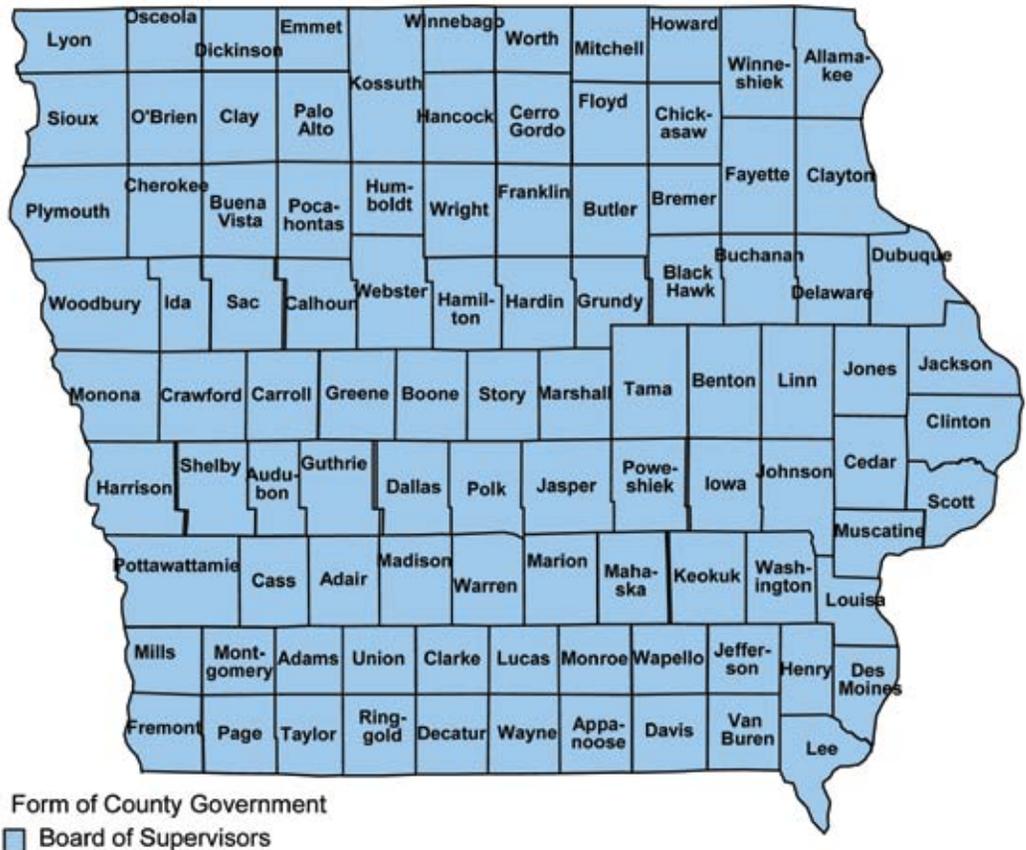
Iowa's counties derive their powers from the state constitution and from legislation passed by the general assembly. They establish the legal framework for county government and list the powers and duties of the county governing bodies. Presently, all 99 Iowa counties operate under the Commission form of government wherein each county functions with a three or five-member elected board of supervisors that serves as the governing body with both executive and administrative powers. The board of supervisors is elected from single-member districts or at large after meeting district residency requirements.

As of July 1, 1981, a new county government law became effective. It provides the mechanism for establishing a county charter commission and for adopting five optional county government structures: Board-Elected Executive, Board-Manager, Charter, City-County Consolidation, and County-County Consolidation. The Board-Elected Executive form consists of an elected board and a strong elected executive officer with veto powers. The Board-Manager form also consists of an elected board, but with a manager appointed by the board. The manager serves as the chief administrative officer of the county with the same powers as the chief executive officer except for veto authority. The Charter form of government must be specified in a charter proposed by a charter committee. A proposed charter would establish an elected legislative body with either an appointed or elected chief administrative officer. Section 331.233 of the County Government Reorganization Law allows for city-county consolidation. A consolidated local government has all powers that are conferred on counties and cities by the state constitution and stat-

utes. Additionally, Section 331.239 permits the consolidation of contiguous counties only when the proposal is placed on a ballot by a joint report of both counties. To date, no counties have chosen to consolidate with cities or other counties.

Since 1979, Iowa counties have had constitutional home rule. Essentially, this provision reversed Dillon's Rule, since counties may now pass legislation without permission from the state. The County Home Rule Amendment contained in Article III, Section 39A of the Iowa constitution grants counties or city-county consolidation governments home rule power and authority not inconsistent with state laws. It allows these jurisdictions to determine their local affairs and government, but they do not have power to levy and tax unless expressly authorized by the general assembly.

Counties in Iowa also elect the Auditor, County Attorney, Recorder, Treasurer, and Sheriff.



Kansas

Kansas counties derive their powers from the state constitution, which establishes the legal framework for county government and lists the powers and duties of the county governing bodies. Most counties (94 out of 105) have a three member board of county commissioners as the governing body of the county while nine counties (Barton, Butler, Coffey, Finney, Franklin, Hamilton, Miami, Seward, and Sedgwick) have five-member boards. Johnson County's charter provides for a seven-member board and an elected executive while the United Government of Wyandotte County and Kansas City (consolidated city-county government) is governed by a 10-member board of commissioners and an elected Chief Executive Officer.

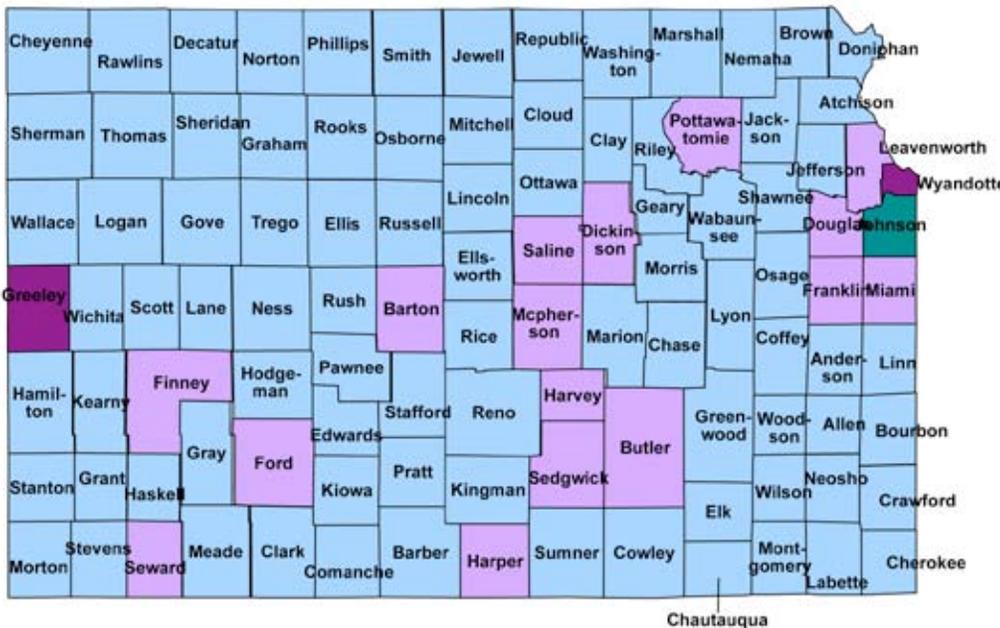
Eighteen counties currently operate with appointed county administrators. They include: Barton, Butler, Douglas, Dickenson, Finney, Ford, Franklin, Harvey, Harper, Johnson, Leavenworth, McPherson, Miami, Pottawotmie, Saline, Sedgewick, Seward, and Wyandotte County/Kansas City. Counties were granted statutory home rule in 1974. Since that time, the legislature has allowed boards of county commissioners to "transact all county business and perform all powers of local legislation and administration it deems appropri-

ate," subject to limitations, restrictions, or prohibitions imposed by the legislature. The eight statutory restrictions on county home rule powers enacted as a part of the original law have increased to 35 restrictions in 2007.

Kansas counties may exercise their home rule authority in two ways, through ordinary resolution or by charter resolution. If there is no legislative enactment relating to a subject and there is no statutory limitation or prohibition on counties enacting law on the subject, a county may make a local law by enacting an ordinary resolution on the subject. However, if there is legislation on a subject that is applicable to a county, but not uniformly applicable to all counties in the state, the county may exempt itself from the statute and provide additional legislation by means of a charter resolution. An ordinary resolution is adopted on a majority vote of the board of county commissioners while a charter resolution requires a supermajority vote of the board of county commissioners and is subject to challenge by the county electorate by means of a protest petition and, if necessary, referendum.

Voters have approved United governments, or city-county consolidations, in two counties: United Government of Wyandotte County and Kansas City and the United Government of Greenley County and Tribune.

The County Attorney, Clerk, Register of Deeds, Sheriff, and Treasurer are also elected positions while the Appraiser and Auditor are appointed.



Form of County Government

- Board of County Commissioners
- Board of County Commissioners with County Administrator
- Charter Commission with County Administrator
- Unified City-County

Louisiana

Louisiana's parishes, county equivalents, derive their powers from the state constitution and statutes, which establish the legal framework for county government and list the powers and duties of the governing bodies. Louisiana offers three basic systems of government to its 64 parishes: the Police Jury System, Parish Home Rule Charter status, and the Commission Plan. The Commission Plan has not been adopted by any parish.

Parishes are units of local government and are limited by the state constitution to the exercise of powers specifically authorized by law. The constitution, however, provides that the governing authority of parishes may be broadened to include any functional power necessary for the management of its affairs and not denied by charter or general law. The list of parish functions and services is quite diverse and can include airports, bridges and ferries, fire protection, and recreation.

Forty parishes operate with the Police Jury System of government, which is similar to the traditional Commission form of government in other states. The police jury is the governing body and possesses both legislative and administrative authority for enacting ordinances,

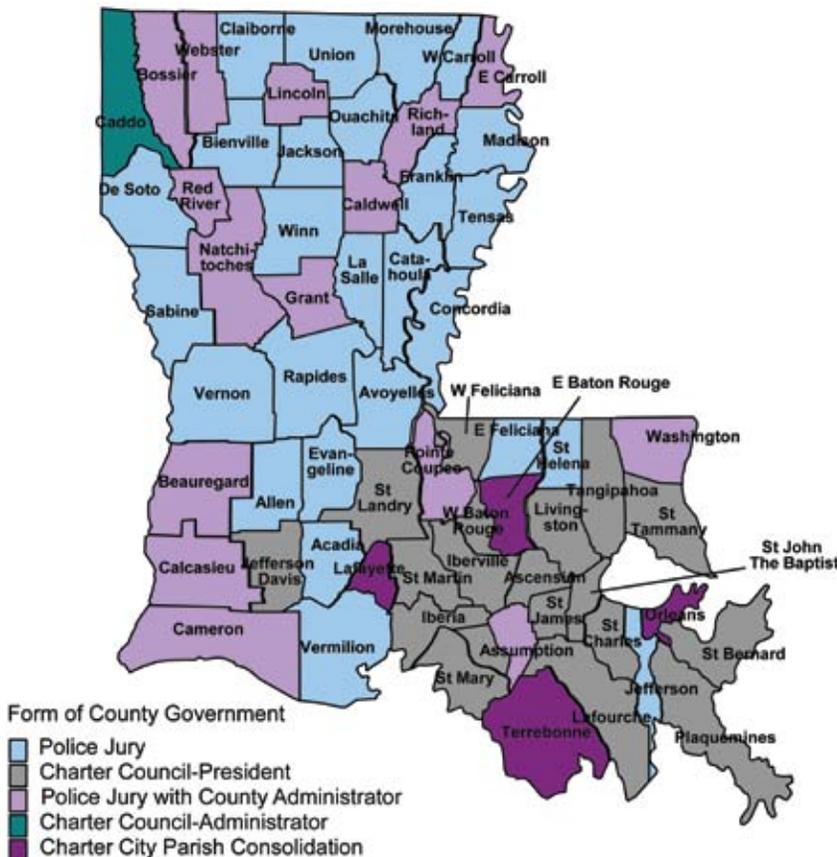
establishing programs and setting policy, preparing the budget, hiring of personnel, and other powers. The police jury may contain from five to fifteen members by law, with historical and population provisions for variations, and is elected from single-member districts. Administrative structures vary widely among the police juries. The jury is authorized to create the positions of parish manager and administrator to exercise supervision over all administration and serve as head of all departments. At least sixteen parishes with the police jury form have appointed administrators: Assumption, Beauregard, Bossier, Calcasieu, Caldwell, Cameron, East Carroll, Grant, Lincoln, Natchitoches, Red River, Richland, West Carroll, and West Feliciana.

Twenty-three parishes operate under Home Rule Charters. Eighteen of these (Ascension, Iberi, Iberville, Jefferson, Lafourche, St. Bernard, St. Charles, Livingston, Plaquemines, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Washington, and West Baton Rouge) employ the more prevalent President-Council plan, which provides for a full-time chief executive elected at large. Most presidents have strong administrative and

veto powers, and serve as the administrative manager as well as chief executive officer. The President-Council parishes have clearly defined legislative and administrative functions. Caddo Parish utilizes the only Council-Administrator plan in the state. This form utilizes an administrator appointed by the council who acts as the sole initiator in administrative affairs.

Four of Louisiana's metropolitan area central cities have been consolidated with their parishes and are included in the previous charter tally. The consolidations include the City of Baton Rouge and East Baton Rouge Parish, the City of New Orleans and Orleans Parish, the City of Houma and Terrebonne Parish, and the city of Lafayette and Lafayette Parish.

Louisiana's parishes also elect the following officials: Assessor, Clerk of the Court, Coroner, District Attorney, and Sheriff.



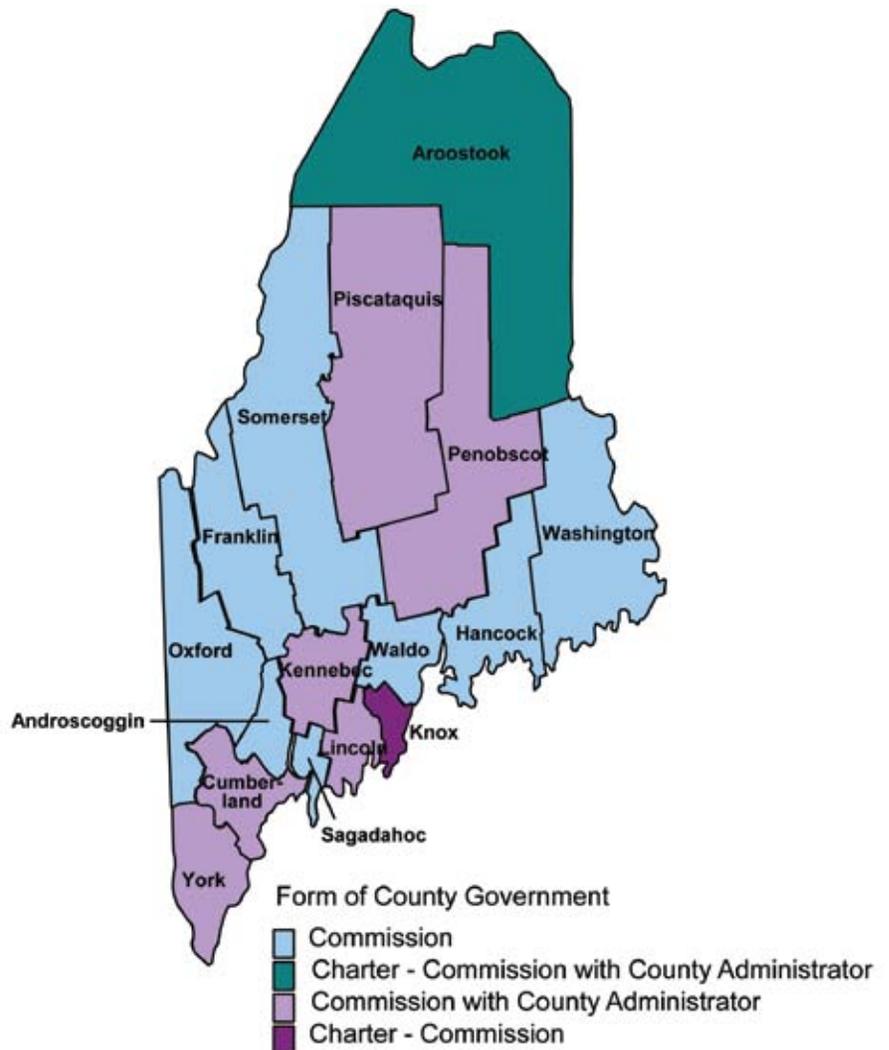
Maine

Maine's counties derive their powers from statutes enacted by the state legislature. County government is based on the Commission form. A board of commissioners comprised of three members all counties except for York County which elects a five-member commission. The commissioners in all counties are elected from single-member districts. The county commissioners exercise all legislative and executive powers within the county. As an option, counties may appoint an administrator to perform administrative functions. Seven counties (Aroostook, Cumberland, Kennebec, Lincoln, Penobscot, Piscataquis, and York) have opted for an administrator.

Although Maine does not authorize home rule, county commissioners may determine that the adoption of a county charter should be considered, or that an existing charter should be revised. A charter commission would then be established to respond to the proposed change. Voters may request a charter commission by submitting a written petition containing signatures equal to at least 10% of the number of votes cast in the last gubernatorial election. The charter, if adopted, may determine the officers in the county, their powers, the administrative structure necessary to perform county functions, and the organization of county government, all subject to the limits of the state constitution. Presently, Aroostook and Knox counties operate under a charter.

County power is somewhat limited. Primary functions include law enforcement, jail maintenance, registration of deeds, and probate court matters. In unorganized territories of Maine, the counties provide all services not provided by the state, such as fire protection and road maintenance. Although Maine's counties do not operate schools, hospitals, welfare programs, or fire departments as in some other states, counties have been mandated to provide local emergency planning commissions and they serve general local needs as required.

Most counties in Maine also elect the Register of Deeds, Probate Judge, Prosecuting Attorney, Sheriff, and Treasurer.



Maryland

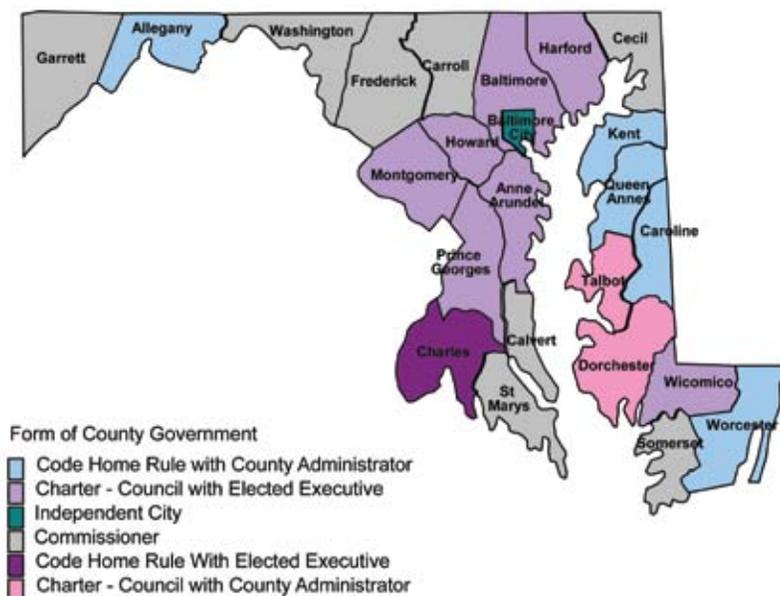
Maryland's 23 counties (and Baltimore City) have three options for governing: commissioner, charter, or code county. Commissioner counties do not have constitutional home rule power meaning that they may not legislate on local matters without the prior specific consent of the General Assembly. Eight counties (Calvert, Carroll, Cecil, Frederick, Garrett, St. Mary's, Somerset, and Washington) operate under this form of government. Ten counties (Anne Arundel, Baltimore County, Baltimore City, Dorchester County, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico) operate with a charter as provided for under Article XI-A of the Constitution of Maryland. In these counties, the voters approved a formal charter outlining the structure of the county government. In eight of the ten charter counties, executive and legislative powers have been divided between an elected executive and an elected council. In two of the charter counties, an elected council that appoints an administrator/manager has retained executive and legislative powers. The remaining five counties (Allegany, Caroline, Charles, Kent, Queen Anne's, and Worcester) operate as code counties. In these counties, the county voters have approved home-rule power for the commissioners under Article XI-F of the Constitution of Maryland.

Commissioner counties were first authorized in 1827. As derivatives of the old levy courts, commissioners originally were ministerial officers responsible for county finances and roads. Since 1867 their powers have been broadened by legislative enactments. Commissioners do not have constitutional home-rule powers. They

cannot legislate in areas where the General Assembly has not given them authority; and in those areas where they do have authority it is narrowly construed. Eight commission counties have appointed administrators: Calvert, Charles, Frederick, Garrett, Queen Anne's, St. Mary's, Somerset, and Washington

In 1915 the voters approved Article XI-A of the Constitution of Maryland. This section of the constitution provides for charter home rule, and is supplemented by Article 25A, and other articles, of the Annotated Code of Maryland. A county becomes a charter county when a charter board drafts a charter, which is then approved by the voters. Article XI-A provides that: the General Assembly shall, by public general law, grant "express powers" to charter counties; the charter counties shall have elected legislative bodies in which law making powers shall be vested; and the General Assembly may not enact laws for a single charter county in a subject matter contained in the "express powers." Charter counties include Anne Arundel, Baltimore City, Baltimore County, Hartford, Howard, Montgomery, Prince George's, Talbot, and Wicomico counties. Baltimore City represents one of three Independent Cities outside Virginia, and operates with an elected executive/ mayor.

In 1966 the voters approved Article XI-F of the Constitution of Maryland. This article provides for code home rule, and is supplemented by Article 25B, and other articles, of the Annotated Code of Maryland. Under Article XI-F the county commissioners may adopt, by two-thirds vote, a resolution that the county becomes a code county. The county becomes a code county if a majority of the voters approve the resolution at the next general election. In a code county, the commissioners have home-rule powers and may enact legislation in the areas of the "express powers" of the charter counties, except there is no elected council or charter and the procedures pertaining to indebtedness are somewhat different. In addition, the commissioners have all the powers they previously had as a commissioner county. The General Assembly must enact laws applicable to the code counties as a class. It may not enact laws applicable to a single code county. In Maryland, the Register of Deeds, Sheriff, States Attorney, and Treasurer are elected positions.

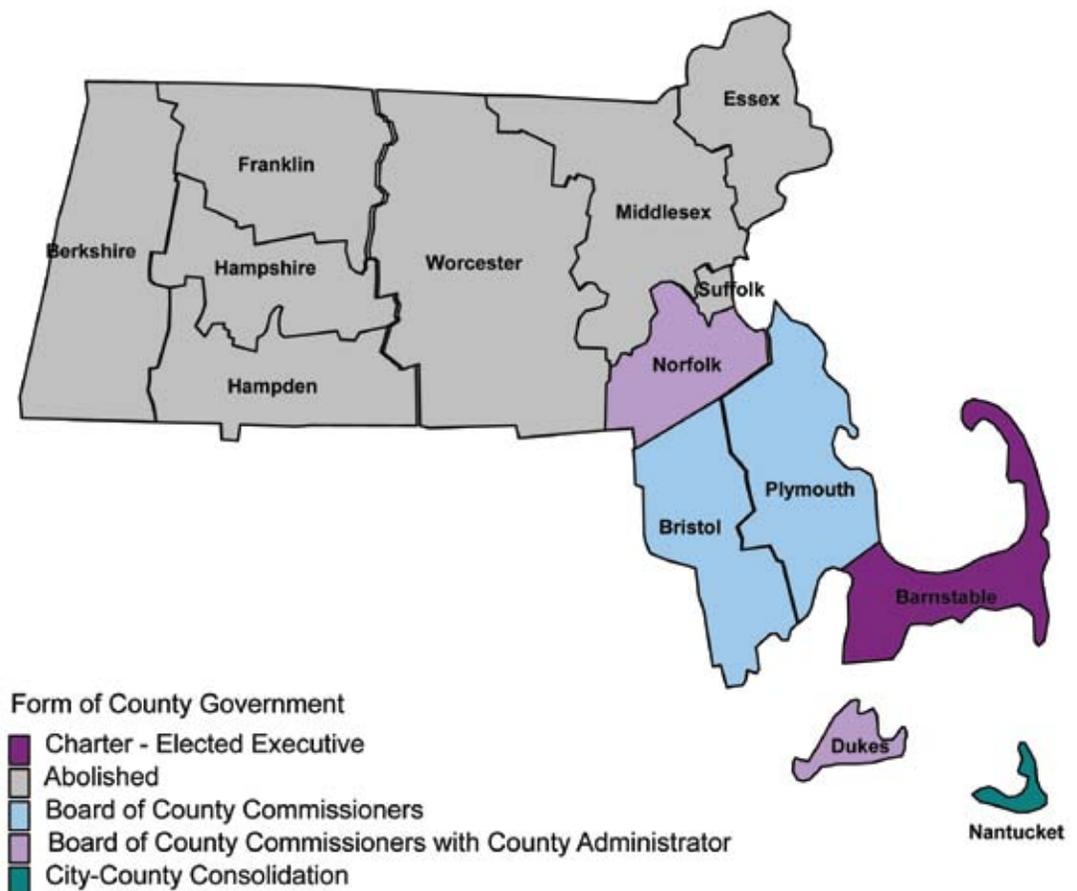


Massachusetts

After abolishing eight county governments from 1997 to 2000, there are only six functioning county governments remaining in Massachusetts. Four of these (Bristol, Dukes, Norfolk, and Plymouth) use the commission form of government. Barnstable utilizes the charter form while Nantucket is a city-county consolidation with the city of Nantucket.

In 1985 the state enacted Chapter 34A which allowed each county to elect one representative from each town to a county charter commission. The commission's task was to assess the present form of government and decide whether to retain it or to choose an alternative structure. Chapter 34A offered three forms of county government as well as a fourth option that allowed the charter commission to write an entirely new form of county government.

Generally, counties in Massachusetts oversee the administration of the jails and houses of corrections, county court houses, registries of deeds, agricultural high schools, recreational facilities, and solid waste management. Counties can also oversee such functions as road maintenance, economic development, recycling programs, and natural resource conservation. As the only charter county, Barnstable County adopted an executive body of three county commissioners elected at large, an appointed county administrator, and a 15-member legislative assembly of delegates elected by district. The assembly delegates are provided with voting authority according to the size of the population each represents. The Register of Deeds, Sheriff and Treasure are also elected county positions.



Michigan

Michigan's 83 counties derive their powers from three sources of authority: the Michigan constitution, state statutes, and court decisions. These sources establish the legal framework for county government and list the powers and duties of the county governing bodies. Michigan affords its counties three governmental structures: Commission, Charter, or United.

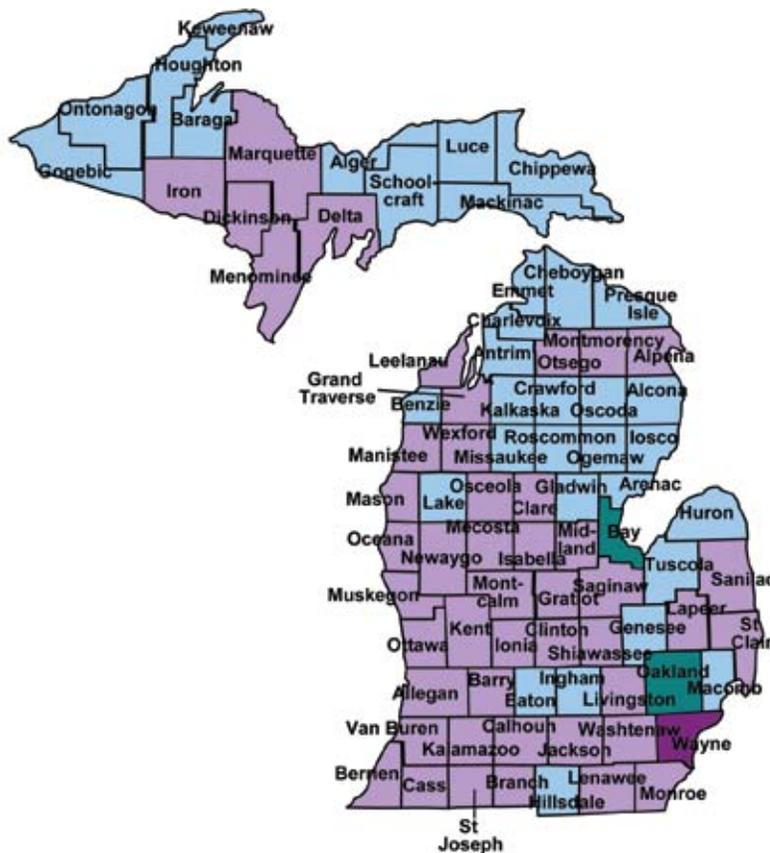
In eighty of Michigan's counties, a board of county commissioners is the governing body and major policy-maker. Depending on each county's population, the board of commissioners consists of 5 to 26 members elected from single-member districts. General law does permit county boards to hire other employees as "deemed necessary" and 46 counties have appointed county administrators: Allegan, Alpena, Barry, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Delta, Dickenson, Grand Traverse, Gratiot, Ionia, Iosco, Iron, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau,

Lenawee, Livingston, Manistee, Marquette, Mason, Mecosta, Menominee, Midland, Monroe, Montcalm, Montgomery, Muskegon, Newaygo, Oceana, Osceola, Ostego, Ottawa, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Van Buren, Washtenaw, and Wexford.

Michigan law also permits two reorganized forms of county government. The first, Charter Home Rule, is based in the state constitution and provides for the Elected County Executive form. Presently, Wayne is the only home rule county in the state. The most significant change that Charter government brings about is the transfer of executive and administrative functions from the board of commissioners to the county executive. The commission becomes primarily a legislative body.

The United form of government is provided only by statute. It allows counties to choose either an elected executive or an appointed manager. To date, only Oakland and Bay counties are organized under this statute and each has chosen an elected executive. The United structure allows less local discretion than the County Home Rule form, but more than the Commission form. Under the United form, a county executive is elected to a four-year term or the board of commissioners appoints a county manager. Veto power makes the county executive the stronger of the two.

Michigan counties perform functions for the state and also act as local service providers. These services range from recreation programs to water and sewer systems. Other county officers that are elected include the County Clerk, Prosecuting Attorney, Register of Deeds, Sheriff, and Treasurer. The county board may combine the positions of the County Clerk and the Register of Deeds.



Form of County Government

- Board of County Commissioners
- Board of County Commissioners with County Administrator
- United with Elected Executive
- Charter - Commission with Elected Executive

Minnesota

Minnesota's 87 counties derive their powers from the state constitution and statutes which establish the legal framework for county government and list the powers and duties of the county governing bodies. County government is based upon the Commission form and utilizes a five-member board. All counties may alter the size of the board to three, five, seven or nine members through a county referendum. Counties with a population of over 100,000 may increase the size of the board to seven members with a board resolution. Six counties (Anoka, Dakota, Hennepin, Olmsted, Ramsey and St. Louis) have seven-member boards.

Any county may adopt one or more of the five optional forms of government provided for in Sections 375 A .01 to 375 A .13 of the state statutes. These options include an Elected Executive Plan, an At-Large-Chair Plan, a County Manager Plan, a County Administrator Plan, and an Auditor-Administrator Plan. The Elected Executive, County Manager, and At-Large-Chair Plans are mutually exclusive, and a county may adopt only one of these plans. A county may not adopt the County Administrator or the Auditor-Administrator Plans while it is operating under either the Elected Executive or County Manager Plans. However, a county may adopt the At-Large-Chair and the County Administrator Plans either concurrently or while the other is in force.

The Elected Executive Plan creates a strong county executive officer with administrative and veto powers. No county has adopted this form. Under the At-Large-Chair Plan, county voters elect a board member to serve as chair of the governing body. The County Manager and Administrator Plans are quite similar as they both represent appointed positions with full administrative powers.

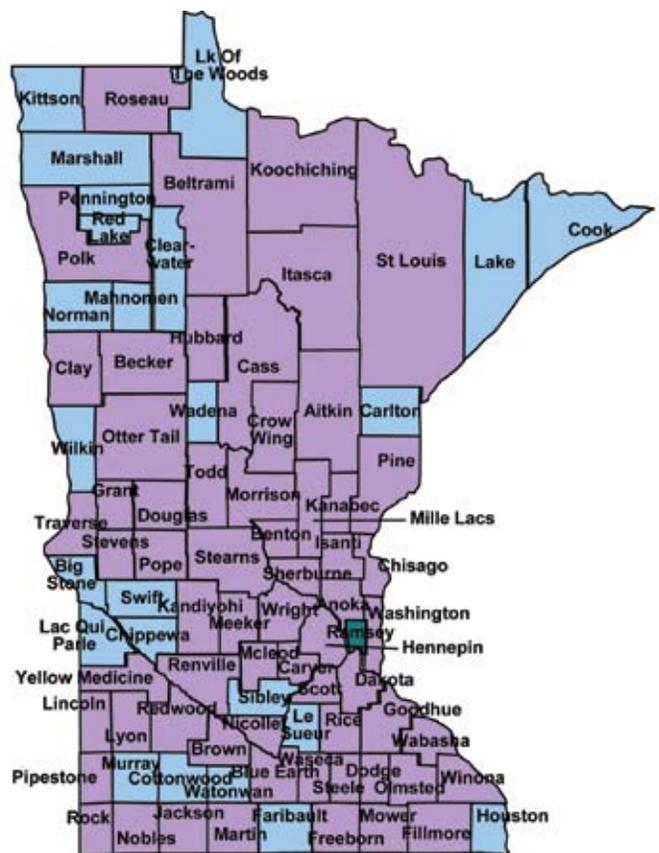
Sixty-three counties have appointed county administrators, coordinators or managers: Aitkin, Anoka, Becker, Beltrami, Benton, Blue Earth, Brown, Carver, Cass, Chisago, Clay, Crow Wing, Dakota, Dodge, Douglas, Fillmore, Freeborn, Goodhue, Grant, Hennepin, Hubbard, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Koochiching, Le Sueur, Lyon, Martin, McLeod, Meeker, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmsted, Otter Tail, Pine, Pipestone, Polk, Pope, Ramsey, Redwood, Renville, Rice, Rock,

Roseau, Scott, Sherburne, St. Louis, Stearns, Steele, Stevens, Todd, Traverse, Wabasha, Waseca, Washington, Winona, Wright, and Yellow Medicine.

The Auditor-Administrator Plan creates an elected county auditor who also serves as the county administrator and assumes duties of both positions as provided by law. Twelve counties have selected this form: Cass, Dodge, Douglas, Goodhue, Hubbard, Jackson, Kittson, Mahnomen, Meeker, Pipestone, Pope, and Renville.

Ramsey County is the only home rule charter county and utilizes a seven-member board and an appointed county manager.

All counties elect the positions of County Attorney, Sheriff and Watershed District Directors. The election or appointment of the Auditor, Recorder and Treasurer varies by county.



Form of County Government

- Board of County Commissioners with County Administrator
- Board of County Commissioners
- Charter - Board of County Commissioners with County Administrator

Mississippi

Counties derive their powers from the state constitution and the Mississippi code. These establish the powers and duties of the county governing bodies. Under Article VI, section 170 of the state constitution, county governments throughout Mississippi are governed by a five-member board of supervisors elected by districts.

Mississippi implemented Home Rule through statutes in January of 1989. The law grants authority for all 82 counties to do anything not prohibited by law. The exceptions to this law include levying new taxes, issuing bonds, donating to private groups, changing practices or procedures of county elections, or altering rental rates of private property with no county interest.

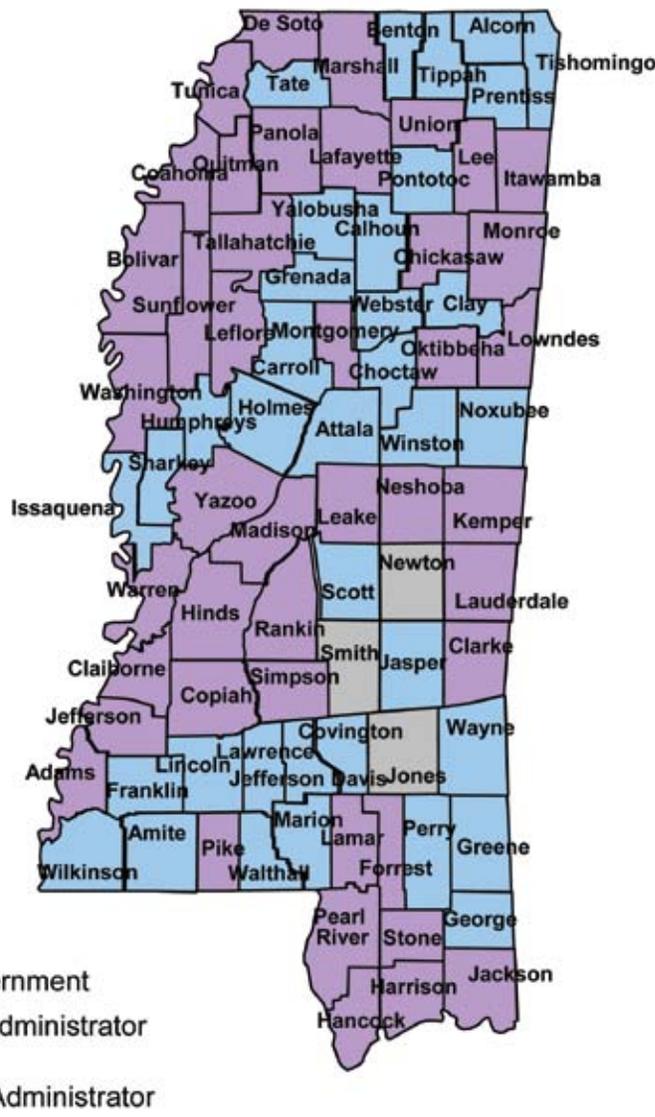
Two distinct organizational structures are still apparent in Mississippi: the Unit System and the Beat System. Both types are guided by the board of supervisors and are vested with authority over roads, bridges and ferries, and general economic and political affairs of the county.

The Unit System is used in 43 counties and is represented by five supervisors from the districts of each county. In the Unit System, authority of roads and bridges of the entire county is granted to the entire board as opposed to each supervisor being responsible for projects in his or her district. In other words, this form grants the board a higher degree of centralization in policy, administrative and budgetary matters, and less responsibility for individual districts. All Unit counties must appoint a county administrator and a county road manager.

The 39 counties operating under the Beat System provide each supervisor with general authority over the county as a whole and individual responsibility for managing roads and bridges within each supervisor's district. The board interacts when necessary to address the administrative and policy needs of the county. Beat counties may appoint a county administrator and a county road manager, but are not required to do so. Only three Beat counties (Jones, Newton and Smith) have an appointed administrator.

Section 271 of the state constitution allows for county-county consolidation if approved by two-thirds of the elected members of the state house of representatives and the senate. No counties have opted for this structure.

In general, the Assessor, Clerk of the Court, Coroner, Sheriff, Surveyor, and Tax Collector are elected county positions.



Form of County Government

- Unit with County Administrator
- Beat
- Beat with County Administrator

Missouri

Missouri's 114 counties (and the independent city of St. Louis) derive their powers from the state constitution and statutes. They establish the legal framework for county government and list the powers and duties of the county governing bodies. Most counties have a similarly structured government using a non-charter form. A three-member county commission, with both legislative and executive powers, serves as the governing body. The commission consists of one presiding commissioner elected at large to a four-year term, and two associate commissioners elected from single-member districts also for four-year terms. It should be noted that in Article VI, Section 7 of the state constitution the legal form of government is referred to as the "county court." Statutorily, the governing structure has been renamed as a commission, but the constitutional amendment has never been made.

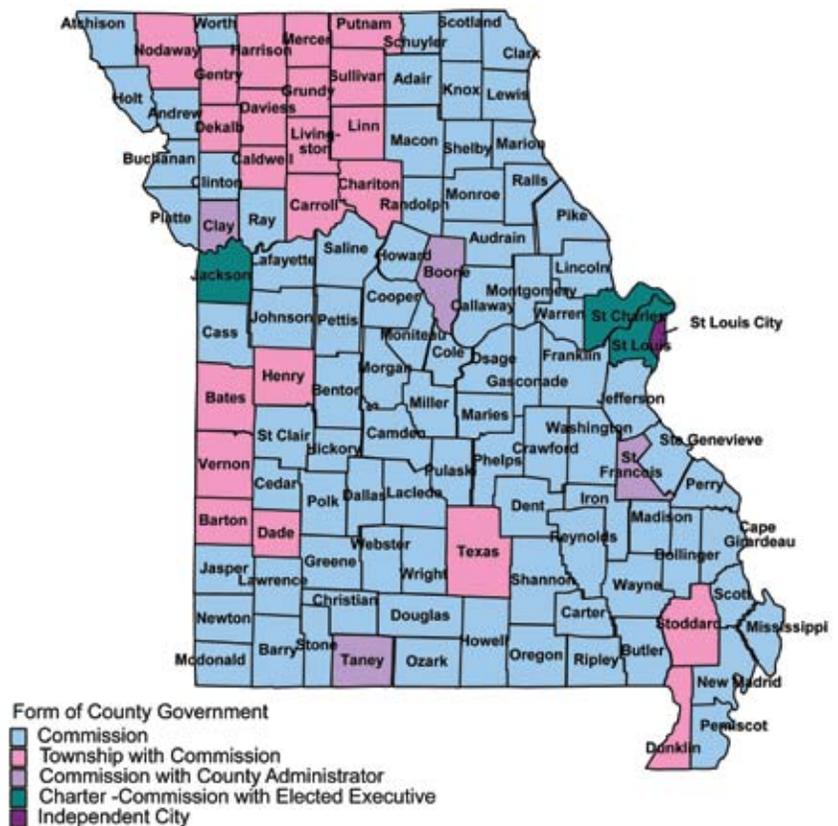
Two alternative forms of county government are permitted by Article VI, Section 9. The first alternative is the Township form of government. The Missouri general assembly has passed legislation allowing only class 3 and 4 counties to adopt this form. At present, the alternative Township form is found in 22 counties (Barton, Bates, Caldwell, Carroll, Chariton, Dade, Daviess, DeKalb, Dunklin, Gentry, Grundy, Harrison, Henry, Linn, Livingston, Mercer, Nodaway, Putnam, Stoddard, Sullivan, Texas, and Vernon). These counties still retain the three-member county commission, but each county is divided into 7 to 24 townships, each with four elected officials. Although tax collection was recently removed from townships' authority in 2007, townships' responsibilities include road maintenance and township elections.

According to Article VI, Section 18 of the state constitution, Charter Counties, the second form of alternative government, are permitted by any county with more than 85,000 inhabitants. St. Louis County, St. Charles County, and Jackson County are the only Home Rule Charter counties in the state. All three utilize the Elected County Executive form with a seven-member council as the county legislative authorities. Also, under Article VI, Section 18, any county of the first class may adopt a county constitution, which is essentially a charter.

The county charter may provide for the vesting and exercise of legislative power pertaining to any and all services and functions of any municipality or political subdivision, except for imposing taxes, which must be imposed by constitution or law, and for conducting elections. The charter may also authorize its governing body to provide the terms upon which the county may contract with any municipality or political subdivision to perform necessary services and functions for any such municipality or political subdivision.

Article VI, Sections 3 and 17, permit city-county and county-county consolidation for any county that does not create a charter. No county has exercised this option to date. Article VI, Section 31 does, however, designate St. Louis City as a city and a county. It is considered an Independent City.

All counties elect the Assessor, County Clerk, Coroner, Prosecuting Attorney, Sheriff, Tax Collector, and Treasurer. In first, second and third class counties according to assessed value, the Register of Deeds is elected. In second, third, and fourth Class counties, the surveyor is also elected. The auditor is an appointed position in first class counties.



Montana

Montana's counties derive their powers from the state constitution and the Montana statutes, which establish the legal framework for county governments and list the powers and duties of the county governing bodies. The 1972 state constitution authorizes local governments to adopt general government powers or self-government powers.

Counties with general government powers possess only those powers granted by the legislature and traditionally utilize the commission form of government with a three-member board of county commissioners serving as the governing body. The commission members are elected at large, from districts, or a combination thereof. Statutes provide the board with the power to supervise county officers, make and enforce laws to preserve order, and transact business. All legislative and executive/administrative powers and duties belong to the board of commissioners.

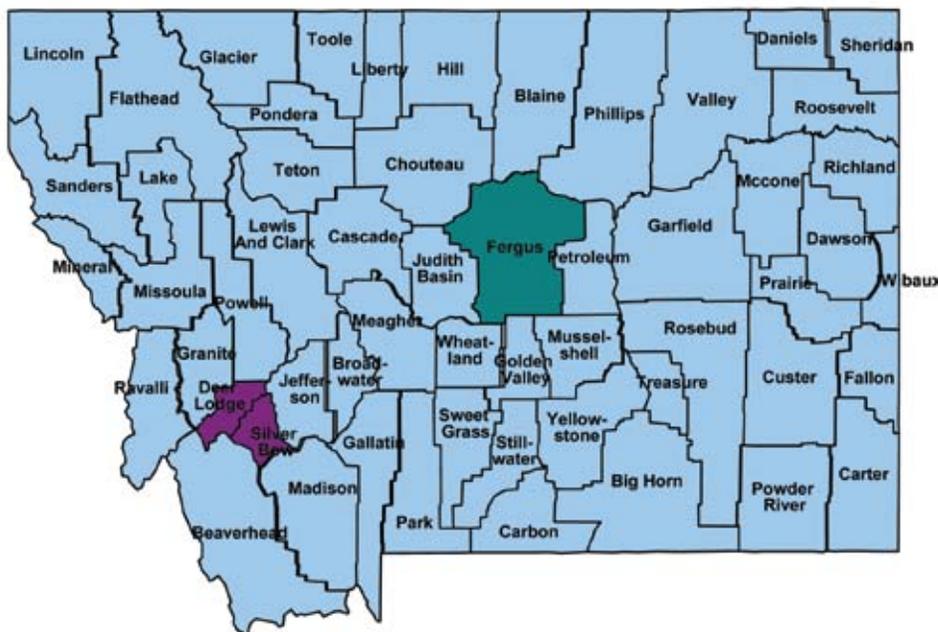
Charter self-government powers in Montana are granted by Article XI of the state constitution and Title 7 of the Montana Code. Counties may adopt self government though majority vote of county residents. These powers allow counties to perform the same services that general law counties perform, but there are no limitations on how services are to be performed unless the

law specifically provides exceptions. Generally, charter provisions establishing executive and legislative structure and organization are more flexible than statutory provisions. Only Fergus County has adopted a charter.

Article XI of the Montana constitution provides for other optional forms of government. These alternate forms of county government, authorized by the legislature, are as follows: Commission, Charter, Commission-Executive, Commission-Manager, and Commission-Chairman. The Commission-Executive form, unused to date, consists of an elected commission with one executive elected at large. The Commission-Manager form is similar, but the county manager is appointed by the commission to serve as the county chief administrative officer. Petroleum County uses the Commission-Manager form. The Commission-Chairman form, also unused to date, is an additional variation consisting of an elected commission and a commission chairman elected from the body's own members. The chair serves a dual role with legislative and executive powers. Any of these forms may be adopted through a majority vote of county residents.

Montana also provides for city-county consolidation by petition. Anaconda-Deer Lodge and Butte-Silver Bow have both chosen this option.

Most counties elect the following positions: Clerk and Recorder, Clerk of the Court, Coroner, Prosecuting Attorney, Public Administrator, Sheriff, and Treasurer. In certain counties, these positions may be combined or appointed.



Form of County Government

- Commission
- City-County Consolidation with Elected Executive
- Charter - Commission

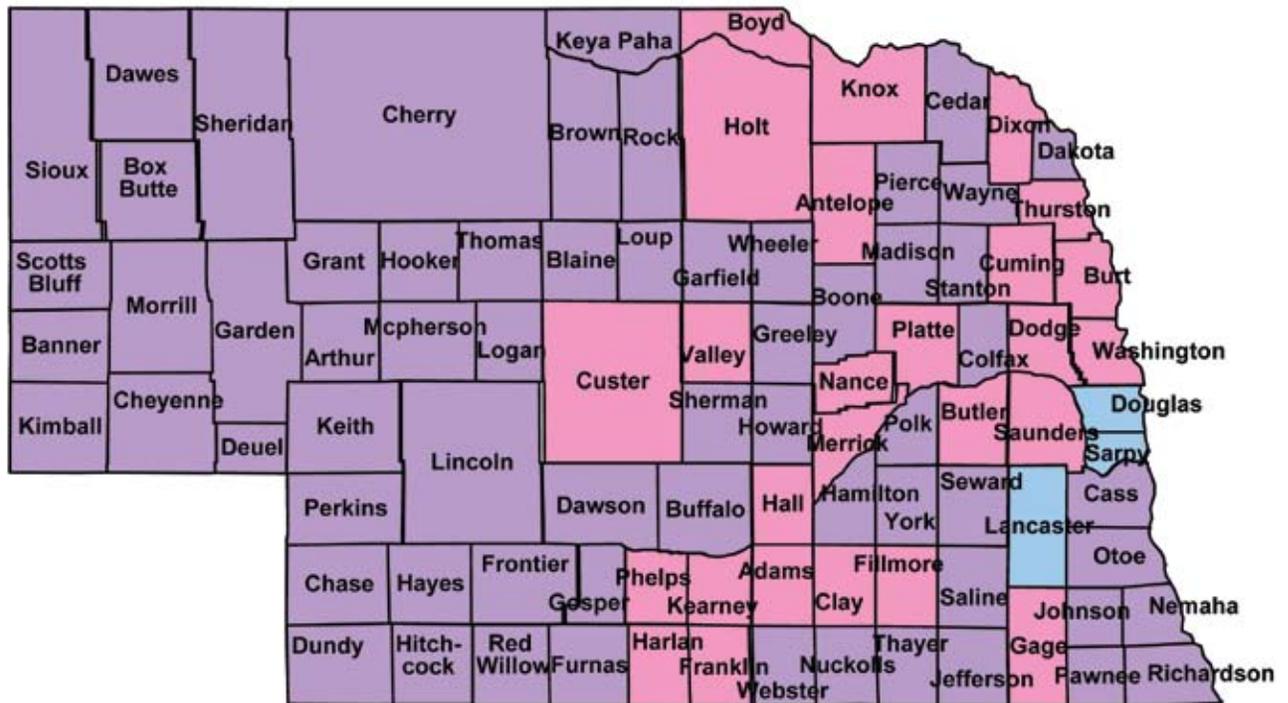
Nebraska

Nebraska's counties derive their powers from the state constitution and legislative action. These establish the legal framework for county government and list the duties and powers of the county governing bodies. A county in Nebraska is a political subdivision of the state having subordinate powers of sovereignty conferred by the Legislature. As such an entity, the county has only that power delegated to it by the Legislature.

County governments in Nebraska have two options for county structure. The most widely used structure is the Commissioner form. These 66 counties have a three or five member county commission as the governing body as provided for under the Commission form of county government. The Township-Supervisor Form, found in 27 counties (Adams, Antelope, Boyd, Buffalo, Burt, Butler, Clay, Cuming, Custer, Dixon, Dodge, Fillmore, Franklin, Gage, Hall, Harlan, Holt, Kearney,

Knox, Merrick, Nance, Phelps, Platte, Saunders, Thurston, Valley, and Washington), utilizes a seven-member board of supervisors elected by district as the governing body. Since all counties operate solely under authority delegated by the state, no county has home rule authority.

The county board is the entity that acts on all official matters for and on behalf of the county. The board possesses both executive and legislative powers. The distinction between the board of commissioners and board of supervisors is primarily one of name, since both share similar powers. The major difference between commissioners and township supervisors is the existence of township government where individuals are elected to serve as township officers to carry out the authority and responsibilities of the townships.



Form of County Government

- Township-Supervisor
- Commissioner
- Commissioner with County Administrator

Nevada

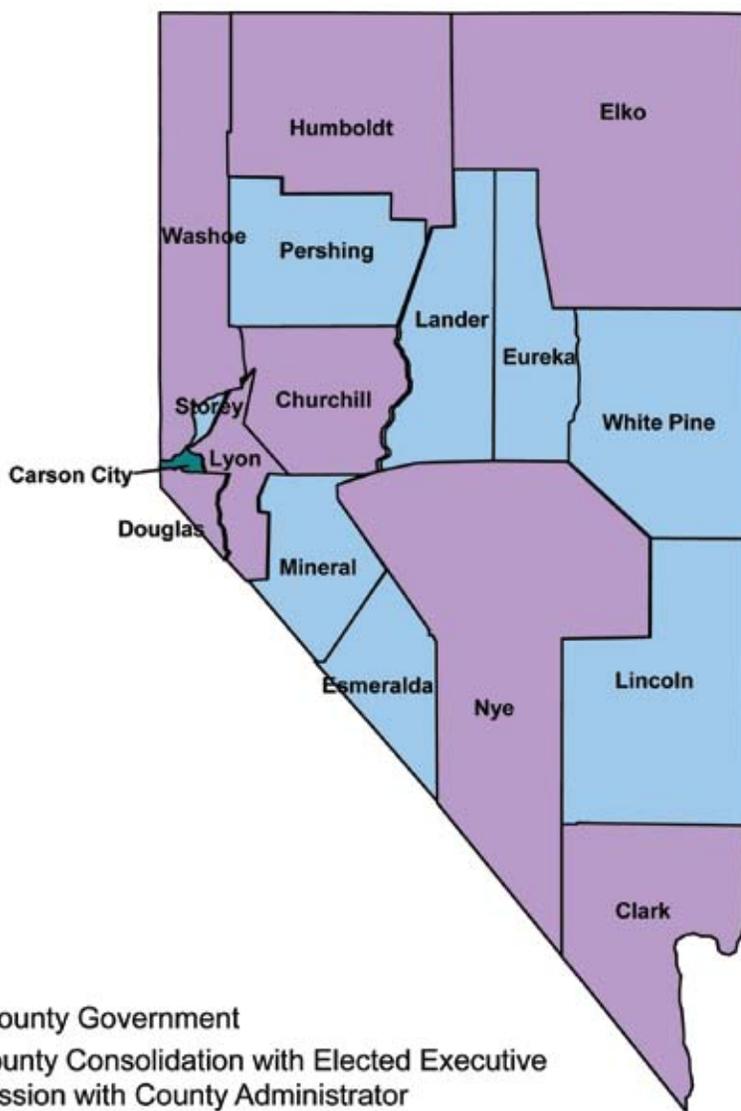
Counties derive their powers from three principal sources: the Nevada constitution, the Nevada Revised Statutes, and case law developed by Nevada and federal courts. Article IV of the Nevada constitution lists the major provisions concerning county government and its organization.

Nevada counties utilize the Commission form of government. A three-, five- or seven-member board of commissioners, elected at large or from single-member districts, serves as the executive and policy-making body of the county. A county and its board of commissioners only possess such powers and authority granted by statute and do not have home rule provisions.

To assist in the operation of county services, the county commissioners of all counties are authorized to appoint a county manager who serves at the pleasure of the board. Currently, eight Nevada counties (Churchill, Clark, Douglas, Elko, Humboldt, Lyon, Nye, and Washoe) employ a county manager.

Other county offices elected in all counties include the Assessor, County Clerk, District Attorney, Sheriff, and Treasurer. Most counties also elect a Recorder and Public Administrator, but in some counties these duties are carried out by the previously mentioned offices. Some counties also appoint the Auditor, Comptroller, Engineer, Public Defender and Surveyor.

Carson City-Ormsby County is the only city-county consolidation in Nevada. Approved in 1969 by legislative enactment, this consolidation utilizes a board of supervisors, an elected mayor, and an appointed county manager. It is one of three consolidated areas outside Virginia to be considered an Independent City by the U.S. Census Bureau.



Form of County Government

- City-County Consolidation with Elected Executive
- Commission with County Administrator
- Commission

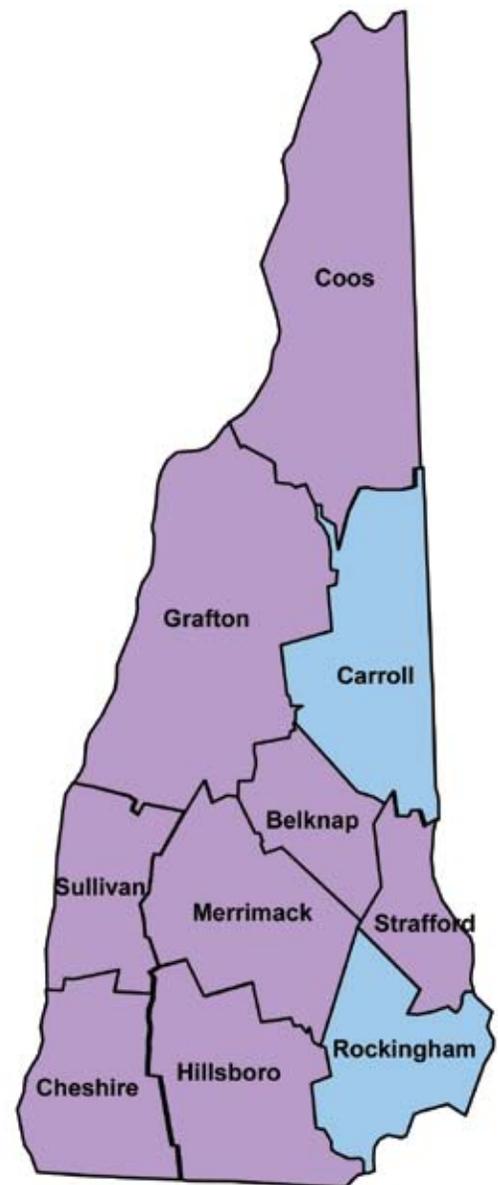
New Hampshire

New Hampshire's counties derive their powers from the state constitution and statutes, which establish the legal framework for county government and list the powers and duties of the county governing bodies. New Hampshire counties have two branches of government. The legislative branch is made up of a county delegation of varying size elected by districts. A three-member board of commissioners forms the executive branch. The county delegation's primary role is to appropriate the necessary funds to maintain and operate the county while the county commissioners exercise administrative and budgetary control over the county departments.

As an option, counties may appoint a county administrator. Eight of New Hampshire's ten counties have appointed a county administrator to oversee administrative functions, and in some counties, fiscal matters. Carroll and Rockingham are the only counties that have not appointed a county administrator.

Although New Hampshire authorizes home rule, no counties operate as home rule units. Voters may also petition for a charter commission to study the county's situation and ultimately recommend a charter to meet the structural and operational needs of the county, but no county has exercised this option to date.

New Hampshire counties have only those powers mandated by the state. Counties provide multiple services ranging from nursing homes to juvenile delinquency diversion programs. In New Hampshire, municipalities also provide traditional services such as garbage collection, road maintenance, and police protection.



Form of County Government

-  Delagation with County Administrator
-  Delagation

New Jersey

New Jersey counties derive their powers from the state constitution and statutes, which establish the legal framework for county government and list the powers and duties of the county governing bodies. New Jersey allows two basic forms of government to its 21 counties: Noncharter or Optional Charter status.

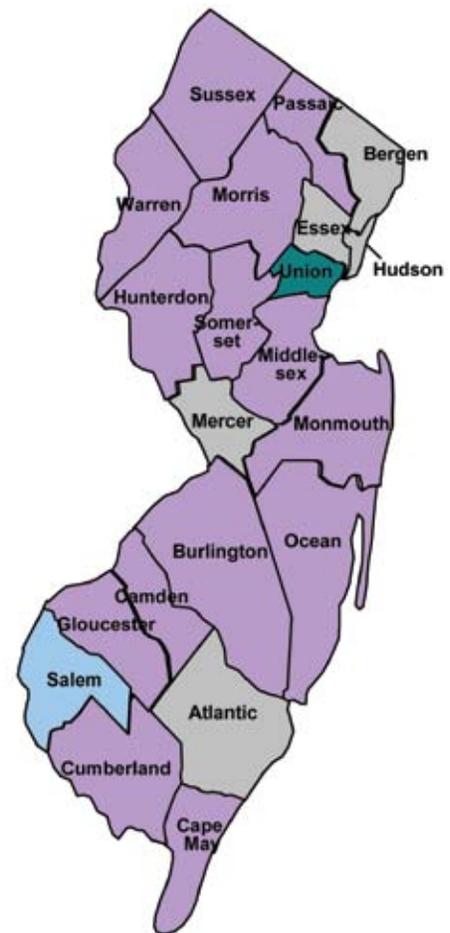
For Noncharter counties, both policy-making and executive powers are vested in a three-, five-, seven-, or nine-member freeholder board elected from single-member districts. In Optional Charter counties executive responsibility is vested in an independently elected or appointed official and legislative authority in a county board called the Freeholder board. The freeholder board has five, seven, or nine members either elected from districts, at large, or through a combination thereof. Additionally, the freeholder board chooses one of its members to serve as freeholder director for a one-year term. The director has appointment power over committees, boards, and serves by statute as a member of other county boards.

A 1967 state statute authorized any board of freeholders to appoint an administrator. The administrator has responsibility for integrating separate county functions or for direct county administration previously exercised by individual freeholders. Considerable variation in the role and responsibilities of county administrators exists throughout the counties. Of the 15 Non-charter counties, 14 use the county administrator position: Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Warren. The state constitution requires the election of other county offices including the County Clerk, Sheriff, and Surrogate, who serves as a clerk to the court.

The 1972 Optional County Charter Law (NJSA 40:41A-1) allows major increases in the centralization and management capacity of the county. This is accomplished by separating the executive and legislative functions, and by providing for chief executive officer primarily responsible for managing government operations. Charter law also allows counties to reorganize their methods of service provision as long as the required services are maintained.

The Charter Law offers four optional government structures to choose from: County Execu-

tive, County Manager, County Supervisor, and Board President. The County Executive Plan, adopted by Atlantic, Bergen, Essex, Hudson, and Mercer Counties, creates a chief elected official with strong administrative, appointive, budgetary, and veto powers. The County Manager Plan, adopted by Union County, provides a board-appointed manager with complete executive powers except veto power over legislation. The unused County Supervisor Plan is a combination of the County Executive and Manager Plans with an elected supervisor sharing executive powers with an appointed administrator. The Board President Plan is similar to a weak County Manager Plan wherein the board elects a president from among its members and then appoints an administrator. No charter county has adopted this plan to date.



Form of County Government
 Grey: Charter - Executive Plan
 Purple: Freeholder Board with County Administrator
 Blue: Freeholder Board
 Green: Charter - County Manager

New Mexico

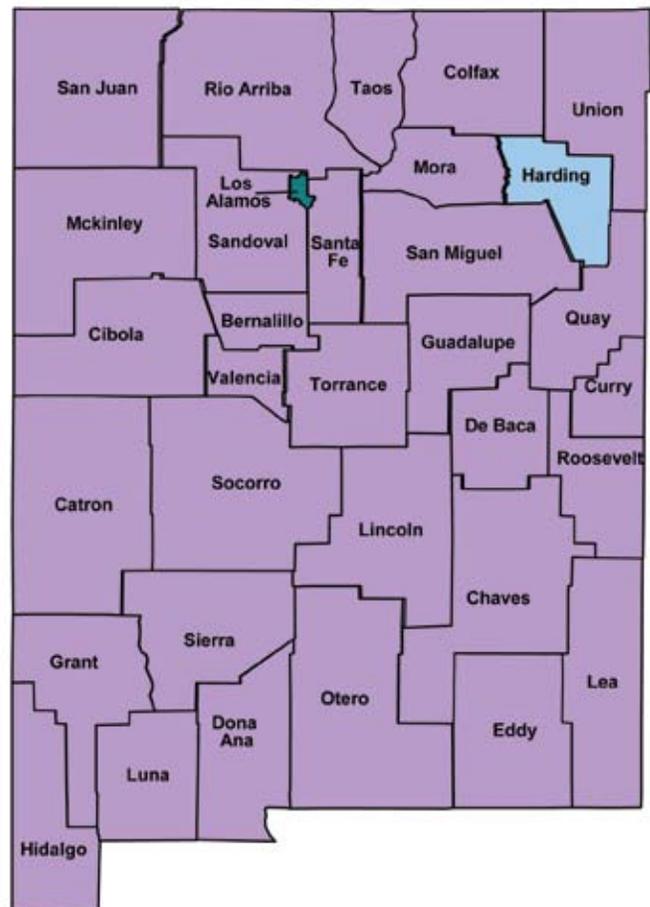
New Mexico's counties derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the powers and duties of the county governing bodies.

All counties except Los Alamos utilize the Commission form of government, which consists of a three- or five-member county commissions elected at large from residency districts. The county structure also includes the elected row offices of sheriff, treasurer, assessor, clerk, and probate judge. Currently, all 33 counties, except Harding County, have an appointed county manager serving as the chief administrative officer of the county. Counties with populations over 13,000 are required to divide the board of county commissioners into districts and elect each commissioner from a district. Counties with less than 13,000 may use districts, but are not required to do so. Each county also elects the Assessor, County Clerk, Probate Judge, Sheriff, and Treasurer for four year terms.

Article X, Section 5 of the New Mexico constitution provides that any county less than 144 square miles in area and having a population of 10,000 or more may become an Incorporated County. As the only Incorporated County in the state, Los

Alamos possesses a home rule charter that provides for the form and organization of the county government. The charter also designates the officers who shall be elected and the legal responsibilities of those officers and county employees. The governing body of Los Alamos is a seven-member council, elected at large, with a strong appointed county administrator. An Incorporated County may exercise all powers and shall be subject to all limitations granted to municipalities by Article 9, Section 12 of the state Constitution and by statute.

Constitutional provisions also exist for city-county consolidations, but none has been created. A majority vote of the entire county as well as a majority vote of only those outside of the city is required for such a consolidation.



Form of County Government

- Board of County Commissioners with County Administrator
- Board of County Commissioners
- Charter - Incorporated County

New York

New York counties derive their powers from the state constitution, statutes, and strong home rule powers. These establish the legal framework for county government and list the powers and duties of the county governing bodies. New York's 58 counties can be characterized under two basic forms of government: Charter or Noncharter status.

The counties of New York have the power to enact laws, adopt resolutions, and take other actions within their jurisdictions. The legislative bodies of the counties are known as boards of supervisors (the traditional form of county government), county legislatures, or boards of representatives. Legislative bodies range in size from seven to 39 members throughout the state. Additionally, board members in eight counties, seven of which have charters, are elected to four-year terms while all other counties elect members to two-year terms. Governing boards are elected either at large with weighted voting authority established by population or from single-member, multi-member, or combination districts. A multi-member district is also a response to unequal representation among unequally populated districts within a county. The County Clerk, District Attorney, Sheriff, and Treasurer are also elected in all counties and the Coroner is elected in most New York counties. In addition, the County Attorney, Clerk to the Board of Supervisors, Historian, Superintendent of Highways, and the Sealer of Weights and Measures are appointed by the Board of Supervisors.

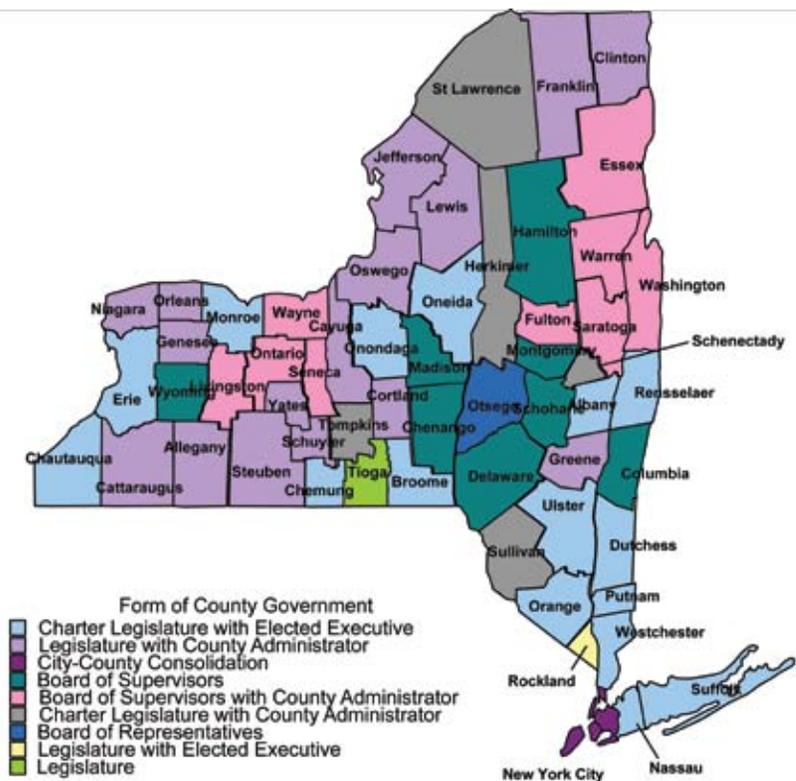
Under the county law, the legislature may provide itself with administrative assistance by selecting from several available options. Noncharter and Charter counties may appoint a county administrator or manager if so desired. Only Charter counties may opt for an elected county executive.

Of the 21 Charter counties in New York, 17 have elected executives. In addition, two counties, Herkimer and Tompkins, have county administrators, and two counties, Schenectady and Sullivan, have a county manager. In the 36 Noncharter counties, 19 have appointed a county administrator: Allegany, Cattaraugus, Clinton, Cortland, Fulton, Greene, Jefferson, Livingston, Ontario, Orleans, Oswego, St. Lawrence, Saratoga, Schuyler, Steuben, Tompkins, Warren, Washington, Wayne, and Yates. Seven non charter

counties (Cayuga, Essex, Franklin, Genesee, Lewis, Niagara, Schenectady, Seneca, and Sullivan) have a similar position, but called a county manager. The appointed administrator may be called county manager, county administrator, or some other title, although the title of manager usually denotes greater authority.

As the appointed head of county government, the administrator exercises powers that vary from county to county, but they usually include the powers to recommend appointment and removal of department heads and to prepare the operating and capital budgets and submit them to the legislative body. Although the executive's powers are similar to the administrator's powers, the executive is a stronger position because he or she has veto power over the legislative body and appoints department heads. The major difference between the county executive and the county administrator is that the elected executive is directly responsible to the voters of the county and not the legislative body.

New York City represents the state's only city-county consolidation. In addition to the Mayor-council governing structure, there are five boroughs, which are vestigial counties for certain purposes, but are not considered functioning county governments.



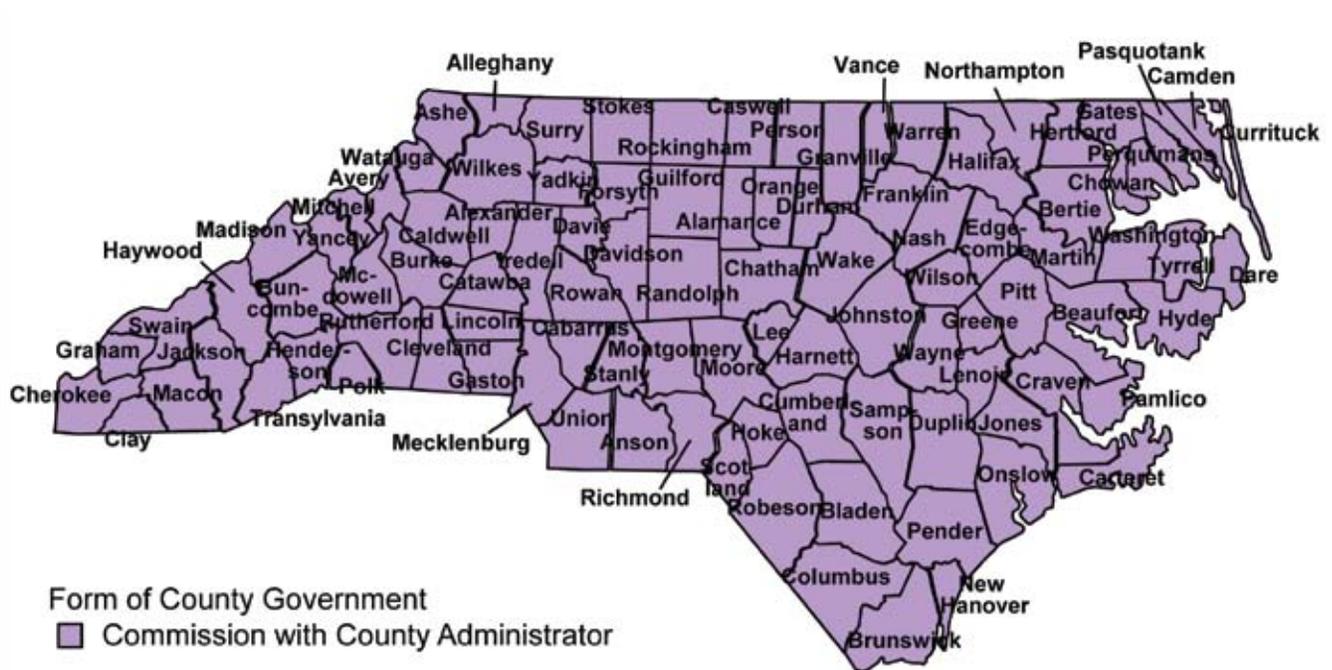
North Carolina

Counties in North Carolina derive their powers from the state constitution and statutes, which establish their legal framework and list the powers and duties of the county governing bodies. Although the county governing body is designated in the statutes as a board of county commissioners, it operates in a fashion similar to that of a council manager. County governing boards may consist of any number of members, but they presently vary from as few as three to as many as eleven. Most counties, however, have five-member boards. Members are predominantly elected at large, most with a district residency requirement, but increasingly boards are composed of a mixture of at-large representation and single-member districts.

The major responsibilities of the board of commissioners encompasses four functions: establishment of overall fiscal policy through its budgetary powers, including the power to establish property tax rates without limitations for state-mandated functions and within a specified range for other functions; regulation of private conduct through its ordinance-making powers, including law enforcement, zoning, and regulation of development authority; general administration, including the authority to determine its fiscal and personnel policies for all of county government for the delivery of

state-local services at the county level; and the power to determine the programs and services to be offered by the county. Counties may provide, at their option, a variety of public services. Unlike most counties in the nation, North Carolina counties have not had authority or responsibility for roads since the 1930s.

Since most county commissioners' responsibilities are quite complex, all 100 of North Carolina counties have employed a county manager or administrator to provide the daily management of the county under the general supervision of the board. As the chief administrator of the county, the manager is responsible to the board of commissioners for administering all of the departments of county government, except for the departments of the separately elected Sheriff and Register of Deeds. Although Article 20 in Chapter 153A of the state statutes provides for city-county consolidation, no counties have chosen this option. North Carolina counties have neither inherent powers nor a constitutional right to home rule. They may only exercise those powers and options specifically conferred on them by law. Although constitutional home rule does not exist, statutory home rule is quite broad, and gives county government broad powers to run their own affairs.



North Dakota

North Dakota's 53 counties derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the powers and duties of the county governing bodies. County government is based on the Commission form, and utilizes a three- or five-member board of commissioners, elected from single-member districts or at-large, as the governing body of the county. The board of county commissioners is authorized to exercise such powers and perform such duties as provided by law. Under this form of government, the following offices are elected on a nonpartisan basis: auditor, commissioners, coroner, state's attorney, recorder, sheriff, and treasurer.

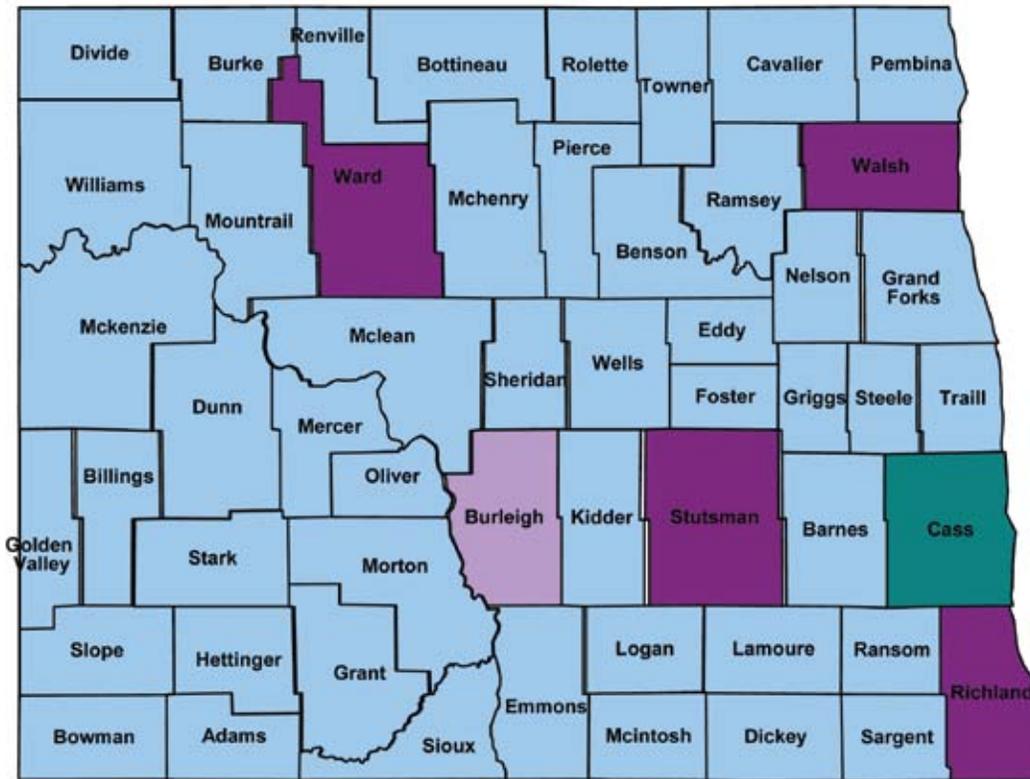
In addition to the pure Commission form of county government, there are three optional forms available: Consolidated Office, County Managership, and Home Rule Charter. Currently, five counties in the state have voted to adopt an optional form: Cass, Richland, Stutsman, Walsh, and Ward.

Walsh, and Ward. All opted for a Home Rule Charter.

The Consolidated Office form decreases the number of county officers to just the board of commissioners. The board of commissioners appoints each county officer previously listed. The County Managership form authorizes any county to adopt the office of county manager as either an elected or appointed office. The county manager serves as the administrative head of the county and presides over departmental activities ranging from finance to public works.

The home rule powers are vested in the board of commissioners, which enacts ordinances to determine policies and prescribe functions of government to be performed under the charter. Additionally, several of the powers granted in the home rule law restate the authority that counties possess under general laws, such as the power of eminent domain, zoning, intergovernmental contracting,

and conduct of corporate affairs. Home rule counties are also authorized to provide for matters pertaining to county elections, to control financial and fiscal affairs, to enact penalties for violations of ordinances, and to enact resolutions and regulations designed to carry out their powers. Taxing authority can also be expanded to include county sales tax, motor fuel tax, and fees for services.



Form of County Government

- Commission
- Commission with County Administrator
- Charter - Commission with County Administrator
- Charter- Commission

Ohio

Ohio's counties derive their powers from the state constitution and the revised code. These establish the legal framework for county government and list the duties and powers of the governing bodies. All counties operate under the statutory commission form of government with a three-member board of county commissioners elected at large or by district, or a combination thereof, unless the voters adopt an optional form of government. An optional form can be either a charter or a constitutionally outlined alternative form of government and can include certain home rule powers. Only Summit County has moved away from the traditional statutory form of county government when it adopted its home rule charter in 1979.

The board of county commissioners serves as the executive and legislative body within counties. Board powers include adoption of the tax budget and annual appropriations resolutions; provision for the borrowing of money; power to contract or cooperate with other political subdivisions; and the exercise of control over all county expenditures. The power of the county commission to perform any service or function or to take any action must be specifically authorized by state statute. Forty-five counties have appointed county administrators: Allen, Ashtabula, Auglaize, Butler, Champaign, Clark, Clermont, Clinton, Cuyahoga, Defiance, Delaware, Erie, Fairfield, Franklin, Fulton, Gallia, Geauga, Greene, Hamilton, Huron, Knox, Lake, Lawrence, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Montgomery, Ottawa, Paulding, Pickaway, Preble, Putnam, Richland, Ross, Seneca, Stark, Trumbull, Van Wert, Warren, Wayne, and Wood. Other elected officials in Ohio counties include the Auditor, Coroner, Engineer, Prosecuting Attorney, Recorder, Sheriff and Treasurer.

Article X, Sections 3 and 4 of the Ohio constitution and Sections 307.94 to 97 of the revised code provide for the adoption, amendment, and repeal of county charters. All charters must contain provisions specifying the form of county government and general law obligations and be approved by a simple majority of those voting. Only Summit County has adopted a charter form of government. It

implemented an Elected Executive form that delegates executive authority to an elected-at-large executive and legislative authority to the county council. The board currently consists of 11 members; eight are elected from districts and three are elected at large.

Article X, Section 3 and Chapter 302 of the revised code provide for two optional forms of county government. Optional county government plans may be initiated in two ways: either the board may adopt a resolution to place a form on the ballot, or the board must submit an optional form if it receives a petition from three percent of the county electors. The optional forms must include either an elected county executive or an appointed county executive. An elected executive possesses strong executive powers. An appointed executive is strong but cannot appoint or remove employees and does not have veto powers. No county has yet adopted an optional form.



Form of County Government

- Commission
- Commission with County Administrator
- Charter - County Council

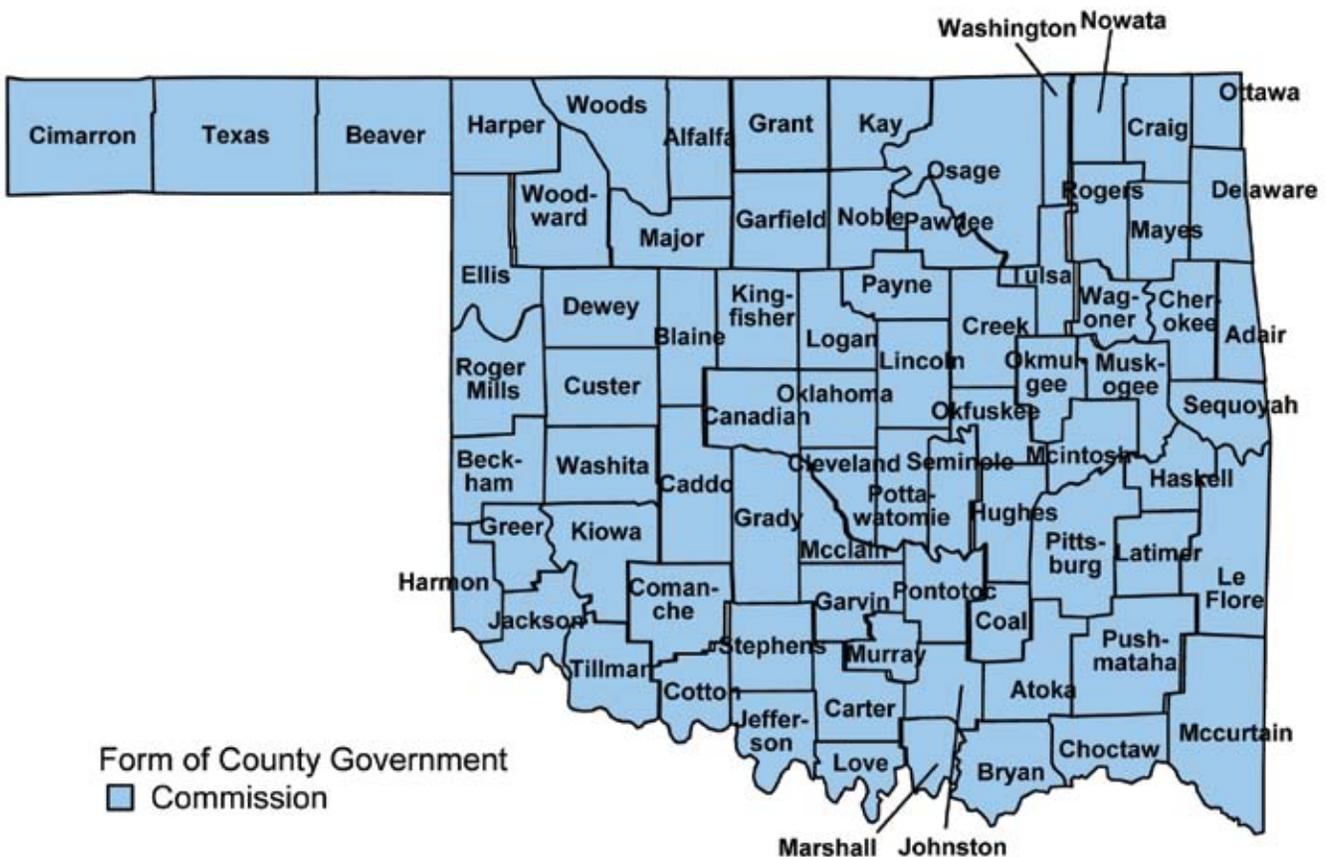
Oklahoma

Oklahoma counties derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the powers and duties of the governing bodies. Oklahoma county government is based on the Commission form and utilizes a board of county commissioners as the governing body.

Each of Oklahoma's 77 counties is divided into three districts, as equal in population as possible, with one commissioner elected by the voters from each district. The commissioners are legally vested with full supervisory power over all fiscal affairs of the county and serve as the administrative heads and business managers of the county. Additional elected officials include the Assessor, County Clerk, Court Clerk, Sheriff, and Treasurer.

Since the counties are a subdivision of state government, all of their powers are delegated by the state as authorized by the state legislature. Oklahoma counties are involved in providing a diverse range of functions and services from law enforcement to rural fire protection.

There is no constitutional or statutory authority permitting counties to exercise home rule powers or adopt charters. Additionally, there are no provisions authorizing an alternative form of government.



Oregon

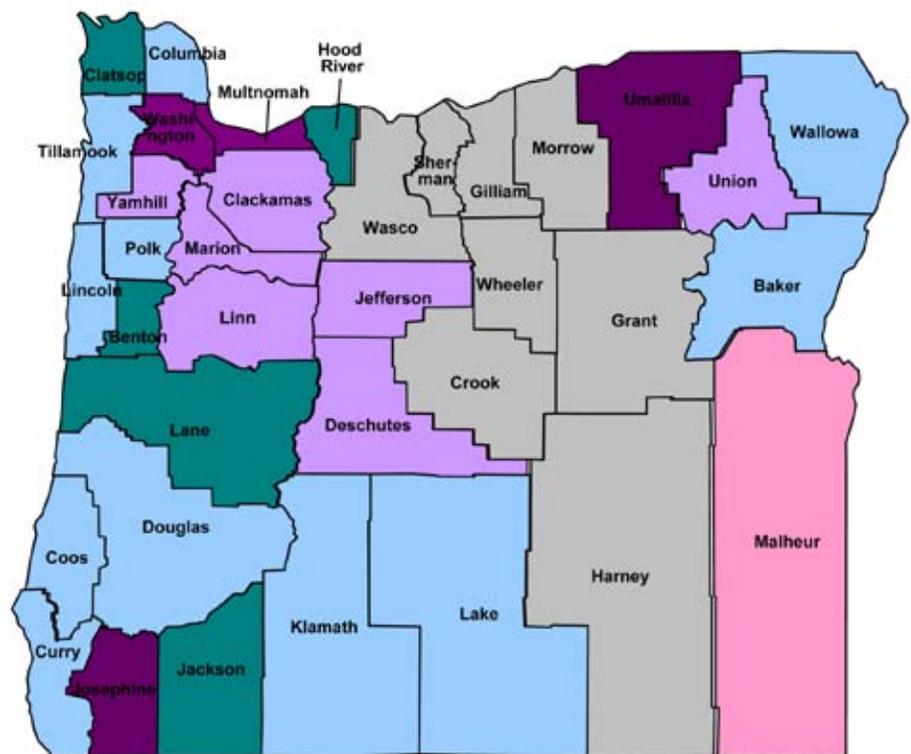
Oregon's counties derive their powers from the state constitution and statutes, which establish the legal framework for county government and list the powers and duties of the governing bodies. Oregon offers two basic forms of government to its 36 counties, General Law or optional Home Rule Charter status.

Of the 27 General Law counties in Oregon, 18 utilize a board of commissioners as the county's governing body and 9 employ the county court system. Both forms allow election of the governing body on an at large basis. The County Court system consists of a county judge and two commissioners. In addition to juvenile court or probate duties, the county judge has full-time administrative responsibility over county business. The commissioners of the court function on a part-time basis and serve as the governing body. All of the General Law counties may also appoint a county administrator. Clackamas, Deschutes, Jefferson, Linn, Marion, Union and Yamhill counties have an appointed administrator, and use boards of commissioners as the county governing bodies. Additional elected positions include the Assessor, County Clerk, District Attorney, Sheriff, Surveyor, and Treasurer.

Article VI, Section 10 of the state constitution permits county voters to adopt, amend, or repeal a county charter. This section also permits a general grant of powers in the charter to the county's governing body. Charter counties elect their governing bodies from single-member districts, at large, or a combination thereof. Nine counties currently operate under a charter: Benton County, Clatsop County, Hood River County, Jackson County, Josephine County, Lane County, Multnomah County, Umatilla County, and Washington County. All of the Charter counties have a board of commissioners; five counties utilize five-member boards and three counties utilize three-member boards. Additionally, five charter

counties appoint an administrative officer/administrator, who appoints most of the other department heads. These counties are Benton, Clatsop, Hood River, Jackson, and Lane. Multnomah County and Washington County have a "strong" chair, elected countywide, who holds administrative responsibility, including appointment and removal of department heads, subject to the board's approval. In addition, Washington County has an appointed administrator to assist the chair.

Oregon's counties provide a great variety of public services and facilities. State law mandates some county functions, while others are permissive. Counties are required to conduct tax appraisals, assessments and collections, and provide road maintenance, law enforcement, and public health services, among others. The list of permissive functions for counties is long and includes management of natural resources, fire protection, and public housing.



Form of County Government

- Commission
- Charter - Commission with County Administrator
- Commission with County Administrator
- Court
- Charter - Commission
- Court with County Administrator
- Charter - Commission with Elected Executive

Pennsylvania

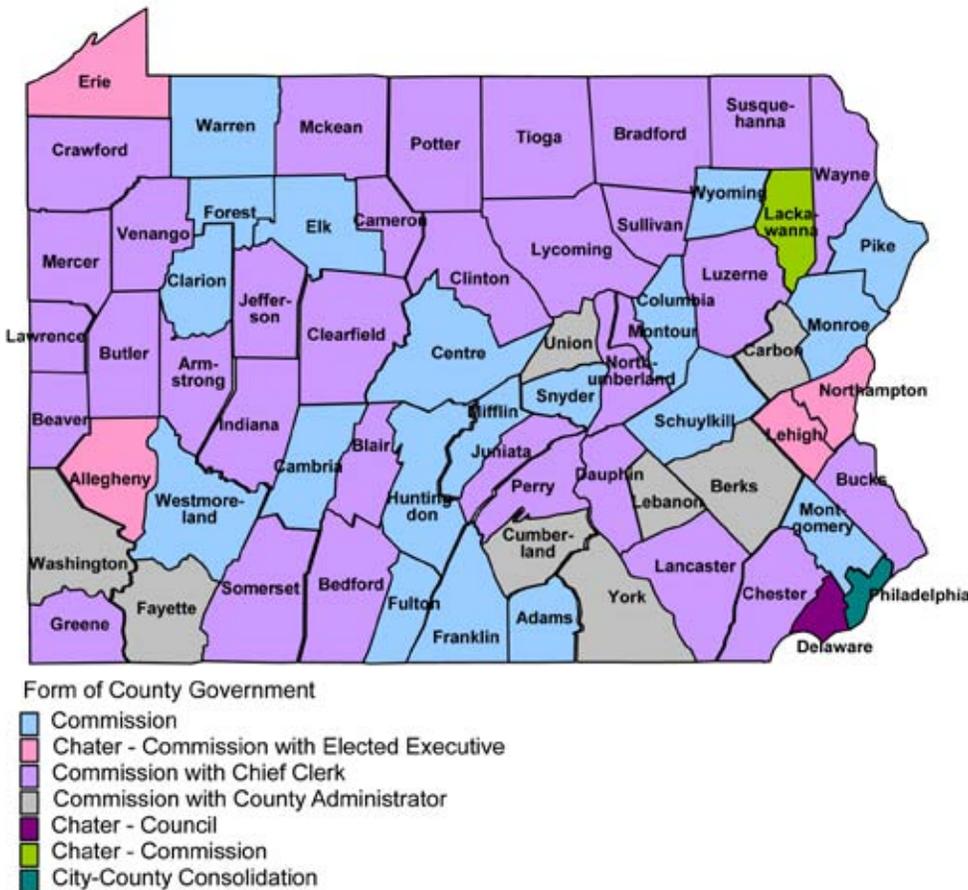
The counties in Pennsylvania derive their powers from the state constitution and statutes. These documents establish the legal framework for county government and list the powers and duties of the governing bodies. Pennsylvania's 67 counties utilize one of three structural alternatives: the Commission form, Home Rule Charter, and the Optional County Plan of government.

The 60 Commission counties, representing the basic structure for all counties, utilize a three-member board of county commissioners as the governing body. All commissioners are chosen through at-large elections. Statutory authority provides the commissioners with executive and administrative powers as well as legislative powers. Many counties vest daily administration needs with the appointed chief clerk who reports to the Board of Commissioners. In some counties, the position of chief clerk has been reclassified or has duties similar to those of a county administrator, and in other counties the board has created a separate appointed county administrator position. Other elected officials

include Controller, District Attorney, Treasurer, Sheriff, Register of Wills, Recorder of Deeds, Prothonotary, and Clerk of the Court. In smaller counties, some of these positions may be combined. The public defender is appointed by the County Commissioners.

In 1972, the state legislature enacted the Home Rule Charter and Optional Plans Law. The home rule charter development process begins by action of either the county commissioners or the citizens to initiate a referendum for a government study commission. The commission studies the county government structure and drafts a proposed charter for the electors' approval. Presently, seven counties have adopted home rule charters: Allegheny, Delaware, Erie, Lackawanna, Lehigh, Northampton, and Philadelphia, a city-county consolidation. Home Rule Charter counties elect governing members at large, from single member-districts, or through a combination thereof. Four charter counties have adopted an Elected Executive form of government structure, while Lackawanna and Delaware have maintained a council/board with an appointed administrator. No county has yet adopted an optional plan.

In 1854, the City of Philadelphia was merged with Philadelphia County, by action of the legislature, to create the state's only city-county consolidation. Philadelphia has operated under a strong-mayor and special home rule charter since 1952. The governing structure consists of a council of 17 members, one elected from each of the 10 council districts of the city and seven elected at large. The mayor, elected at large, has control over the city's administration. A director of finance, a city representative, a city solicitor, and a managing director who supervises 10 major departments assist the mayor.



South Carolina

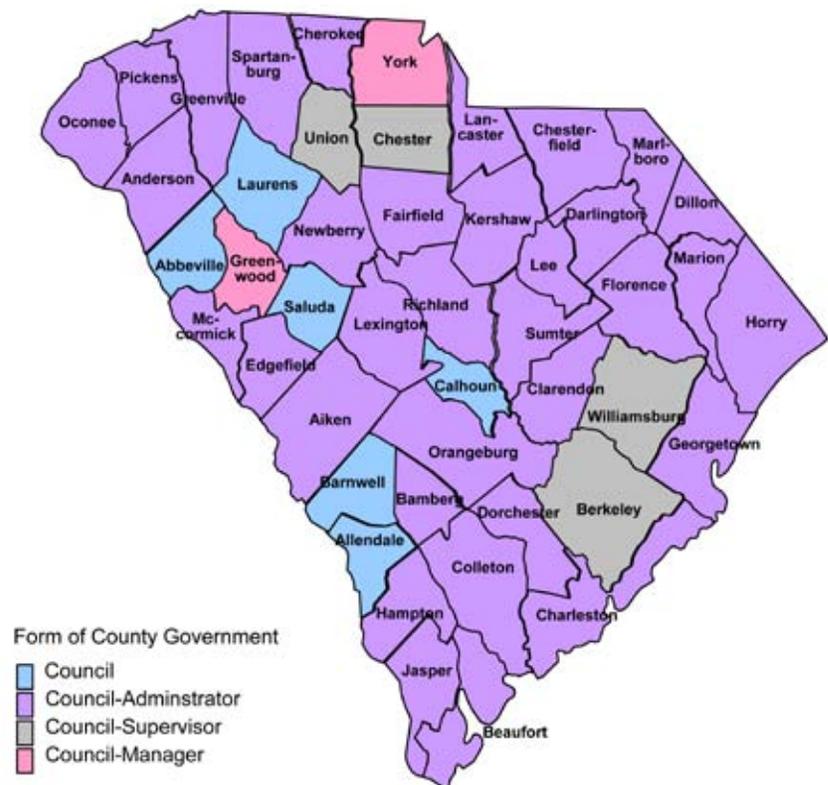
South Carolina's 46 counties derive their powers from the state constitution and statutes. They establish the legal framework for county government and list the powers and duties of the governing bodies. All counties in South Carolina began operating under home rule when the Home Rule Act was passed in 1975.

Under the 1975 legislation, South Carolina counties were offered four different forms of government from which to choose: Council, Council-Supervisor, Council-Administrator, and Council-Manager. The Council Form provides all legislative and executive powers to be vested in the county council elected at large or from single-member districts. There is no county executive. Six counties (Abbeville, Allendale, Barnwell, Calhoun, Laurens and Saluda) utilize this form.

The three remaining forms separate the legislative and executive functions. The Council-Supervisor form utilizes a supervisor who is elected as a separate county officer to chair the council. The supervisor serves as the county's chief administrative officer, heads all county departments, hires and fires county employees, prepares the budget, and carries out the policy directives of the council. The supervisor only votes when it is needed to break a tie on the council. Four counties have opted for this elected supervisor form: Berkeley, Chester, Union, and Williamsburg. The Council-Administrator and Council-Manager forms are quite similar. Both forms allow the board to hire a manager or administrator to carry out council policy and personnel functions. The main difference between the Administrator and Manager Form is that in the Manager form, the council appoints the auditor and treasurer rather than the voters electing these positions. Two counties, Greenwood and York, use the Council-Manager form. Thirty-four counties use the council administrator form. They are Aiken, Anderson, Bamberg, Beaufort, Charleston, Cherokee, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lancaster, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter.

The clerk of court, coroner and sheriff are constitutional officers that are elected to four year terms. Other officers elected countywide to four-year terms are the auditor, treasurer and probate judge. In addition, some counties also elect a register of deeds.

A 1973 constitutional amendment in South Carolina provided counties with additional powers through general laws. Even with its home rule authority, the counties' fiscal powers are still somewhat restrictive. They cannot impose any new taxes; they can only change the level of the present taxes they are authorized to levy. South Carolina's counties are granted enough authority to expand their services beyond traditional limited county purposes. With these enhanced powers, the counties are able to provide a diverse range of services such as water treatment, transportation, alcoholism and drug programs, and libraries. To finance these new functions, counties may charge uniform service fees and are able to apply different tax rates to different service areas within the county, depending on the amount and quality of services provided.



South Dakota

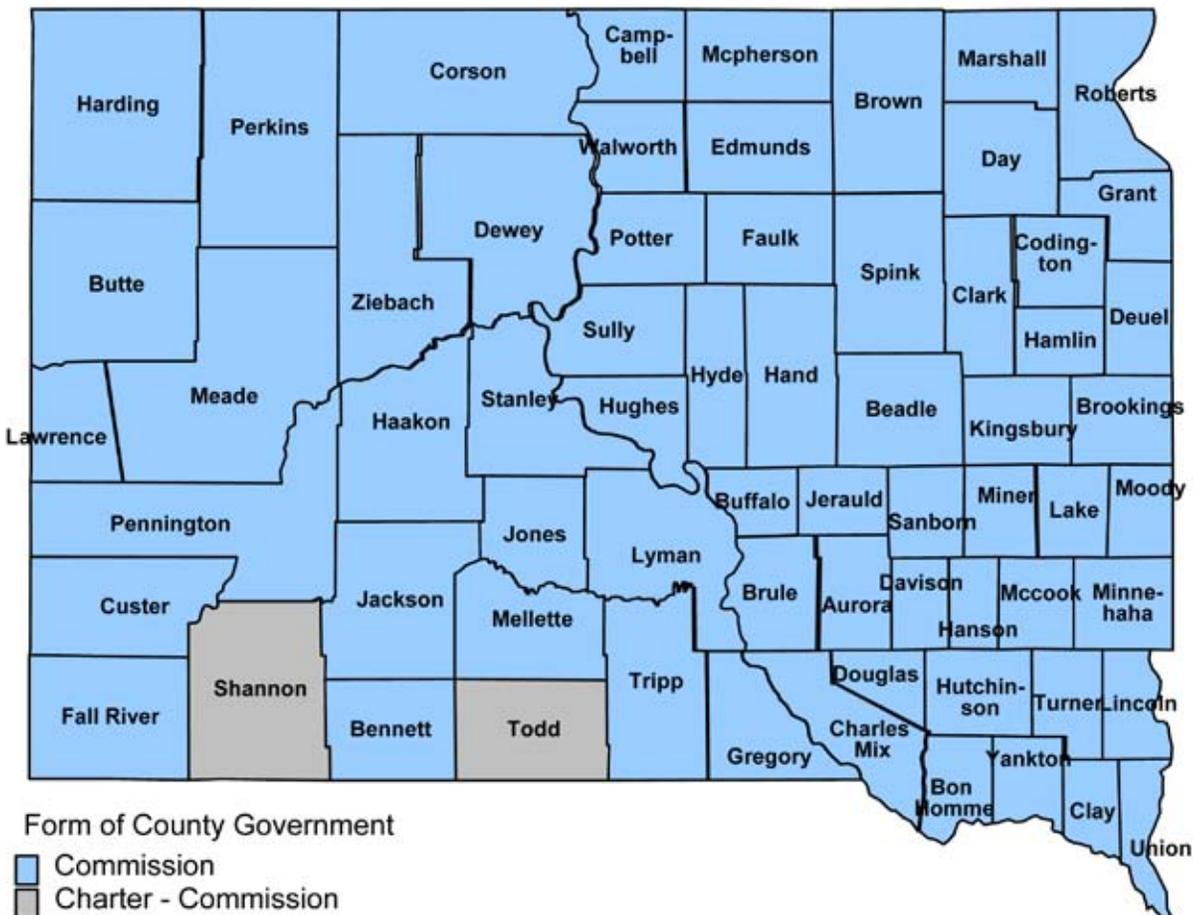
South Dakota's counties derive their powers from the state constitution and statutes, which establish the legal framework for county government and list the duties and powers of the governing bodies. South Dakota county government is based on the Commission form and consists of a three- or five-member board of commissioners as the governing body. Members are elected at large or from single-member districts. The commission serves as both the county legislative and executive body. In addition to serving as the administrative and judicial arms of the state, counties provide a diverse range of services such as highway maintenance, airports, and public health.

Article IX of the state constitution authorizes any county to adopt or amend a charter, if approved by a simple majority of the voters. A home rule charter makes it possible for counties to exercise any legislative

power or perform any function not denied by its charter, the constitution, or general laws of the state. The charter also provides for any form of executive, legislative, and administrative structure that shall be of superior authority to statute. Presently, only Shannon and Todd Counties operate under home rule charters. Both counties have kept a commission form of government.

Additionally, South Dakota law provides a simplified method of city-county and county-county consolidation. No counties have exercised the city-county option, but Washabaugh County consolidated into Jackson County in 1979.

Other elected county officials include the Auditor, who serves as the head election officer of the county, Register of Deeds, Treasurer, and the Sheriff.



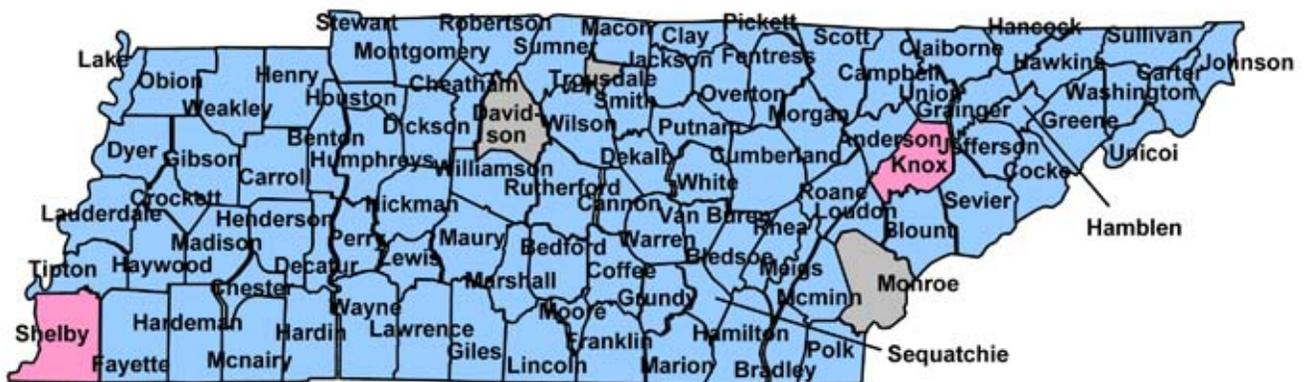
Tennessee

The counties derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the duties and powers of the governing bodies. Tennessee affords its 95 counties three governmental structures to choose from: Commission, County Charter, and City-County Consolidation. A fourth option, the County-Manager form, was repealed.

Presently, 90 counties utilize the Commission form of government with an elected executive. This structure creates a board of county commissioners, which is elected from single-member districts and serves as the county legislative body, and a county executive, who is elected at large as the administrative head of the county. A degree of flexibility is given to the commission in determining the size of the board and the number of commissioners that may represent a district. The board of commissioners may range from nine to 25 members elected from districts. Up to three commissioners may represent each district. In addition to the elected county executive, the Assessor, County Clerk, Register, Sheriff and Trustee are elected positions.

As of September 1, 1986, Shelby County became Tennessee's first Charter County. The County Charter provides for a separation of the county's legislative, executive, and judicial functions, as in all Tennessee counties. At the heart of the charter, however, is a stronger elected executive who possesses veto powers over commission ordinances and resolutions. A commission serves as the legislative body of the county with the authority to adopt county ordinances. In 1988, Knox County became the second in Tennessee to adopt the County Charter form of government.

Article XI, Section 9 of the state constitution was amended in 1953 to provide for the consolidation of any or all counties and municipalities. Presently, Nashville-Davidson County, Lynchburg-Moore County, and Hartsville-Trousdale County are the state's three existing city-county consolidations. All three utilize a metro council as the legislative body and a metro executive, who is analogous to a county executive or city mayor with executive and administrative authority and limited veto power.



Form of County Government

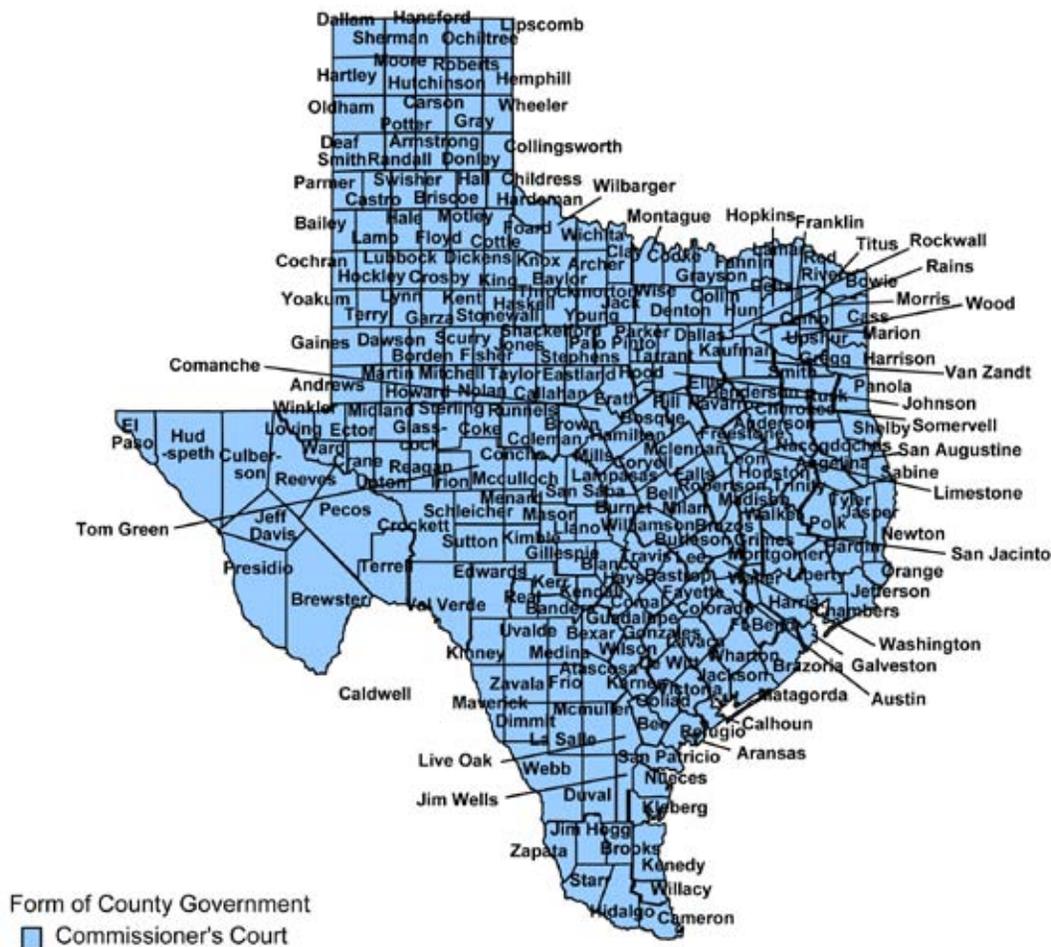
- Commission
- City-County Consolidation
- Charter - Commission with Elected Executive

Texas

The counties in Texas derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the duties and powers of the governing bodies. Texas county government is based on the Commissioners Court system, which utilizes a county judge and four county commissioners.

In Texas, all 254 counties have exactly the same form of government, except for minor differences in some urban counties where the state has allowed additional officers and courts. Each county is divided into four commissioner precincts, where voters from each precinct elect one commissioner. The entire county elects the county judge. In addition to the Commissioners Court, most counties have the following officials: Tax Assessor-Collector, County Clerk, County Attorney, County Auditor, County Health Officer, County Treasurer, Justices of the Peace, Surveyor, and Sheriff. In smaller counties, some of the above functions may be consolidated into fewer offices.

The Commissioners Court's major powers and duties are executive and legislative in nature. These powers are granted in specific, limited terms. Counties have no home rule authority, charters, or other structural alternatives. In short, the Commissioners' Court is the principal policy-determining body of the county and not a court in the true sense of the term. The state constitution grants 15 specific powers to the Commissioners Court. In addition to these constitutional powers, the state legislature has granted other powers and duties to the court, which include building public roads and issuing bonds to finance specific functions stated in the legislation. In general, a county in Texas has limited powers and serves as an administrative arm of the state.



Utah

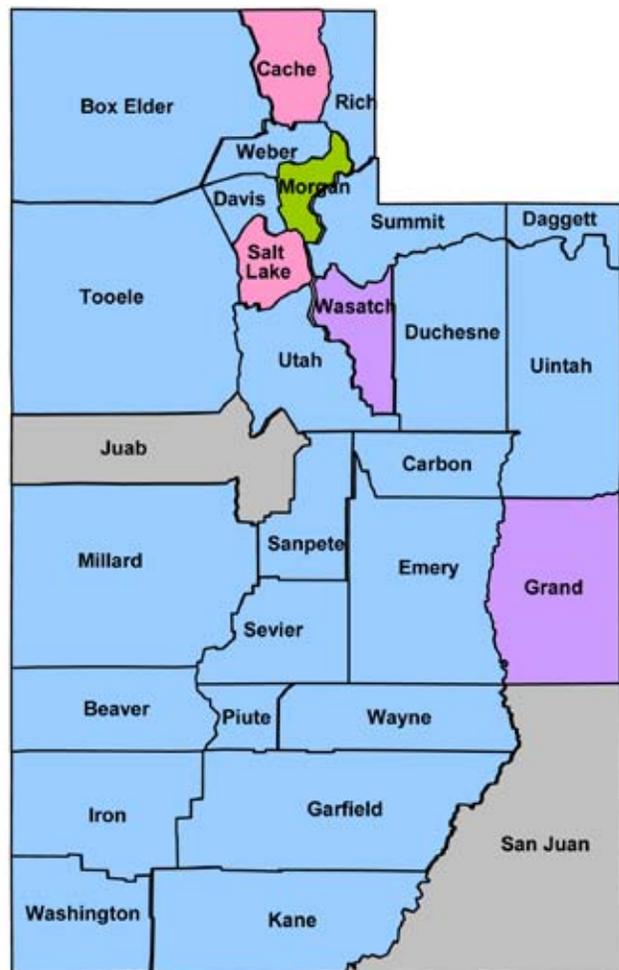
The counties derive their powers from the state constitution and the Utah code. These establish the legal framework for county government and list the powers and duties of the governing bodies. In addition to the Commission form, Utah offers its 29 counties five other structural formats: Expanded County Commission form, Executive and Chief Administrative Officer-Council form, County Executive-Council form, Council-Manager form, and Council-County Administrative Officer form.

The Commission form, used by all counties except Cache, Grand, Morgan, Salt Lake, and Wasatch counties, utilizes a three-member board of commissioners as the governing body elected by single member districts, at-large, or a combination thereof. The commission serves as both the executive and legislative body of the county. Expanded County Commission form has a commission made up of either five or seven members. It is both the county legislative body and county executive body. Grand and Morgan counties utilize this form. The County Executive and Chief Administrative Officer-Council forms of government allow an elected county council, an elected county executive, and an appointed county chief administrative officer. The county executive is the chief executive officer of the county. The county council has responsibility for legislative functions, while the county executive is in charge of executive functions. The administrative officer is appointed by and reports to the county executive.

In the County Executive and Council forms, there is an elected county council and an elected county executive. The council is responsible for legislative functions, and the executive is responsible for executive functions. In the Council-Manager form, there is an elected council, and an appointed manager. The county manager is the administrative

head of the county, and is responsible for executive functions. The manager does not have veto power. The council is responsible for legislative functions. In the Council-County Administrative Officer Form, there is an elected council and an appointed administrative officer. The county council is the legislative body and the administrative officer performs the functions of the county executive except as otherwise provided in the optional plan.

Counties also elect the Assessor, Auditor, Clerk, District Attorney, Recorder, Sheriff, Surveyor, and Treasurer.



Form of County Government

- Commission
- Council with Elected Executive
- Council with County Administrator
- Commission with County Administrator
- Council

Vermont

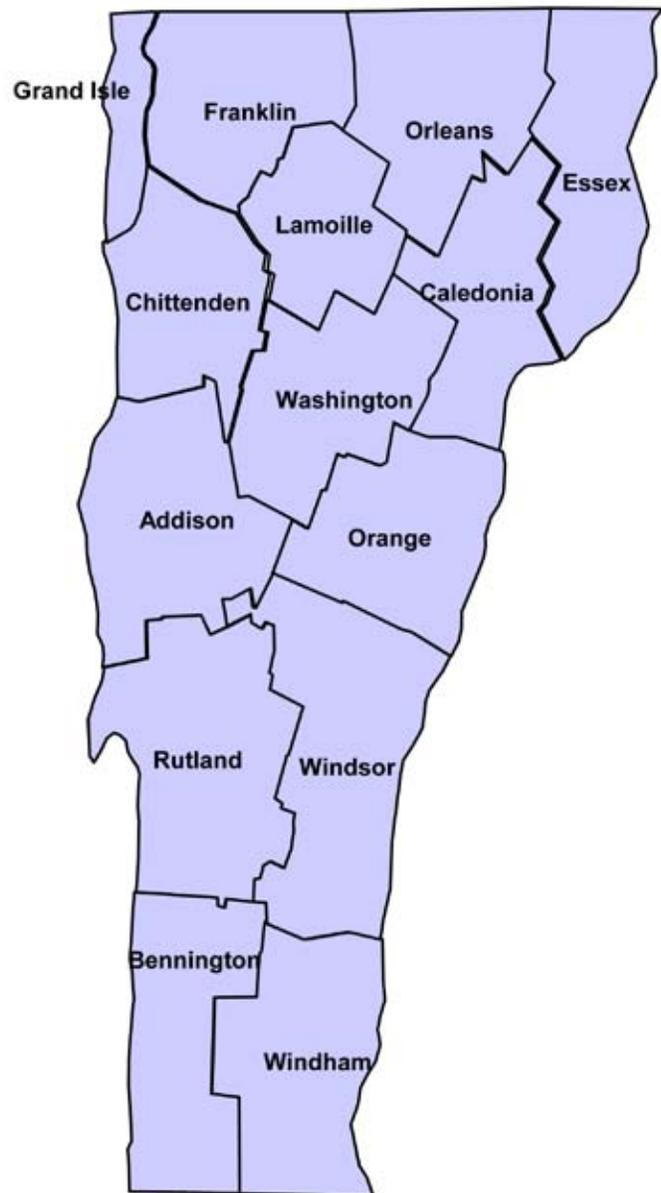
Vermont's counties derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the duties and powers of the governing bodies. Presently, all of the 14 counties operate under the County Court system, which consists of a superior judge appointed by the governor and assistant judges of the superior court, who are elected at large. Assistant judges possess principal management powers and serve as the governing body of the county. They are empowered to maintain county property; take deeds and leases of real estate to the county; rent or sell and convey unused land belonging to the county; keep the courthouse, jail, and other county buildings insured; and make needed repairs and improvements in and around the same. Additional county officers include the Auditor, Clerk, Treasurer, Sheriff, High Bailiff, State's Attorney, Commissioner of Jail Delivery, and Notary Public. Only the Sheriff, State's Attorney, and the Judge of the Probate are elected.

The statutes setting forth the various powers of counties and their officers are found in 24 Vermont Statutes Annotated Sections 1 through 446. Each county is mandated to provide and own a courthouse for use only as chambers for a justice of the Supreme Court and superior judge and for the superior court, probate court, and district court. Each county may acquire and own lands and rights in lands.

As decided by the assistant judges that are necessary for county purposes, a county may also condemn land, assess taxes

on member towns and gores (a small triangular piece of land) to support operations or capital construction, reserve funds and indebtedness, and collect rent from leased property.

Vermont does not have county charter or home rule provisions, optional forms of county government, or a county administrator system.



Form of County Government
■ Superior Judge Appointed by Governor

Virginia

Virginia's counties derive their powers from the state constitution and code, which establish the legal framework for county government and list the duties and powers of the governing bodies. Virginia offers six forms of government to its 95 counties: Traditional, County Board, County Executive, County Manager Form, County Manager Plan, and Urban County Executive. To date, 87 counties use the Traditional form. This form utilizes a three- to eleven-member board of supervisors as the county governing body. The board is elected either from single-member districts, at large, or a combination thereof. The county administrator is also required by law to serve as an appointed clerk to the board.

Three management forms are available. Under the County Board form, the board of supervisors must appoint a county administrator and purchasing agent who may be the same individual. Only Carroll, Russell, and Scott counties operate under this system. The County Executive form is used in two counties, Albemarle and Prince William, where the board acts as the policy-making body and appoints a county executive. The county executive is responsible to the board for administering all functions within the board's control. Finally, the County Manager Form is used only in Henrico and consists of a board of supervisors who appoint a county manager.

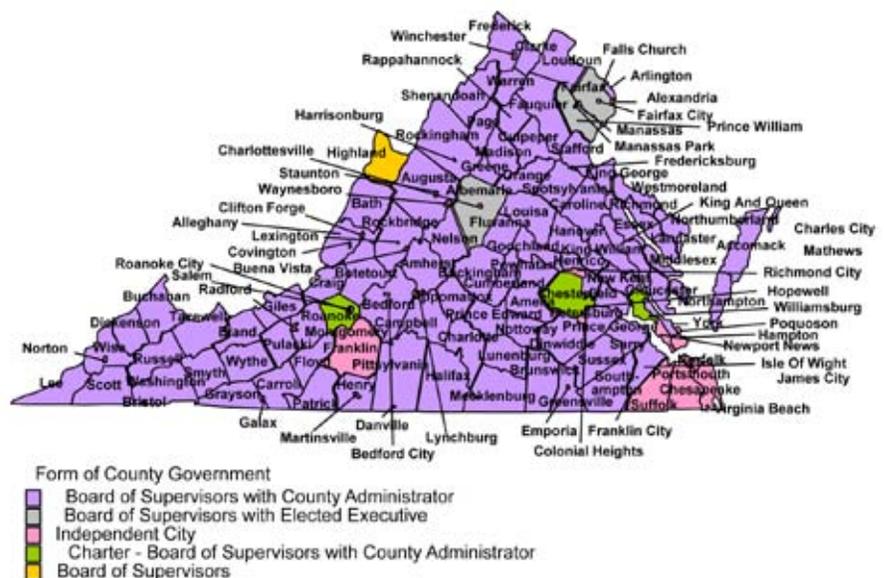
Two special forms of government may be adopted only by counties that meet restrictive population and land requirements: the Urban County Executive, developed for Fairfax, and the County Manager Plan designed for Arlington. The Urban County Executive form, patterned after the County Executive form, expands the board's authority in certain functional areas and provides for a board-appointed executive. Any town may dissolve its charter and become a small district of the county. After adopting this form, no unincorporated area may be incorporated as a separate city or town. The County Manager Plan, which uses a board-appointed manager, is similar to the County Executive form. The differences relate to the appointive powers of the manager and the duties assigned this office by law. The county manager appoints all officers and employees in the administrative services of the

county, except for constitutional officers and their staff. The elected officers include the Attorney for the Commonwealth, Clerk, Commissioner of Revenue, Sheriff, and Treasurer.

In Virginia, the county depends on the legislature for authority to act. There is no provision for home rule and only three counties have charters (Chesterfield, James City, and Roanoke). While charters bestow some powers, most local decisions must be approved by the general assembly. Each of the charter governments still maintains a traditional governing form and each utilizes an appointed county administrator.

Virginia's general consolidation statutes authorize any two or more local governments to merge into a single political subdivision. Five city-county consolidations exist in Virginia. These include: Hampton-Elizabeth City-County, Virginia Beach-Prince Anne County, South Norfolk-Norfolk County, Warwick City-Newport News County, and Suffolk-Nansemond County. To date, none of these consolidated localities is called a county; respectively, they are referred to as the City of Hampton, the City of Newport News, the City of Suffolk, the city of Virginia Beach, and the City of Chesapeake.

These cities represent a form of government known as Independent Cities that is almost entirely unique to Virginia. There are 42 independent cities in the United States, and 39 of them are located in Virginia. The other three are Carson City, Nevada; St. Louis City, Missouri; and Baltimore City, Maryland.



Wisconsin

Wisconsin's counties derive their powers from the state constitution and statutes. These establish the legal framework for county government and list the duties and powers of the governing bodies. County government is based on the Commission form with a board of supervisors as the governing body. Members are elected from single-member districts for two-year terms. Statutes allow for districts to elect two representatives if their population is twice that of other districts within the county; however, few counties have done this. Supervisors and county executives are elected on a non-partisan basis.

In 1985, counties were granted administrative and organizational home rule powers. According to Section 59.025 of the state statutes, every county may exercise any organizational or administrative power subject only to the constitution and any enactment of the legislature, which has a statewide impact and uniform affect on every county. County powers are still limited

to those granted by the legislature, but administrative home rule provides counties with some flexibility in determining how their powers will be carried out.

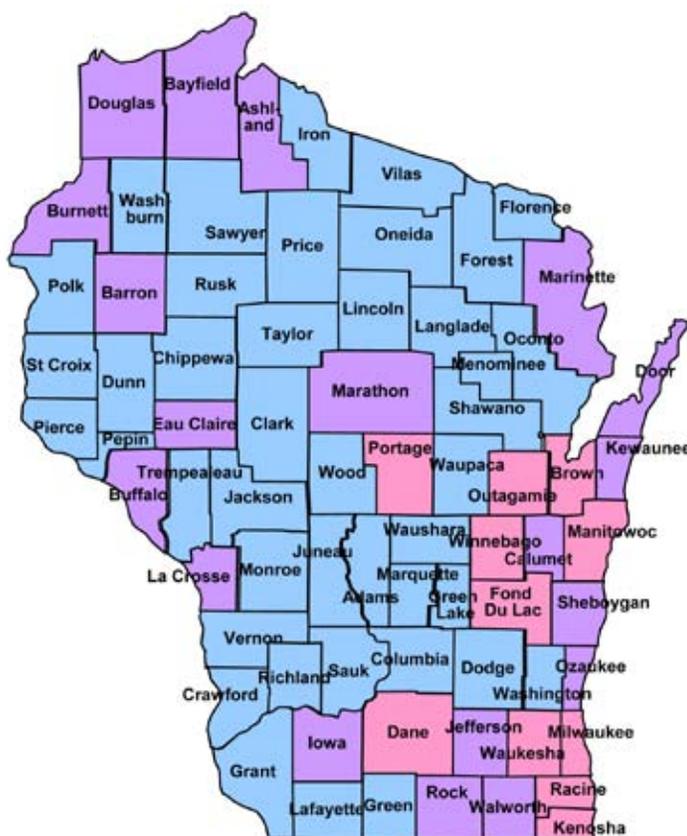
Wisconsin's counties have several recognized options for restructuring their government organizations. These include County Executive, County Administrator, County with an Administrative Coordinator, and City-County Consolidation. The County Executive plan is currently used in eleven counties: Brown, Dane, Fond du Lac, Kenosha, Manitowoc, Milwaukee, Outagamie, Portage, Racine, Waukesha, and Winnebago. It provides for the election of a strong chief executive officer who wields authority through veto power over county board actions and through the preparation of an executive budget.

The County Administrator plan is similar to a city manager plan in that the county administrator is appointed by the board of supervisors as the chief administrative officer of the county. This position has all the powers of a county executive except that of veto and electoral accountability. Presently, ten counties utilize a county administrator: Ashland, Barron, Bayfield, Buffalo, Burnett, Calumet, Door, Douglas, Eau Claire, Iowa, Jefferson, Kewaunee, La Crosse, Marathon, Marinette, Menominee, Ozaukee, Rock, Sheboygan, and Walworth.

The remaining forty-two counties have an administrative coordinators required by Wisconsin statue 59.19. Although the statute requires this position in all counties that do not have an elected executive or a county administrator, the duties of the administrative coordinator may be combined with a current office or may be vested in a newly created position.

To date, no Wisconsin counties have opted for the City-County Consolidation plan.

Other elected county officials include the Clerk of the Court, Coroner, District Attorney, Register of Deeds, and Sheriff.



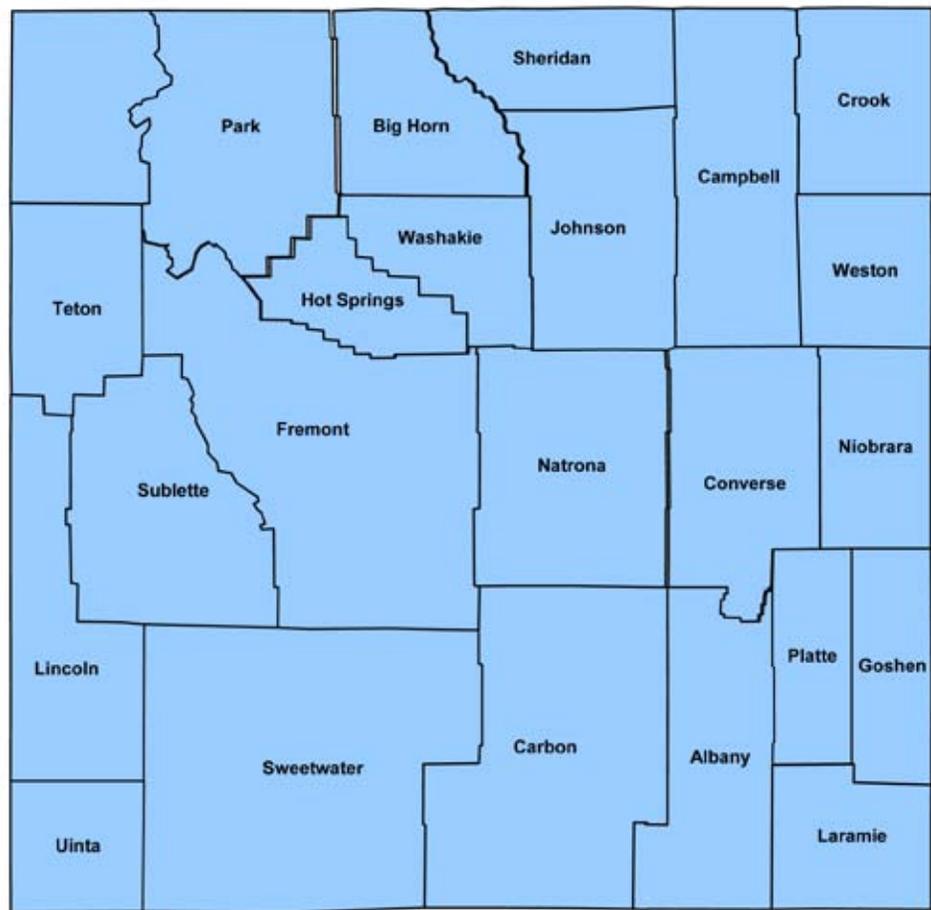
Form of County Government

- Commission with Administrative Coordinator
- Commission with County Administrator
- Commission with Elected Executive

Wyoming

Wyoming's counties derive their powers from the state constitution and statutes. These provide for the creation of counties and their officers, while empowering the legislature to direct county goals. The traditional Commission form governs all 23 counties in Wyoming, which is the only form permitted by the legislature. A three- or five-member board of county commissioners is elected at large to govern each county. Counties with a five-member board may utilize districts, but no county currently uses the district method. The board's law-making powers are generally limited to enacting those types of ordinances and regulations permitted by state law. The counties do not have available to them charter authority, home rule powers, or any other county alternative. Additional elected county officials include the Assessor, Coroner, County Attorney, County Clerk, Sheriff, Surveyor, and Treasurer.

Wyoming counties serve as an arm of the state by providing the following required services: the assessment of property, the collection of property taxes, the recording of deeds and other property documents, maintenance of rural roads, law enforcement, and the administration of electoral and judicial functions. Some additional services provided by county governments, but not required by state law, are fire protection, water, sewage disposal, parks and recreation programs, airports, libraries, hospitals and other services. Recently, there has been a tremendous growth of newer services performed by the county, not as an administrative arm of the state, but as a more independent branch of local government, including senior centers.



Form of County Government

■ Commission

City-County Consolidations

<u>Year</u>	<u>City/County, State</u>	<u>Year</u>	<u>City/County, State</u>
1805	New Orleans/Oreleans Parish, Louisiana	1972	Lexington/Fayette County, Kentucky
1821	Boston/Suffolk County, Massachusetts	1972	Suffolk/Nansemond County, Virginia
1821	Nantucket Town/ Nantucket County, Massachusetts	1975	Anchorage, Glen Alps, & Girwood/Greater Anchorage Area Borough, Alaska
1854	Philadelphia/Philadelphia County, Pennsylvania	1976	Anaconda/ Deer Lodge County, Montana
1856	San Francisco/San Francisco, California	1976	Butte/Silver Bow, Montana
1874	New York City (5 Counties), New York	1981	Houma/Terrebonne Parish, Louisiana
1902	Denver/Denver County, Colorado	1987	Lynchburg/Moore County, Tennessee
1907	Honolulu/Honolulu County, Hawaii	1990	Athens/Clarke County, Georgia
1947	Baton Rouge/East Baton Rouge Parish, Louisiana	1992	Lafayette/Lafayette Parish, Louisiana
1952	Hampton & Phoebus/ Elizabeth City County, Virginia	1995	Augusta/Richmond County, Georgia
1957	Newport News/Warwick County, Virginia	1997	Kansas City/Wyandotte County, Kansas
1962	Nashville/Davidson County, Tennessee	2000	Louisville/Jefferson County, Kentucky
1962	Sough Norfolk/Norfolk County, Virginia	2000	Hartsville/Troosdale County, Tennessee
1962	Virginia Beach/Princess Anne County, Virginia	2001	City & County of Broomfield, Colorado*
1967	Jacksonville/Duval County, Florida	2002	Haines City/Haines Borough, Alaska
1969	Carson City/Ormsby County, Nevada	2003	Cusseta City/Chattahoochee County, Georgia
1969	Juneau & Douglas/Greater Juneau Borough, Alaska	2006	Georgetown/Quitman County, Georgia
1970	Columbus/Muscogee County, Georgia	2007	Tribune/Greeley County, Kansas
1971	Holland & Whaleyville/Nansemond County, Virginia	2008	Preston/Webster County, Georgia
1971	Sitka/Greater Sitka Borough, Alaska	2008	Statenville/Echols County, Georgia

* County was legislatively created to include entire city of Broomfield

Charter Counties By State

State	Counties
Alabama	None
Alaska	Denli, Lake and Penninsula, North Slope, Northwest Artic, Yakutat
Arizona	None*
Arkansas	None
California	Alamada County, Butte County, El Dorado County, Fresno County, Orange County, Placer County, Sacramento County, San Bernardino County, San Diego County, Santa Clara County, Tehama County, Los Angeles County, San Mateo County
Colorado	Pitkin, Weld County
Delaware	No Home Rule
Florida	Alachua County, Brevard County, Broward County, Charlotte County, Clay County, Columbia County, Hillsborough County, Lee County, Leon County, Miami-Dade County, Orange County, Osceola County, Palm Beach County, Pinellas County, Polk County, Sarasota County, Seminole County, Taylor County, Volusia County
Georgia	Home Rule Charter Government Not Authorized
Hawaii	Kauai, Maui
Idaho	None
Illinois	Cook County
Indiana	None
Iowa	None
Kansas	Johnson County
Kentucky	None
Louisiana	Ascension Parish, Caddo Parish, East Baton Rouge Parish, Iberia Parish, Iberville Parish, Jefferson Parish, Lafayette Parish, Lafourche Parish, Livingston Parish, Orleans Parish, Plaquemines Parish, St. Bernard Parish, St. Charles Parish, St. James Parish, St. John the Baptist Parish, St. Landry Parish, St. Martin Parish, St. Mary Parish, St. Tammany Parish, Tangipahoa Parish, Terrebonne Parish, Washington Parish, West Baton Rouge Parish
Maine	Aroostock County, Knox County
Maryland	Anne Arundel County, Baltimore County, Dorchester County, Harford County, Howard County, Montgomery County, Prince George's County, Talbot County, Wicomico County
Massachusetts	Barnstable County
Michigan	Wayne County
Minnesota	Ramsey County*
Mississippi	None
Missouri	Jackson County*, St. Charles County, St. Louis County

Charter Counties By State

State	Counties
Montana	Deer Lodge, Fergus, Silver Bow
Nebraska	None
Nevada	None
New Hampshire	None
New Jersey	Atlantic County, Bergen County, Essex County, Hudson County, Mercer County, Union County
New Mexico	Los Alamos County*
New York	Albany County, Broome County, Chautauqua County, Chemung County, Dutchess County, Erie County, Herkimer County, Monroe County, Nassau County, Oneida County, Onondaga County, Orange County, Putnam County, Rensselaer County, Schenectady County, St. Lawrence County, Suffolk County, Sullivan County, Tompkins County, Ulster County, Westchester County
North Carolina	None
North Dakota	Cass County, Richland County, Stutsman County, Walsh County, Ward County
Ohio	Summit County
Oklahoma	None
Oregon	Benton County, Clatsop County, Hood River County, Jackson County, Josephine County, Lane County, Multnomah County, Umatilla County, Washington County
Pennsylvania	Allegheny County, Delaware County, Erie County, Lackawanna County, Lehigh County, Northampton County
South Carolina	None
South Dakota	Shannon County, Todd County
Tennessee	Knox County, Shelby
Texas	None
Utah	None
Vermont	None
Virginia	Chesterfield County, James City County, Roanoke County
Washington	Clallam County, King County, Pierce County, San Juan County, Snohomish County, Whatcom County
West Virginia	None
Wisconsin	None
Wyoming	None

*Arizona, Minnesota, Missouri and New Mexico allow for county charters only through special provisions

- In Arizona, only counties with populations over 500,000 are eligible.
- In Minnesota, charter government is not authorized; Ramsey county charter referendum was authorized through special legislation.
- In Missouri, only counties with populations over 85,000 and with an assessed value of \$450 million for the past five years are eligible.

Section II: Home Rule Review References



Home Rule Review

AUTHORED BY DR. TANIS J. SALANT

Excerpt from County Home Rule: Perspective for Decision Making

Dr. Salant has graciously agreed to allow NACo the use part of Chapter Two from her national study on County Home Rule. The chapter provides a national overview on one of the keys in county structure and governing development. The focus on home rule authority rounds out this structural study and hopefully will stimulate further research into this critical layer of government, the county.

CHAPTER II from County Home Rule

Some Dimensions of County Home Rule

The image of county government across the country engenders a host of contradictory appraisals. Some call the county the special preserve of grass roots democracy, others pronounce it obsolete. Many would like to bolster county government with self-governing powers, and others would like it abolished. Some observers claim that county government is experiencing a renaissance and that in the next decade we will witness its coming of age; they view the statistics on reform with optimism and predict a continuation of past success. And there are those, practitioners and academicians alike, who warn that most reforms do not bring about real improvement and that the county, after nearly a century of sporadic change, is yet only an administrative arm of the state.

Such disparate views on the utility of county government and efforts at reform confound the attempt to understand the issues. Inarguably, county home rule is a serious contender in the search for solutions, and a better grasp of its implications would be of benefit to decision-makers. In this chapter we focus on the status of home rule across the country in an effort to understand and clarify its impact on county government. The chapter begins with a brief definition of home rule and its several components, and follows with a short history of the county home rule movement. A compendium of state responses to county home rule forms the central feature of the chapter, and an assessment of the impact of endeavors completes the section.

Scope of County Home Rule

County home rule is designed to tackle two basic types of problems, one historical and the other contemporary. The first type stems from the county's origins as

a font of political patronage, leading to a lingering (if now inaccurate) image of the county as "the courthouse gang." Corruption and incompetence were targets of early reformers during the Progressive Era and have been substantially reduced. Current difficulties deriving from inefficiency, rigidity, unresponsiveness and lack of accountability are attributed to an "antiquated" design and surface in urbanizing areas where demands for nontraditional services are mounting.

Home rule is the set of reforms commonly associated with both types of problems. Broadly defined, home rule allows for "local self-government." Local governments, unlike states, have only derivative powers, and constitutional and legislative provisions for home rule are enacted for the purpose of giving authority to counties (and municipalities) over certain local matters. Moreover, state supremacy over local governments has been effectively cemented by "Dillon's Rule," so named after the judge who stated in 1868 that municipalities were "the mere tenants at will of the Legislature," and whenever local versus statewide concern was in doubt, the state was to prevail.¹ The argument for expanded powers certifies that local governments are more cognizant of local needs and better suited to respond than are states.

"Powers of self-government" are numerous and can be divided into three operational domains: structural, functional and fiscal. Additionally, home rule powers are generally granted in either of two configurations: charter government or "optional forms." A charter is a document which is framed and approved locally and serves as the county's "little constitution,"² thereby formalizing the spirit of home rule. Reforms under charter are often adopted in all three domains. The optional forms type permits counties to select from a variety of organizational arrangements in the structural domain, such as the council-manager form or the council-elected executive form. The provision for charter government or optional forms is established either through constitutional amendment or by statute. In most cases a constitutional amendment must be followed with enabling legislation, which stipulates method of enactment and scope of powers. Table 1 arrays the types of major reforms commonly linked with home rule. A brief description of each reform follows.

1 City of Clinton v. Cedar Rapids and Missouri Railroad Company (1986) 24 Iowa 455.

2 Reorganizing Our Counties (Cleveland; Governmental Research Institute, 1980) p.97.

Table I: Powers of Self-Government

	Domain Optional Forms	Charter Government
Structural	Appointed Administrator	Appointed Administrator
	Elected Executive	Elected Executive
	Appointed Row Officers	Appointed Row Officers
	Board Size	Board President Board Size
Functional	Optional Service Delivery	
	Interlocal Agreements	
	Special District Oversight	
	Planning and Zoning	
Fiscal	Taxing Authority	
	Benefit Service District	
	Issuing Bonds	
	Raising Debt Limitations	

Description of Reforms

The 12 reforms covered in this section are those sought most frequently in charter campaigns. A few ancillary reforms are also mentioned. While charter status can bestow a vast number of reforms, it does not guarantee powers in all three domains; many charter provisions prohibit certain types of reforms (e.g., fiscal) and established powers can be limited further in the construction of specific charters.

Structural domain

County reform efforts have stressed structural changes over functional and fiscal ones as the most vital to survival. It has been argued, for example, that “The most serious weakness in county government is lack of a county executive.”³ There are three principal types of structural reform which have been promoted consistently: form of government, a merit personnel system and clearly defined job descriptions. Reforms that alter the form of government are the most significant and are included for discussion here.

The argument for structural change is based on the notion that counties are diverse. Counties have different sets of circumstances and one form uniformly mandated across the state (the plural executive) may not be suitable for all counties. In addition, the urbanization of

counties has brought about complexity and burgeoning demands upon inadequate resources, rendering county government unmanageable. Structural reform would bring the flexibility, centralization and professionalization necessary to function successfully in a rapidly changing society.

Innumerable problems associated with the plural executive (supervisor/commissioner) form have been identified in the literature. Common examples include lack of coordination among offices, duplication and overlap in services, confusion in function and purpose, leaderlessness, unprofessional and inexperienced execution of administrative duties, propensity on the part of the board to avoid making decisions, and frustration among citizens as to whom to hold accountable for decisions and programs. The four most universal reforms are described below.

Elected executive

The executive is an administrator who also serves as the political leader and is elected at large. This position carries hiring and firing authority and veto power over the board. The position is designed to provide strong administrative and political leadership essential in unifying the governing body and represents the formal separation of administrative and legislative functions.

Appointed administrator

The board appoints an administrator to oversee its administrative functions for the purpose of professionalizing management and relieving it of its administrative

3 Clyde F. Snider, “American County Government: A Mid-Century Review,” *American Political Science Review* (March 1952), p.66.

burdens. The degree of formal power given to the administrator is reflected in the authority to hire and fire department heads. Proponents argue that separation of administrative and legislative functions is necessary to increase efficiency and supplement the functions of elected supervisors, who are part time in many counties, and that the issues are now so complicated that a full-time expert in administration is needed.

Appointed row officers

Constitutional (row) officers are appointed by the board rather than elected by county residents. Those offices in Arizona are the superior court clerk, treasurer, recorder, assessor, sheriff, attorney and superintendent of schools. Citing the administrative nature of row offices, proponents advocate centralizing authority in the elected board for political accountability, cooperation and coordination of service.

Board size

The number of elected officers to the board is usually established by statute, and with home rule it could be expanded, typically from three members to five. In addition, the method of selection may be changed from distinct only to at large or to at large with district residency (or a combination).

Functional domain

Functional reform is not discussed as often as structural reform, but granting counties authority to make functional changes is not uncommon. The basis for functional reform is generally linked to the phenomenon of county urbanization, which has created the demand for urban-type services not traditionally provided by counties. In addition, rapid societal change brings pressure on counties to have the flexibility to adapt and respond to new demands and complex issues, something they do not enjoy as administrative arms of the states. Two of the more significant reforms are describe below.

Optional service delivery

Optional services, those not mandated by the state, generally refer to urban-type programs such as libraries, flood control, parks and recreation, cultural affairs and industrial development. With this authority, the county would be able to provide any service not prohibited by statute without having to seek permission for each change from the Legislature. In addition, how much service and how to provide it would be discretionary. This growing demand for municipal type services in urban counties is the stimulus for this reform, and the notion that the government “closest to the people” is best suited to meet citizen needs is the rational.

Interlocal agreements

This authority permits local units to transfer functions from one to another, voluntarily, to provide joint services and to consolidate functions between or among local units. The goals of alternative service provision arrangements are to maximize efficiency through economies of scale, to eliminate duplication and overlap, and to create the opportunity to offer new services.

Fiscal domain

Fiscal reform is designed to ensure budget stability through financial flexibility; the ability to adjust revenues and expenditures to changing circumstances is considered necessary for reinstating the county’s control over its resources. This set of reforms is critical to county viability, for counties cannot now sustain or increase present levels of service without great difficulty. Four of the more common fiscal reforms are described below.

Taxing authority

The scope of authority in taxing matters varies widely. It may range from a local 1/2-cent sales tax to levying any type of tax and fee except the one on personal income. These types include establishing and setting fees for services and permits, no limit on the property tax rate, setting and levying a local sales tax, and taxes on hotel beds and services.

Issuing bonds

This option allows counties to issue bonds as another source of revenue, usually for the construction of public improvements. Debt instruments commonly utilize are general obligation bonds and special revenue bonds. General obligation bonds are sold for the purpose of constructing community facilities such as parks and libraries, and repayment is financed through taxes. Revenue bonds are sold to finance construction of revenue-producing facilities, such as airport and marinas, and repayment is through user fees. Both types must be approved by voters.

Benefit service districts

This authority permits counties to establish districts for the purpose of delivering specific services to district residents only, who are then charged a user fee. This is considered an efficient and equitable approach to financing special services and serves to reduce the need for special districts.

Raising debt limits

There is usually a cap on county indebtedness, and raising the limit allows counties to issue additional bonds for construction of new facilities.

Brief History of Home Rule Movement

Twenty-three states now authorize their counties to adopt a home rule charter. Another 13 permit (or mandate) some type of home rule. Twelve states remain without formal grants of home rule power to counties, and two states, Connecticut and Rhode Island, do not have operational county governments and are not included for discussion in our report. In this section we will follow the time sequence of the home rule movement as it achieves success.

California pioneered the movement with a constitutional amendment in 1911. Maryland followed suit in 1915, and both Texas and Ohio passed their amendments in 1933. Twelve years later Missouri became the fifth state, but only eight of its 115 counties were eligible for charter adoption due to a population limitation. Washington joined ranks in 1948.

The pace quickened in the 1950s, with Alaska, Hawaii, New York and Oregon conveying grants of charter authority. Minnesota also approved a constitutional

amendment in 1958. Four more states were added to the list in the 1960s--Louisiana, Michigan, Florida and Pennsylvania--bringing the number to 15.

There was a comparative explosion of home rule activity in the first half of the 1970s: 13 states approved grants of authority, nearly doubling the number from the previous 60 years of effort. Between 1970 and 1975, Colorado, Illinois, Montana, New Mexico, New Jersey, Utah, Arkansas, South Dakota, Kansas, Indiana, North Carolina, Kentucky and South Carolina were successful in achieving some form of county home rule.

While several states introduced legislation in the last half of the 1970s, only Georgia, Maine, Tennessee and Iowa were successful in obtaining limited measures, and advocates for home rule were not to witness another victory for seven years. Six more states have adopted home rule measures in the 1980s, bringing the total to 36. Table 2 depicts the time sequence of the home rule movement.

Table II: Sequence of County Charter/ Home Rule Movement

Sequence of County Charter Movement

1911	California
1915	Maryland
1933	Ohio*, Texas**
1945	Missouri
1948	Washington
1958	Oregon, Minnesota***
1959	Alaska, Hawaii, New York*
1960	Louisiana
1963	Michigan*
1968	Florida, Pennsylvania*
1970	Colorado
1972	Montana*, New Jersey, New Mexico**
1974	South Dakota*
1977	Maine
1978	Tennessee
1985	North Dakota*, Virginia
1986	New Hampshire, Massachusetts
1988	Iowa
1992	Arizona
1996	Idaho

* Optional forms also

** Repealed

*** Lacks enabling legislation

Sequence of Home Rule Movement

1970	Illinois
1972	South Carolina
1973	Minnesota, Utah, North Carolina
1974	Arkansas, Kansas, Kentucky
1975	Indiana
1976	Georgia
1978	Iowa
1985	Wisconsin
1994	Idaho

Selected References

Alabama

Association of County Commissions of Alabama

100 N. Jackson Street
Montgomery, AL 36104
☎ Phone: (334)263-7594
☎ Fax: (334)263-7678
🌐 www.acca-online.org/

Alaska

Alaska Municipal League

217 Second Street, Suite 200
Juneau, AK 99801-1267
☎ Phone: (907)586-1325
☎ Fax: (907)463-5480
🌐 www.akml.org/

Bockhorst, Dan. *Local Government in Alaska*. Alaska Department of Community and Economic Development. Feb. 2001

Bockhorst, Dan. *Borough Government in Alaska*. Department of Community and Economic Development. Nov. 2000.

Arizona

Arizona Association of Counties

1910 West Jefferson, Suite 1
Phoenix, AZ 85009-5223
☎ Phone: (602) 252-6563
☎ Fax: (602)254-0969
🌐 www.azcounties.org/

Arizona

County Supervisors Association of Arizona

1905 W. Washington St., Suite 100
Phoenix, AZ 85009-5274
☎ Phone: (602)252-5521
☎ Fax: (602)253-3227
🌐 www.countysupervisors.org/

Arkansas

Association of Arkansas Counties

1415 West Third Street
Little Rock, AR 72201-1810
☎ Phone: (501)372-7550
☎ Fax: (501)372-0611
🌐 www.arcounties.org/

California

Cortus T. Koehler, Ph.D. *Managing California Counties*. Sacramento, California: County Supervisors Association of California.

California State Association of Counties

1100 K Street, Suite 101
Sacramento, CA 95814-3932
☎ Phone: (916) 327-7500
☎ Fax: (916)441-5507
🌐 www.csac.counties.org/

Colorado

Colorado Counties, Inc.

800 Grant Street, Suite 500
Denver, CO 80203
☎ Phone: (303)861-4076
☎ Fax: (303)861-2818
🌐 www.ccionline.org/

Delaware

Delaware Association of Counties

12 N Washington Avenue
Lewes, DE 19958-1806
☎ Phone: (302) 645-0432
☎ Fax: (302)645-2232

Florida

Florida Association of Counties

P.O. Box 549
Tallahassee, FL 32302-0549
☎ Phone: (850) 922-4300
☎ Fax: (850)488-7501
🌐 www.fl-counties.com/

Georgia

Association County Commissioners of Georgia

50 Hurt Plaza, Suite 1000
Atlanta, GA 30303-2954
☎ Phone: (404)522-5022
☎ Fax: (404)525-2477
🌐 www.accg.org/

Carl Vinson Institute of Government, University of Georgia. *Handbook for Georgia County Commissioners*, 4th edition. 2002.

Hawaii

Hawaii State Association of Counties

4396 Rice Street, Suite 206
Lihue, HI 96766-0000
☎ Phone: (808) 270-7760
☎ Fax: (808)270-7639
🌐 www.hawaii-county.com/

Idaho

Idaho Association of Counties

P. O. Box 1623
Boise, ID 83701-1623
☎ Phone: (208) 345-9126
☎ Fax: (208)345-0379
🌐 <http://lidcounties.org/>

Illinois

United Counties Council of Illinois

217 East Monroe, Suite 101
Springfield, IL 62701-1743
☎ Phone: (217)544-5585
☎ Fax: (217)544-5571

Metro Counties of Illinois

1303 Brandywine Road
Libertyville, IL 60048-3000
☎ Phone: (847)816-0889
☎ Fax: (847)247-9915

Illinois Association of County Board Members

413 West Monroe St. 2nd Flr.
Springfield, IL 62704-1959
☎ Phone: (217) 528-5331
☎ Fax: (217)528-5562
🌐 www.ilcounty.org/

Indiana

Association of Indiana Counties

101 West Ohio Street, #1575
Indianapolis, IN 46204-1970
☎ Phone: (317)684-3710
☎ Fax: (317)684-3713
🌐 www.indianacounties.org/

Iowa

Iowa State Association of Counties

510 S.W. 7th Street, Suite Q
Des Moines, IA 50309-4540
☎ Phone: (515) 244-7181
☎ Fax: (515)244-6397
🌐 www.iowacounties.org/

Kansas

Kansas Association of Counties

300 SW Eighth Avenue, Third Floor
Topeka, KS 66603-3912
☎ Phone: (785) 272-2585
☎ Fax: (785)272-3585
🌐 www.kansascounties.org/

Heim, Mike. *Kansas Legislator Briefing Book: Local Government*. Kansas Legislative Research Department. 2006.

Kentucky

Kentucky Association of Counties

380 King's Daughter Drive
Frankfort, KY 40601-4106
☎ Phone: (502) 223-7667
☎ Fax: (502)223-1502
🌐 www.kaco.org/

Louisiana

Police Jury Association of Louisiana
707 North Seventh Street
Baton Rouge, LA 70802-5327
☎ Phone: (225) 343-2835
☎ Fax: (225)336-1344
🌐 www.lpgov.org/

Maine

Maine County Commissioners Association
11 Columbia Street
Augusta, ME 04330-6809
☎ Phone: (207) 623-4697
☎ Fax: (207)622-4437
🌐 www.maine-counties.org/

Maryland

Maryland Association of Counties
169 Conduit Street
Annapolis, MD 21401-2512
☎ Phone: (410) 269-0043
☎ Fax: (410)268-1775
🌐 www.mdcounties.org/

Massachusetts

Massachusetts Association of County Commissioners
614 High Street
Dedham, MA 02027-0310
☎ Phone: (781)461-6105
☎ Fax: (781)326-6480

Michigan

Michigan Association of Counties
935 N. Washington Avenue
Lansing, MI 48906-5137
☎ Phone: (517) 372-5374
☎ Fax: (517)482-4599
🌐 www.micounties.org/

Minnesota

Association of Minnesota Counties
125 Charles Street
Saint Paul, MN 55103-2108
☎ Phone: (651)224-3344
☎ Fax: (651)224-6540
🌐 www.mn-counties.org/

Association of Minnesota Counties. *County Government Structure*. April 2008.

Dyson, Deborah. *Options in County Government Structure*. Minnesota House of Representatives Research Department. September 2006.

Mississippi

Mississippi Association of Supervisors
793 N. President Street
Jackson, MS 39202-3002
☎ Phone: (601) 353-2741
☎ Fax: (601)353-2749
🌐 www.masnetwork.org/

Missouri

Missouri Association of Counties
P.O. Box 234
Jefferson City, MO 65102-0234
☎ Phone: (573) 634-2120
☎ Fax: (573)634-3549
🌐 www.mocounties.com/

Montana

Montana Association of Counties
2715 Skyway Drive
Helena, MT 59602-1213
☎ Phone: (406) 444-4360
☎ Fax: (406)442-5238
🌐 <http://maco.cog.mt.us/>

Local Government Center Montana State University. *Montana Local Government Profiles Fiscal Year 2006*.

Nebraska

Nebraska Association of County Officials

625 South 14th Street, Suite 200

Lincoln, NE 68508-2749

☎ Phone: (402) 434-5660

☎ Fax: (402)434-5673

🌐 www.nacone.org/

Nevada

Nevada Association of Counties

201 S. Roop Street, #101

Carson City, NV 89701-4790

☎ Phone: (775) 883-7863

☎ Fax: (775)883-7398

🌐 www.nvmaco.org/

New Hampshire

New Hampshire Association of Counties

46 Donovan Street, Suite #2

Concord, NH 03301-2624

☎ Phone: (603) 224-9222

☎ Fax: (603)224-8312

🌐 www.nhcounties.org/

New Jersey

New Jersey Association of Counties

150 West State Street

Trenton, NJ 08608-1105

☎ Phone: (609) 394-3467

☎ Fax: (609)989-8567

🌐 www.njac.org/

New Mexico

New Mexico Association of Counties

613 Old Santa Fe Trail

Santa Fe, NM 87505-0308

☎ Phone: (505) 983-2101

☎ Fax: (505)983-4396

🌐 www.nmcounties.org/

New York

New York State Association of Counties

540 Broadway, Fifth Floor

Albany, NY 12207-0000

☎ Phone: (518) 465-1473

☎ Fax: (518)465-0506

🌐 www.nysac.org/

New York State Association of Counties. *County Government Organization in New York State.* January 2007.

North Carolina

North Carolina Association of County Commissioners

215 N. Dawson Street

Raleigh, NC 27603-1311

☎ Phone: (919) 715-2893

☎ Fax: (919)733-1065

🌐 www.ncacc.org/

North Dakota

North Dakota Association of Counties

1661 Capitol Way

Bismark, ND 58502-0877

☎ Phone: (701)328-7300

☎ Fax: (701)328-7308

🌐 www.ndaco.org/

Ohio

County Commissioners Association of Ohio

209 East State Street

Columbus, OH 43215-4195

☎ Phone: (614)221-5627

☎ Fax: (614)221-6986

🌐 www.ccao.org/

Oklahoma

Association of County Commissioners of Oklahoma

429 NE 50th Street

Oklahoma City, OK 73105-1815

☎ Phone: (405)524-3200

☎ Fax: (405)524-3700

🌐 www.okacco.com/

Oregon

Association of Oregon Counties
P. O. Box 12729
Salem, OR 97309-0729
☎ Phone: (503)585-8351
☎ Fax: (503)373-7876
🌐 www.aocweb.org/

Pennsylvania

County Commissioners Association of Pennsylvania
P.O. Box 60769
Harrisburg, PA 17106-0769
☎ Phone: (717)232-7554
☎ Fax: (717)232-2162
🌐 www.pacounties.org/

South Carolina

South Carolina Association of Counties
1919 Thurmond Mall
Columbia, SC 29201-2375
☎ Phone: (803) 252-7255
☎ Fax: (803)252-0379
🌐 www.sccounties.org/

South Carolina Association of Counties. *Handbook for County Government in South Carolina*. 2005.

South Dakota

South Dakota Association of County Officials
207 E. Capitol, STE 2
Pierre, SD 57501-3160
☎ Phone: (605)224-1968
☎ Fax: (605)224-9128
🌐 www.sdcounties.org/

South Dakota Association of County Commissioners
222 E Capitol Avenue, Suite 1
Pierre, SD 57501-0000
☎ Phone: (605) 224-4554
☎ Fax: (605)224-4833
🌐 www.sdcc.govoffice2.com/

Tennessee

Tennessee County Services Association
226 Capitol Blvd. Building, Suite 700
Nashville, TN 37219-1804
☎ Phone: (615)532-3767
☎ Fax: (615)532-3769
🌐 www.tncounties.org/

Texas

Texas Association of Counties
1210 San Antonio Street
Austin, TX 78701-0000
☎ Phone: (512) 478-8753
☎ Fax: (512)478-0519
🌐 www.county.org/

Utah

Utah Association of Counties
5397 S. Vine Street
Salt Lake City, UT 84107-6757
☎ Phone: (801) 265-1331
☎ Fax: (801)265-9485
🌐 www.uacnet.org/

Virginia

Virginia Association of Counties
1001 E. Broad Street, Suite LL20
Richmond, VA 23219-1929
☎ Phone: (804) 788-6652
☎ Fax: (804)788-0083
🌐 www.vaco.org/

Washington

Washington Association of County Officials
206 10th Avenue, SE
Olympia, WA 98501-1333
☎ Phone: (360) 753-7319
☎ Fax: (360)664-2812
🌐 www.wacounties.org/wacol/

Washington State Association of Counties

206 10th Avenue, SE

Olympia, WA 98501-1333

☎ Phone: (360) 753-1886

☎ Fax: (360)753-2842

🌐 wacounties.org/wsac/

West Virginia

County Commissioners' Association of West Virginia

2309 Washington Street, East

Charleston, WV 25311-2312

☎ Phone: (304)345-4639

☎ Fax: (304)346-3512

🌐 www.polsci.wvu.edu/ccawv/

West Virginia Association of Counties

2211 Washington St E

Charleston, WV 25311-2218

☎ Phone: (304)346-0591

☎ Fax: (304)346-0592

🌐 www.wvaco.org/

Wisconsin

Wisconsin Counties Association

22 East Mifflin Street, Suite 900

Madison, WI 53703-4247

☎ Phone: (608) 663-7188

☎ Fax: (608)663-7189

🌐 www.wicounties.org/

Ritsche, Daniel, Clark Radatz, and Christopher Siciliano. *Wisconsin at a Glance*. Wisconsin Legislative Reference Bureau. April 2006.

Wyoming

Wyoming County Commissioners Association

P. O. Box 86

Cheyenne, WY 82003-0086

☎ Phone: (307) 632-5409

☎ Fax: (307)632-6533

🌐 www.wyo-wcca.org/

For your Notes:

For your Notes:

