

# Chapter 190

## 1963 REPLACEMENT PART

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**INTERGOVERNMENTAL COOPERATION**

**190.010 Authority of local governments to make agreements for performance of functions jointly or for one another.** Municipalities, districts or commissions situated in any county or counties, may, whenever it is deemed for their best interests, enter into written agreements with such county or counties, or with each other, for the joint performance of any or all functions and activities of their local governments through consolidated agencies, or by means of, but not limited to, institutions, buildings, swimming pools or recreational or educational facilities and equipment jointly constructed, owned, leased or operated. Counties, municipalities, districts or commissions may contract with other counties, municipalities, districts or commissions for the performance of one or more county, municipal, district or commission functions by one of the contracting parties for the other.

[Amended by 1953 c.161 §2; 1963 c.189 §1]

**190.020 Requisites of agreement.** The written agreements authorized by ORS 190.010 shall set forth what functions or activities of local government shall be jointly carried on, specify definitely the manner in which the expenses thereof shall be apportioned and how any fees or revenue derived therefrom shall be apportioned. Upon the agreement being ratified by the governing bodies of the municipalities, districts, commissions or county subscribing thereto, it shall be spread upon their respective minutes.

**190.030 Effect of agreement.** Whenever any agreement authorized by ORS 190.010 has been entered into, the consolidated agency or institution set up is vested with all powers, rights, duties and functions theretofore existing by law in the separate agencies so consolidated.

190.040 [Amended by 1953 c.182 §2; 1957 c.428 §1; repealed by 1963 c.189 §3]

190.050 to 190.100 [Reserved for expansion]

**190.110 Authority of public corporations, political subdivisions and state agencies to cooperate.** In performing a duty imposed upon it or in exercising a power conferred upon it, a public corporation, political subdivision or state agency of this state may cooperate, by agreement or otherwise, with a public corporation, political subdivision or state agency of this or another state, or with the United States, or with a United States governmental agency. This power includes power to provide jointly for administrative officers.

[Amended by 1963 c.189 §2]

190.120 [1955 c.164 §1; 1959 c.662 §3; 1961 c.108 §8; renumbered 297.910]

190.130 and 190.140 [Reserved for expansion]

**190.150 Agreements under federal Watershed Protection and Flood Prevention Act.** (1) The following districts may enter into agreements with the United States, or any agency or instrumentality thereof, under the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1002):

(a) People's utility districts under ORS chapter 261.

(b) Domestic water supply corporations under ORS chapter 264.

(c) Irrigation districts under ORS chapters 545 and 548.

(d) Drainage districts under ORS chapters 547 and 548.

(e) Flood control districts under ORS chapter 550.

(f) Diking districts under ORS chapter 551.

(g) Water control districts under ORS chapter 553.

(h) Irrigation, drainage, water supply or flood control corporations under ORS chapter 554.

(2) No agreement under subsection (1) of this section that imposes any part of the cost of a work of improvement upon a district is binding upon the district until the project and the method of financing its costs have been authorized in accordance with the laws that apply to that district.

(3) This section is intended to be supplementary and in addition to and is not intended to repeal any law authorizing this state or any political subdivision or instrumentality thereof to make contracts with the United States or any agency or instrumentality thereof.

[1959 c.113 §§1, 2, 3]

190.160 to 190.200 [Reserved for expansion]

**190.210 Executive Department to maintain liaison with local governments providing services to state agencies.** The Legislative Assembly recognizes the need for intergovernmental cooperation between the state governmental agencies located in the various regions of the state and the local governmental agencies which provide the state agencies necessary services such as: (a) fire and police protection; (b) sewage, water and storm drainage; (c) traffic and transportation facilities; (d) refuse disposal; and (e) schools, parks and zoning. In meeting this need for intergovernmental cooperation, the Executive Department shall maintain liaison with the various local governmental agencies which provide services to the state agencies and may participate in the joint deliberations of the local governments in developing plans for services which are supported or utilized by these state agencies.

[1961 c.591 §1]

**190.220 State to pay proportionate share of cost of intergovernmental studies; limitation.** The Executive Department is author-

ized to pay out of the General Fund, to the extent that moneys are available therefor, its proportionate share of the cost of development and coordination of intergovernmental studies and plans prepared by tax supported intergovernmental planning groups, except that the state's financial participation shall be limited to the planning and coordinating of those activities and services which are supported or utilized by the state agencies located in the various regional areas. [1961 c.591 §2]

190.230 to 190.500 [Reserved for expansion]

### OREGON STATE BOARD OF CENSUS

**190.510 Definitions for ORS 190.510 to 190.600.** As used in ORS 190.510 to 190.600:

(1) "Board" means the Oregon State Board of Census established under ORS 190.550.

(2) "City" means any incorporated city or town.

[Formerly 221.845]

**190.520 Annual estimate of population of cities and counties; actual count in any area upon request; actual count upon incorporation of city.** The board shall:

(1) Annually estimate the population as of July 1 of each city and county within the state and no later than December 15 of each year file with the Secretary of State a certificate of population showing the board's estimate of the population of each city and county within the state as of July 1. The board's estimate may be based upon statistical or other pertinent data or upon an actual count. The certificate shall also indicate the results of any enumeration of cities or annexed areas made after July 1.

(2) Upon an official request from a city, county, political subdivision, public corporation or state agency, cause to be conducted at the expense of the requesting party an actual count of the population of the area specified in the request and file with the Secretary of State a certificate of population based upon such count.

(3) Upon the incorporation of a city, cause to be conducted at the expense of the city an actual count of the population of the city. The board shall file a certificate of population with the Secretary of State based upon such count. If the election of officers of the newly incorporated city is held 40 days or more before the end of the calendar quarter, the certificate shall be filed before the

end of the calendar quarter. If the election is held less than 40 days before the end of the calendar quarter, the certificate shall be filed before the end of the calendar quarter next following the election.

[Formerly 221.850; amended by 1963 c.312 §1]

**190.530 Revision of certificate; effect.**

Upon petition from a city, county, political subdivision, public corporation or state agency for reconsideration, or upon its own motion, the board may revise its determination of the population of a city, county or other area. No prior payment of funds to a city, county or other area under ORS 366.785 to 366.820, 471.110, 471.810, 473.190 or 473.210 shall be affected by a subsequent filing of a corrected certificate under this section.

[Formerly 221.855; amended by 1963 c.312 §2]

**190.540 Effect of certificate of population; use in computing shares of state revenues.** (1) The population shown in the certificate of population of the board filed pursuant to ORS 190.520 or 190.530 shall be the official population of the city, county or other area covered by the certificate until a later certificate covering such city, county or other area is filed by the board.

(2) After a certificate of population is filed pursuant to ORS 190.520 or 190.530, the population of a city, county or other area as shown in the certificate shall be the official and exclusive basis for determining per capita allocation and payment of funds to such city, county or other area under ORS 366.785 to 366.820, 471.110, 471.810, 473.190 and 473.210 until the filing by the board of a later certificate for such city, county or other area.

[Formerly 221.860; amended by 1961 c.259 §1; 1963 c.312 §3]

**190.550 Oregon State Board of Census.**

(1) There hereby is established an Oregon State Board of Census consisting of three members appointed by the Governor.

(2) Of the members of the board first appointed, one shall serve for a term to expire on January 1, 1957, one shall serve for a term to expire on January 1, 1958, and one shall serve for a term to expire on January 1, 1959. Thereafter, each member of the board shall be appointed for a term of four years from the date of the expiration of the term for which his predecessor was appointed, except that a vacancy occurring before

the expiration of a term shall be filled by appointment by the Governor for the remainder of the unexpired term only. In the event a member of the board is unable to act because of illness or other temporary disability, the Governor may appoint a person to exercise the functions of such member until his temporary disability is removed.

(3) Any member of the board who is not otherwise employed for compensation by the state shall receive, in addition to traveling and other expenses, \$10 per day while engaged in the performance of his official functions under ORS 190.510 to 190.600. Subject to any other applicable law regulating mileage and traveling and other expenses for state officers, all members of the board shall receive their actual and necessary traveling and other expenses incurred in the performance of their official functions.

[Formerly 221.865]

**190.560 Meetings of board; quorum.**

The board shall meet at such times and in such places within the state as it determines. A majority of the board shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the board.

[Formerly 221.870]

**190.570 Chairman and employes of board.** The board shall elect a chairman from among its members and may employ such assistants and clerical help and incur such expenses as are necessary in the performance of its duties under ORS 190.510 to 190.600. The board shall fix the duties, salaries and wages of its employes.

[Formerly 221.875]

**190.580 Rules and regulations.** The board may adopt such rules and regulations as it considers desirable and expedient in the conduct of its duties under ORS 190.510 to 190.600.

[Formerly 221.880]

**190.590 Reporting information to board.** Any state agency, or officer thereof, and any city, or department, officer or employe thereof, shall, upon request of the board, furnish such available information as may be required by the board in securing accurate data and information upon which to base its estimates. The board may prescribe the form for reporting such information.

[Formerly 221.885]

**190.600** [Formerly 221.890; repealed by 1963 c.115 §2]

**COOPERATION OF GOVERNMENTAL UNITS; CENSUS BOARD**

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**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 1, 1963.

Sam R. Haley  
Legislative Counsel

