

Chapter 199

1963 REPLACEMENT PART

Metropolitan Study Commissions

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CROSS REFERENCES

Intergovernmental cooperation, Ch. 190

GENERAL

199.110 Policy. (1) It hereby is declared to be the public policy of the State of Oregon to provide for the people of the metropolitan areas in the state the means of obtaining essential services not adequately provided by existing units of local government. The growth of urban population and the movement of people into suburban areas has created problems relating to water supply, sewage disposal, transportation, parking, parks and parkways, police and fire protection and planning and zoning. These problems extend beyond the boundaries of individual units of local government and cannot be adequately met by such individual units.

(2) It is the purpose of ORS 199.110 to 199.310 to provide a method whereby the people of the metropolitan areas may adopt local solutions to these common problems in order that proper growth and development of the metropolitan areas of the state may be assured and the health and welfare of the people residing therein secured.
[1963 c.516 §1]

Note: ORS 199.110 to 199.310 are repealed on June 30, 1969. See 1963 c.516 §21.

199.120 Definitions. As used in ORS 199.110 to 199.310 unless the context requires otherwise:

(1) "Central city" means a city having a population of 25,000 or more inhabitants according to the latest federal decennial census.

(2) "Commission" means a metropolitan study commission established pursuant to ORS 199.130 and 199.140.

(3) "County court" includes the board of county commissioners.

(4) "County in which the central city is located" means the county in which the greatest number of inhabitants of a central city reside.

(5) "Metropolitan area" means an area the boundaries of which are determined by a metropolitan study commission pursuant to ORS 199.210 and 199.220.

(6) "Metropolitan services" means any one or more of the following services when provided for an entire metropolitan area or an entire metropolitan area exclusive of incorporated cities lying therein:

- (a) Planning and zoning;
- (b) Sewage disposal;
- (c) Water supply;
- (d) Parks and recreation;

(e) Public transportation; and

(f) Fire protection.

(7) "Tentative metropolitan area" means the territory of a central city together with all adjoining territory lying within 10 miles of any point on the boundaries of the central city.

(8) "Unit of local government" means a county, city or any municipal or quasi-municipal corporation lying, in whole or in part, within a metropolitan area which is providing one or more services which, if provided for an entire metropolitan area or an entire metropolitan area exclusive of incorporated cities lying therein, would be metropolitan services.

(9) "Appointing legislator" means each State Senator and each State Representative representing a district or subdistrict lying, in whole or in part, within the tentative metropolitan area.
[1963 c.516 §2]

COMMISSIONS

199.130 Metropolitan study commission for Portland area. A metropolitan study commission shall be established in each tentative metropolitan area containing a central city having a population of 100,000 or more inhabitants according to the latest federal decennial census.
[1963 c.516 §3]

199.140 Metropolitan study commissions for areas other than Portland area. (1) A metropolitan study commission may be established in each tentative metropolitan area containing a central city having a population of less than 100,000 inhabitants, after the filing, before July 1, 1965, with the county clerk of the county in which the central city is located, of:

(a) A resolution requesting establishment of the commission adopted by a majority of the county court for the county in which the central city is located; or

(b) A petition requesting establishment of the commission, signed by such number of legal voters of the central city as is equal to at least five percent of the whole number of votes cast within the central city for that position of Justice of the Supreme Court for which the greatest number of votes was cast within the city at the last preceding election for Justice of the Supreme Court. The petition shall be substantially in such form as the county clerk may prescribe.

(2) The county clerk, immediately upon the filling of the resolution of the county court, shall give written notice thereof to those persons entitled to participate in the appointment of members of the commission.

(3) Upon the filing with the county clerk of a petition requesting the establishment of a commission, the county clerk shall verify the signatures in the manner provided in ORS 254.040 and certify to the county court his findings as to the sufficiency of such petition. If the petition is found to be sufficient, the county clerk immediately shall give written notice thereof to those persons entitled to participate in the appointment of members of the commission.

(4) Only one commission may be established for each tentative metropolitan area.
[1963 c.516 §4]

199.150 Membership; appointment; qualifications; term. (1) Any study commission established pursuant to ORS 199.130 and 199.140 for a tentative metropolitan area shall consist of members to be selected as follows:

(a) In each tentative metropolitan area in which there are five or less appointing legislators, each appointing legislator shall appoint three members. In each tentative metropolitan area in which there are more than five but less than 11 appointing legislators, each appointing legislator shall appoint two members. In each tentative metropolitan area in which there are more than 10 appointing legislators, each appointing legislator shall appoint one member.

(b) Each member shall reside at the time of his appointment in the legislative district from which his appointing legislator was elected.

(c) No member shall be an elected official of any unit of local government.

(2) The members of a commission established pursuant to ORS 199.130 shall be appointed within 60 days after September 2, 1963.

(3) The members of a commission established pursuant to ORS 199.140 shall be appointed within 60 days after the approval by the county clerk of the petition or after the filing with the county clerk of the resolution.

(4) All commissions shall terminate by June 30, 1969, and no member shall be appointed for a term extending beyond such date. However, a commission, upon completion of its duties, may terminate earlier by

a vote of three-fourths of the members favorable to such earlier termination.
[1963 c.516 §§5, 6, 19]

199.160 Procedure when legislator fails to make appointment. If an appointing legislator fails to make an initial appointment within the 60 days given to appoint members pursuant to subsections (2) and (3) of ORS 199.150, the county court of the county in which the central city is located shall make such appointment.
[1963 c.516 §7]

199.170 Organization; chairman; vice chairman. (1) Not later than 80 days after September 2, 1963, for commissions established pursuant to ORS 199.130, and not later than 80 days after the approval by the county clerk of the petition or the filing with the county clerk of the resolution, for commissions established pursuant to ORS 199.140, the members of a commission shall meet and organize at a time which shall be set by the governing body of the central city.

(2) At the first meeting of each commission there shall be elected from the members of the commission by an affirmative vote of not less than two-thirds of its membership a chairman and vice chairman.

(3) Further meetings of the commission shall be held upon call of the chairman, the vice chairman in the absence or inability of the chairman, or a majority of the members of the commission.
[1963 c.516 §8]

199.180 Vacancy; expenses; meetings; quorum; voting; rules of procedure. (1) In case of a vacancy for any cause, a new member shall be appointed in the same manner as was the member he replaced.

(2) A member of a commission shall receive no compensation for his services as a member, but he shall receive his actual and necessary travel and other expenses incurred in the performance of his official duties.

(3) A commission shall meet at least once every three months. All meetings of a commission shall be open to the public.

(4) A majority of the members of the commission constitutes a quorum for the transaction of business.

(5) Each member shall have one vote. A favorable vote by not less than a two-thirds majority of the entire commission shall be necessary to any action permitted by ORS

199.270; but other actions may be by a majority of those present and voting, a quorum being present. Each commission may adopt such other rules for its proceedings as it deems desirable.

[1963 c.516 §9]

199.190 to 199.200 [Reserved for expansion]

COMPREHENSIVE PLAN

199.210 Determination of boundaries for metropolitan services. A commission shall determine the boundaries within which it is desirable that one or more metropolitan services be provided. In fixing such boundaries the commission need not conform to the boundaries of the tentative metropolitan area. The boundaries proposed by the commission shall not include part of any city unless the whole city is included, and shall not divide any existing water, sanitary, park and recreation, fire protection or other special service district unless the comprehensive plan, prepared by the commission pursuant to subsection (1) of ORS 199.230, will include provisions for the continuance of such service in that part of any such district not included within the boundaries as determined by the commission.

[1963 c.516 §10]

199.220 Standards for boundary determination. In fixing the boundaries and determining the need for the furnishing of metropolitan services, a commission shall study and take into consideration:

(1) Population density, distribution and growth;

(2) The location of highways and natural geographic barriers to and routes for transportation;

(3) The true cash value of taxable property and differences in valuation under various possible boundaries for a metropolitan area;

(4) The area within which metropolitan services are needed at present and for orderly growth of the metropolitan area;

(5) The boundaries of existing units of local government;

(6) The extent to which needed services are or can be furnished by existing units of local government and the relative cost to the taxpayer and user of such services of having them provided by existing units of local government or as metropolitan services;

(7) The existing land use within a metropolitan area; and

(8) Such other matters as affect the provision of metropolitan services on an equal basis throughout the metropolitan area, more efficient and economical administration thereof and more equitable distribution of the expense thereof to the taxpayers of the metropolitan area and users of such services.

[1963 c.516 §11]

199.230 Comprehensive plan for metropolitan services. (1) The commission shall prepare a comprehensive plan for the furnishing of such metropolitan services as it deems desirable in the metropolitan area.

(2) In preparing its comprehensive plan for the furnishing of metropolitan services, a commission may recommend one or more of the following courses of action, to take effect at the same or at different times:

(a) Consolidation of any existing city with any other existing city;

(b) Consolidation of the central city with the county in which it lies;

(c) Consolidation of any existing special service district with one or more other special service districts to perform all of the services provided by any of them;

(d) Annexation of unincorporated territory to any existing incorporated city;

(e) Creation of a federation by existing units of local government to provide or assist them in providing one or more metropolitan services;

(f) Creation of a new special service district to perform one or more metropolitan services, with provision for the dissolution of any existing special service districts performing like service or services within the proposed boundaries of such new district;

(g) Performance of one or more metropolitan services by any existing unit of local government;

(h) Provision of metropolitan services by county governments;

(i) Consolidation of specified metropolitan services by transfer of functions, by creation of joint administrative agencies or by contractual agreements; and

(j) Creation of a permanent urban area council, consisting of the members of governing bodies of units of government within the metropolitan area.

[1963 c.516 §§12, 13]

199.240 Plan to contain equitable adjustment of property and debts of local government units. The commission shall determine the value and amount of all property

used in performing any metropolitan service and all bonded and other indebtedness of units of local government attributable to the acquisition of such property and affected by its comprehensive plan for metropolitan services and shall determine and provide in its comprehensive plan an equitable adjustment of such property and debts of each such unit of local government.

[1963 c.516 §14 (1)]

199.250 Date of completion of preliminary plan; hearing; notice. (1) Within two years after the date of its organization, a commission shall complete the preparation of its preliminary determination of boundaries and plan for the furnishing of metropolitan services. When the commission has completed its plan, including such maps and charts as are necessary for the presentation to and understanding by the public, the commission shall fix the dates and places for public hearings.

(2) Notice of a hearing shall be published once each week for at least two weeks preceding the hearing, in a newspaper of general circulation in the county where the central city is located. The notice of hearing shall state the time and place for the hearing.

[1963 c.516 §15]

199.260 Appeal from plan; notice to commission; jurisdiction of circuit court; effect of determination. (1) After the hearings provided for in ORS 199.250 and the final adoption of the commission's comprehensive plan, any person aggrieved by the provisions of the plan relating to equitable adjustment of property and debts as provided for in ORS 199.240 may appeal from such provisions to the circuit court for the county in which the central city is located. Notice of the appeal shall be given to the chairman of the commission 10 days before the appeal is filed with the court.

(2) The court has jurisdiction to determine the constitutionality and equity of the adjustment or adjustments proposed and to direct the commission to alter such adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of the State of Oregon or of the United States, but any such determination shall not otherwise affect the comprehensive plan adopted by the commission.

[1963 c.516 §14 (2)]

199.270 Action where plan includes creation or any change in public corporation or political subdivision. (1) If the comprehensive plan includes the creation of, or any change, alteration, consolidation, dissolution or annexation with respect to any public corporation or political subdivision, a procedure for which is provided by law upon petition by the people and an election, a commission may direct the submission of such creation, change, alteration, consolidation, dissolution or annexation to the people in the area affected for a vote without the necessity of such petition or the proceedings thereon. The commission shall provide for the time and conduct of any election directed by it.

(2) If the comprehensive plan includes the creation of, or any change, alteration, consolidation, dissolution or annexation with respect to any public corporation or political subdivision which cannot be submitted by a commission to the people for election under subsection (1) of this section, a commission may recommend the necessary enabling legislation, charter amendments or amendments to the Constitution of the State of Oregon to the appropriate governing body or the Legislative Assembly. If the comprehensive plan includes any change, alteration, consolidation, dissolution or annexation with respect to any public corporation or political subdivision which can be carried into effect under existing laws without an election, the commission may recommend the necessary action to the governing bodies or bodies of the units of government involved.

[1963 c.516 §16]

199.280 Action after negative vote in election under ORS 199.270. If any election directed by the commission pursuant to subsection (1) of ORS 199.270 results in a negative vote, the commission may:

(1) Direct the resubmission of the same issue at a new election to be held not earlier than one year from the date of the election at which such negative vote was cast; or

(2) Withdraw its comprehensive plan, or that part thereof rejected at such election, and devise a new plan which the commission believes will be more acceptable and proceed thereon as specified in ORS 199.250 and 199.270.

[1963 c.516 §17]

199.290 to 199.300 [Reserved for expansion]

199.310 Additional authority of commission. A commission shall have the following additional powers and duties:

(1) To contract and cooperate with such other agencies, public or private, as it considers necessary for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out the purposes for which the commission was established. All state agencies and all counties and other units of local government, and the officers and employees thereof, shall cooperate with the commission as far as possible in the discharge of the commission's duties.

(2) To consult and retain such experts, and to employ such clerical and other assistants as, in the commission's judgment, may

be necessary for the preparation of legislation and the accomplishment of the purposes for which the commission was established.

(3) To accept and expend moneys from any public or private source, including the Federal Government. All moneys received by the commission shall be deposited with the county treasurer of the county in which the central city is located. The county treasurer is authorized to disburse funds of the commission on its order.

(4) To do any and all other things necessary or convenient to enable the commission fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of ORS 199.110 to 199.310.

[1963 c.516 §18]

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

CHAPTER 200

[Reserved for expansion]