

Chapter 190

1965 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190.040 [Amended by 1953 c.182 §2; 1957 c.428 §1; repealed by 1963 c.189 §3]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 authorized 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 Status of recipients, beneficiaries, trainees or volunteers under Economic Opportunity Act of 1964. Persons who are recipients, beneficiaries or trainees in work training, work study and work experience programs authorized by the Economic Opportunity Act of 1964 (United States Public Law 88-542), as amended, and persons who are volunteers under section 603 of that Act during their participation in such programs:

(1) Are not serving in positions in the service of the state or any county or city for purposes of any civil service law or of any state, county or city retirement system.

(2) Are not employes as defined in ORS 657.015.

(3) Are workmen covered under the state system of workmen's compensation if the recipient, beneficiary or trainee is not otherwise covered by a federal program of insurance offering similar coverage.

[1965 c.405 §1]

190.240 Furnishing of services by state agency to federal and local governmental units. (1) Subject to rules prescribed by the Department of Finance and Administration, any state agency as defined in ORS 291.002 may, upon request, furnish to the Federal Government or a city, county, district or other municipal corporation or political subdivision in Oregon the same or similar services furnished under the laws of this state to other state agencies. The cost of the services provided under this subsection shall be charged to the Federal Government, city, county, district or other municipal corporation or political subdivision for which the services are performed.

(2) In the case of state agencies, the cost of services furnished pursuant to subsection (1) of this section may be paid out of the miscellaneous receipts account established pursuant to ORS 291.678 for such agencies. All moneys received by an agency in payment of such services shall be paid into the State Treasury for deposit to the credit of the miscellaneous receipts account established pursuant to ORS 291.678 for the agency furnishing the service. In the case of the Department of Finance and Administration, the cost of services furnished pursuant to subsection (1) of this section may be advanced from the Administrative Services Revolving Fund and reimbursed to the fund from the charges paid to the department by the Federal Government, city, county, district or other municipal corporation or political subdivision for which the services are performed.

[1965 c.351 §2 (2), (3)]

190.250 Furnishing centralized accounting and data processing services to federal and local governmental units. Upon request of the Federal Government or a city, county, district or other municipal corporation or political subdivision in Oregon, the Secretary of State may provide centralized accounting, data processing, data recording and storing and other similar services for such Federal Government, city, county, district or other municipal corporation or political subdivision. The cost of the services provided under this section may be advanced out of the Data Processing Services Revolving Account and the cost thereof shall be charged to the Federal Government, city, county, district or other municipal corporation or political subdivision for which the services are performed.

[1965 c.351 §2 (1)]

190.260 Data Processing Services Revolving Account. (1) There hereby is established in the General Fund of the State Treasury an account to be known as the Data Processing Services Revolving Account. All moneys in the Data Processing Services Revolving Account hereby are appropriated continuously and shall be used by the Secretary of State for the payment of the administrative expenses and all other expenses relating to the operation, maintenance and provision of data processing and administrative accounting services by the Secretary of State.

(2) All moneys received by the Secretary of State for data processing and administrative accounting services furnished to other state agencies, the Federal Government, cities, counties, districts or other municipal corporations or political subdivisions shall be paid into the State Treasury and credited to the Data Processing Services Revolving Account.

[Formerly 297.920]

190.270 to 190.500 [Reserved for expansion]

STATE CENSUS

190.510 Definitions for ORS 190.510 to 190.610. As used in ORS 190.510 to 190.610, unless the context requires otherwise:

(1) "Board" means the State Board of Higher Education established under ORS 351.010.

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

[Formerly 221.845; amended by 1965 c.207 §1]

190.520 Annual estimate of population of cities and counties by State Board of Higher Education; actual count. 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 [Formerly 221.865; repealed by 1965 c.207 §7]

190.560 [Formerly 221.870; repealed by 1965 c.207 §7]

190.570 [Formerly 221.875; repealed by 1965 c.207 §7]

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 190.610.

[Formerly 221.880]

190.590 Reporting information to board. Any state agency, or officer thereof, and any city, or department, officer or employee 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]

190.610 Board to establish program at state institution of higher education. The board shall establish a program at one or more of the institutions under its control, designed to perform the duties imposed upon it by ORS 190.510 to 190.610.

[1965 c.207 §6]

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 November 15, 1965.

Sam R. Haley
 Legislative Counsel

