

Chapter 190

1967 REPLACEMENT PART

Cooperation of Governmental Units; State Census

INTERGOVERNMENTAL COOPERATION

- 190.003 Definitions for ORS 190.003 to 190.110
- 190.007 Policy; construction
- 190.010 Authority of local governments to make intergovernmental agreement
- 190.020 Contents of agreement
- 190.030 Effect of agreement
- 190.110 Authority of units of local government and state agencies to cooperate
- 190.150 Agreements under federal Watershed Protection and Flood Prevention Act
- 190.210 Executive Department to maintain liaison with local governments providing services to state agencies
- 190.220 State to pay proportionate share of cost of intergovernmental studies; limitation
- 190.230 Status of recipients, beneficiaries, trainees or volunteers under Economic Opportunity Act of 1964
- 190.240 Furnishing of services by state agency to federal and local governmental units

- 190.250 Furnishing centralized accounting and data processing services to federal and local governmental units

INTERGOVERNMENTAL COORDINATION

- 190.310 Definitions for ORS 190.310 to 190.340
- 190.320 Intergovernmental Coordinator appointed by Governor; term; salary
- 190.330 Duties of Intergovernmental Coordinator
- 190.340 Agencies to assist coordinator; Department of Finance and Administration to provide services

STATE CENSUS

- 190.510 Definitions for ORS 190.510 to 190.610
- 190.520 Annual estimate of population of cities and counties by State Board of Higher Education; actual count
- 190.530 Revision of certificate; effect
- 190.540 Effect of certificate of population; use in computing shares of state revenues
- 190.580 Rules and regulations
- 190.590 Reporting information to board
- 190.610 Board to establish program at state institution of higher education

CROSS REFERENCES

INTERGOVERNMENTAL COOPERATION

- Actions by intergovernmental unit against contractors conspiring to destroy competition, 30.312
- Advertising signs along interstate highways, regulation, 377.430
- Aging persons, problems of, cooperation regarding, 414.300
- Air pollution, intergovernmental cooperation, 449.830
- Boats and boating, 488.176, 488.830
- Cigarettes and other tobacco products, exchange of information, 323.250
- Driver License Compact, 482.820
- Farm labor camps, cooperation in enforcing sanitary regulations, 446.650
- Flood prevention, 568.552
- Game, joint meetings with commissions of states on Oregon boundaries, 496.130
- Indemnifying political subdivision for loss or damage resulting from occupancy of its property, 271.380
- Interstate and federal cooperation regarding:
 - Conservation of soil and natural resources, 568.020
 - Livestock programs, 599.395, 599.495
- Interstate Compact on Juveniles, Ch. 417
- Interstate crime prevention and enforcement, 145.060
- Interstate Library Compact, 357.330 to 357.370
- Interstate prevention of theft of livestock, 604.425
- Juvenile delinquency, cooperation among counties and cities to control, 419.010

- Juvenile departments and detention facilities for juveniles, joint county operation of, 419.604, 419.612
- Law enforcement, county-city contracts for, 206.345
- Livestock brand inspection, 604.535
- Local income and sales taxes, collection and enforcement by State Tax Commission, 305.620
- Market news service, 576.035
- Mental health services, local, 430.610 to 430.660
- Metropolitan study commissions, 199.110 to 199.310
- Multistate Tax Compact, 305.655
- Oregon Beef Council, cooperation with other organizations and agencies, 577.290
- Oregon Port Authorities Commission, 777.990 (note)
- Outdoor recreation resources, 390.010
- Out-of-state supervision of parolees and probationers, 144.610
- People's utility districts, contracts with other governmental units, 261.305
- Police Standards and Training, Board on, 181.620
- Public employee's reemployment rights at end of cooperative agreement, 236.640
- Public health vector (insect) control, 452.210
- Racing commission cooperation with commissions and boards of other jurisdiction for betterment of racing, 462.275
- Radiation sources, intergovernmental control, 453.745
- Sewage disposal and other services, county plan to serve unincorporated urban areas in county, 451.120

Sewage disposal, drainage, insect control and related problems, cooperation on, 450.705	Development of state's resources, 184.010, 184.120
Sewerage facilities, intergovernmental cooperation, 449.435	Education in homemaking and agriculture, 343.910
Soil and water conservation districts for conservation, 568.552	Federal flood control projects, 190.150, 549.630, 549.635
State Civil Service Department, services to other governmental units, 240.095	Forest protection, 477.406
State cooperation in power development, Const. Art. XI-D, § 2	Goose Lake water study, 536.420
State Recreation Director, cooperation with local entities, 390.140	Insect control, 452.110
State Soil and Water Conservation Committee, acceptance of materials by, 568.290	Livestock disease control, 596.040
Summer camp program, 418.705 to 418.730	Maintenance of air travel facilities, 492.310
Surplus property, cooperation with Federal Government, 279.820	Mental health and exchange of mentally ill and mentally deficient persons, 428.240, 428.310
Training programs conducted by Chief Medical Investigator, cooperation with law enforcement agencies, 146.050	Microfilm services, 192.072
Unclaimed Property Compact, 98.280	Planning land use and development, 351.260
Unemployment insurance, 657.755	Port may contract with federal or state agencies, 777.112
Uniform enforcement of regulations on use of vehicles on school grounds, 332.205	Ports to exercise jointly powers of each, 777.108
Vehicle Equipment Safety Compact, 483.670	Public works construction, 280.010
Vote recording systems, joint purchase and use, 258.105	Rural fire protection, 478.300, 478.305, 478.310
Wage claims, reciprocal enforcement of, 652.420 to 652.445	Sewage disposal and other service facilities, 451.140, 451.560
Water control districts, intergovernmental contracts, 553.750	Soil conservation, 568.550
Water pollution, intergovernmental cooperation, 449.092	Support, enforcement of duty to, 180.320
Watershed protection and flood prevention projects, cooperative studies, 542.750	Tax matters, 306.125 to 306.129, 308.290, 309.024
Western Interstate Corrections Compact, 421.282 to 421.294	Traffic control, 352.360
Work release programs, 144.460	Water resources matters, 190.150, 536.450, 536.460, 536.470, 536.480, 536.520, 549.630, 549.635, 549.710
	Workmen's compensation, interstate jurisdictional problems, 656.126
County, city and school district joint facilities, 280.150	
	190.210
Cooperation in:	Payment to counties for services to state boards and commissions, 182.040
Bridge construction, 367.370, 381.010, 381.098	Appropriation for state's share of cost of study conducted by Mid-Willamette Valley Council of Governments, 1967 c.3
Civil Service for fire fighters, 242.720	
Development and operation of commodity commissions, 576.013	190.250
	Payment for payroll services, deposited in account, 292.034
	190.520
	Public libraries, location, 357.550
	190.540
	Issuance of dispenser's license, 472.110
	190.580
	Administrative procedures and rules of state agencies, Ch. 183

INTERGOVERNMENTAL COOPERATION

190.003 Definitions for ORS 190.003 to 190.110. As used in ORS 190.003 to 190.110, "unit of local government" includes a county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter.

[1967 c.550 §2]

190.007 Policy; construction. In the interest of furthering economy and efficiency in local government, intergovernmental cooperation is declared a matter of state-wide concern. The provisions of ORS 190.003 to 190.110 shall be liberally construed.

[1967 c.550 §3]

190.010 Authority of local governments to make intergovernmental agreement. A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform. The agreement may provide for the performance of a function or activity:

- (1) By a consolidated department;
- (2) By jointly providing for administrative officers;
- (3) By means of facilities or equipment jointly constructed, owned, leased or operated;
- (4) By one of the parties for any other party; or

(5) By a combination of the methods described in this section.

[Amended by 1953 c.161 §2; 1963 c.189 §1; 1967 c.550 §4]

190.020 Contents of agreement. (1) An agreement under ORS 190.010 shall specify the functions or activities to be performed and by what means they shall be performed. Where applicable, the agreement shall provide for:

(a) The apportionment among the parties to the agreement of the responsibility for providing funds to pay for expenses incurred in the performance of the functions or activities.

(b) The apportionment of fees or other revenue derived from the functions or activities and the manner in which such revenue shall be accounted for.

(c) The transfer of personnel and the preservation of their employment benefits.

(d) The transfer of possession of or title to real or personal property.

(e) The term or duration of the agreement, which may be perpetual.

(f) The rights of the parties to terminate the agreement.

(2) When the parties to an agreement are unable, upon termination of the agreement, to agree on the transfer of personnel or the division of assets and liabilities between the parties, the circuit court has jurisdiction to determine that transfer or division.

[Amended by 1967 c.550 §5]

190.030 Effect of agreement. (1) When an agreement under ORS 190.010 has been entered into, the unit of local government, consolidated department or administrative officer designated therein to perform specified functions or activities is vested with all powers, rights and duties relating to those functions and activities that are vested by law in each separate party to the agreement, its officers and agencies.

(2) An officer designated in an agreement to perform specified duties, functions or activities of two or more public officers shall be considered to be holding only one office.

(3) An elective office may not be terminated by an agreement under ORS 190.010.

[Amended by 1967 c.550 §6]

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

190.110 Authority of units of local government and state agencies to cooperate. In performing a duty imposed upon it or in exer-

cising a power conferred upon it, a unit of local government or a state agency of this state may cooperate, by agreement or otherwise, with a unit of local government or a 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; 1967 c.550 §7]

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

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]

190.210 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 88-452), 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 employees 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, 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) Except as provided in subsections (3) and (4) of this section, 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 283.250 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 283.250 for the agency furnishing the service.

(3) In the case of the Department of Finance, the cost of services furnished pursuant to subsection (1) of this section may be advanced from the Finance 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.

(4) In the case of the Department of General Services, the cost of services furnished pursuant to subsection (1) of this section may be advanced from the General 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); 1967 c.419 §43]

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 Department of Finance may provide centralized accounting, data processing, data recording and storing and other similar services for such Federal Government, city, county, dis-

trict or other municipal corporation or political subdivision. The cost of the services provided under this section may be advanced out of the Finance Revolving Fund 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); 1967 c.454 §91]

Note: The 1967 amendment of ORS 190.250 becomes operative July 1, 1968. See 1967 c.454 §120.

190.260 [Formerly 297.920; repealed by 1967 c.454 §119]

Note: The repeal of ORS 190.260 becomes operative July 1, 1968. See 1967 c.454 §120.

INTERGOVERNMENTAL COORDINATION

190.310 Definitions for ORS 190.310 to 190.340. As used in ORS 190.310 to 190.340, unless the context requires otherwise:

(1) "Federal aid" includes all types of federal grants, federal financial assistance, federal loans and other types of federal assistance, whether or not any state or local funds are required to match or contribute toward the costs of the program for which federal aid is available.

(2) "Local governments" means municipal corporations as defined in ORS 294.311.

(3) "State agency" means state agency as defined in ORS 291.002.

[1967 c.165 §1]

190.320 Intergovernmental Coordinator appointed by Governor; term; salary. The Governor shall appoint an Intergovernmental Coordinator who shall hold his office at the pleasure of the Governor. The coordinator shall receive such salary as may be fixed by the Governor.

[1967 c.165 §2]

190.330 Duties of Intergovernmental Coordinator. The Intergovernmental Coordinator shall:

(1) Compile and maintain current information on available and pending federal aid programs and make this information available to state agencies and to local governments in this state.

(2) Provide assistance, as requested, to state agencies and local governments in this state in preparing applications for federal aid.

(3) Compile and maintain current information relating to the amounts of federal

aid being received and disbursed by state agencies and local governments in this state.

(4) Analyze the relations of federal aid programs with state and locally financed programs and make recommendations to state agencies, local governments, the Governor and the Legislative Assembly on means of avoiding duplication of activity and of increasing efficiency in programs financed by federal aid.

(5) Report annually to the Governor and to members of the Legislative Assembly on the amounts of federal aid received and disbursed by state agencies and local governments in this state during the preceding fiscal year, the adequacy of programs financed by federal aid in this state and the types and nature of federal aid programs in which state agencies or local governments did not participate.

[1967 c.165 §3]

190.340 Agencies to assist coordinator; Department of Finance and Administration to provide services. All agencies and officers of this state and all local governments and officers thereof in this state are directed to assist the Intergovernmental Coordinator in carrying out his duties under ORS 190.310 to 190.340 by furnishing to him such information as he may request. The Department of Finance and Administration shall provide such clerical and technical assistance to the Intergovernmental Coordinator as he may request.

[1967 c.165 §4]

Note: The duties, functions and powers of the former Department of Finance and Administration were transferred to the Department of Finance and the Department of General Services. See 1967 c.419 §31.

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 and 471.810 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; 1967 c.577 §6]

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 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]

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, Robert W. Lundy, 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, 1967.

Robert W. Lundy
Legislative Counsel