

Chapter 198

1969 REPLACEMENT PART

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SALES BY OR TO BOARD MEMBERS

198.110 Definitions for ORS 198.120. As used in ORS 198.120, unless the context requires otherwise, "district" means any one of the following:

- (1) A people's utility district organized under ORS chapter 261.
- (2) A domestic water supply corporation organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A special road district organized under ORS 371.305 to 371.380.
- (6) A road assessment district organized under ORS 371.405 to 371.555.
- (7) A highway lighting district organized under ORS chapter 372.
- (8) A hospital district organized under ORS 441.195 to 441.410.
- (9) A sanitary district organized under ORS 450.005 to 450.245.
- (10) A sanitary authority organized under ORS 450.705 to 450.980.
- (11) A vector control district organized under ORS 452.020 to 452.180.
- (12) A rural fire protection district organized under ORS chapter 478.
- (13) An irrigation district organized under ORS chapter 545.
- (14) A drainage district organized under ORS chapter 547.
- (15) A diking district organized under ORS chapter 551.
- (16) A water control district organized under ORS chapter 553.
- (17) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.
- (18) A soil and water conservation district organized under ORS 568.210 to 568.800.
- (19) A port organized under ORS chapter 777.

[1969 c.344 §11]

198.120 Sales by or to members of certain boards. (1) The governing body of a district shall not purchase or sell equipment, supplies or services from or to a member of the governing body unless the consideration for the equipment, supplies or services:

- (a) Paid to the member during any fiscal year is, in the aggregate, less than \$500; or
- (b) Received from the member during any fiscal year is, in the aggregate, less than \$500.

(2) Purchases or sales from or to a member as provided by subsection (1) of this section are authorized only if:

(a) The member reveals to the governing body his pecuniary interest in the purchase or sale;

(b) The member abstains from voting on any action that affects the disposition of the purchase or sale; and

(c) The action of the member of the governing body is recorded in the journal of the governing body.

(3) This section does not apply to the purchase of a service by a member of the governing body when the authorized purpose of the district is to provide a service and the member is purchasing such service on the same basis as others.

(4) For the purpose of this section, purchases or sales from or to a partnership of which a member of the governing body is a partner or from or to a corporation of which a member of the governing body owns, directly or indirectly, more than five percent of the capital stock are considered purchases or sales from or to the member.

[1969 c.344 §2]

BONDS

198.210 Definitions for ORS 198.220. As used in ORS 198.220, unless the context requires otherwise, "district" includes any one of the following:

(1) A people's utility district organized under ORS chapter 261.

(2) Domestic water supply corporations organized under ORS chapter 264.

(3) A cemetery maintenance district organized under ORS chapter 265.

(4) A park and recreation district organized under ORS chapter 266.

(5) A special road district organized under ORS 371.305 to 371.380.

(6) A road assessment district organized under ORS 371.405 to 371.555.

(7) A highway lighting district organized under ORS chapter 372.

(8) A hospital district organized under ORS 441.195 to 441.410.

(9) A sanitary district organized under ORS 450.005 to 450.245.

(10) A sanitary authority organized under ORS 450.705 to 450.980.

(11) A county service district organized under ORS chapter 451.

(12) A vector control district organized under ORS 452.020 to 452.180.

(13) A rural fire protection district organized under ORS chapter 478.

(14) An irrigation district organized under ORS chapter 545.

(15) A drainage district organized under ORS chapter 547.

(16) A water control district organized under ORS chapter 553.

(17) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(18) A soil and water conservation district organized under ORS 568.210 to 568.800.

(19) A weed control district organized under ORS 570.505 to 570.575.

(20) A port district organized under ORS chapter 777 or 778.

[1969 c.345 §1]

198.220 Bond for member of boards of certain districts. The governing body of a district shall require bond of any member of the governing body or any officer or employe of the district who is charged with possession and control of district funds and properties. The amount of the bond shall be fixed by the governing body of the district. The premium for the bond shall be paid from district funds. [1969 c.345 §2]

VACANCIES

198.310 Definitions for ORS 198.320. As used in ORS 198.320, unless the context requires otherwise, "district" means any one of the following:

(1) A people's utility district organized under ORS chapter 261.

(2) A domestic water supply district organized under ORS chapter 264.

(3) A cemetery maintenance district organized under ORS chapter 265.

(4) A park and recreation district organized under ORS chapter 266.

(5) A road assessment district organized under ORS 371.405 to 371.555.

(6) A highway lighting district organized under ORS chapter 372.

(7) A hospital district organized under ORS 441.195 to 441.410.

(8) A sanitary district organized under ORS 450.005 to 450.245.

(9) A sanitary authority organized under ORS 450.705 to 450.980.

(10) A vector control district organized under ORS 452.020 to 452.180.

(11) A rural fire protection district organized under ORS chapter 478.

(12) An irrigation district organized under ORS chapter 545.

(13) A drainage district organized under ORS chapter 547.

(14) A water control district organized under ORS chapter 553.

(15) A soil and water conservation district organized under ORS 568.210 to 568.800.

(16) A chemical control district organized under ORS 573.402 to 573.585.

(17) A port organized under ORS chapter 777.

[1969 c.669 §1]

198.320 Filling of vacancies on boards of certain districts. (1) Except as otherwise provided by law, a vacancy in an elected office in the membership of the governing body of a district shall be filled by appointment by a majority of the remaining members of the board. If a majority of the membership of the governing body is vacant or if a majority cannot agree, the vacancies shall be filled promptly by the county court of the county in which the district or the greater portion of the value of all taxable property in the district, as shown on the most recent assessment rolls of the counties, is located.

(2) A person appointed under subsection (1) of this section shall serve until the next regular election in the district at which members of the governing body are elected. At the regular election, a successor shall be elected to serve for the unexpired term.

[1969 c.669 §2]

RECALL

198.410 Definition of "district officer" and "qualified voter." As used in ORS 198.410 to 198.430, unless the context requires otherwise:

(1) "District officer" means a member of the governing body of a district who serves as such by virtue of election to such position.

(2) "Qualified voter" means a person qualified, in accordance with the law applicable to the district, to vote in an election at which members of the governing body of the district are elected.

[1969 c.325 §1]

198.420 Definition of "district." As used in ORS 198.410 to 198.430, unless the context requires otherwise, "district" means any one of the following:

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

(2) Domestic water supply corporations organized under ORS chapter 264.

(3) Cemetery maintenance districts organized under ORS chapter 265.

(4) Park and recreation districts organized under ORS chapter 266.

(5) Road assessment districts organized under ORS 371.405 to 371.555.

(6) Hospital districts organized under ORS 441.195 to 441.410.

(7) Sanitary districts organized under ORS 450.005 to 450.245.

(8) Sanitary authorities organized under ORS 450.705 to 450.980.

(9) Rural fire protection districts organized under ORS chapter 478.

(10) Irrigation districts organized under ORS chapter 545.

(11) Drainage districts organized under ORS chapter 547.

(12) Water control districts organized under ORS chapter 553.

(13) Ports organized under ORS chapter 777.

[1969 c.325 §2]

198.430 Recall of members of certain boards. (1) A petition for recall of a district officer shall be filed with the officer with whom a petition for nomination to such office should be filed. If there is no such officer or if he is the district officer against whom the petition is being filed, the petition shall be filed with the county clerk of the county where the district, or the greater portion of the district, is located.

(2) The petition shall be signed by not less than the lesser of:

(a) Fifteen percent of the qualified voters of the district, or subdivision of the district from which the district officer was elected; or

(b) Twenty-five percent of the number of voters from the district, or such subdivision, who voted at the preceding election for justice of the Supreme Court.

(3) Every sheet of each petition containing signatures shall be verified on the face by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his presence and that he believes that each signer stated his correct residence address and is a qualified voter.

(4) In those districts where qualified voters must be registered electors, the petition, before filing, shall be submitted to the county clerk who shall compare the signatures of the persons signing the petition with the signatures of registered electors on the register of electors and shall, on the face of each signature sheet, make his certificate of the number of signatures he believes to be genuine. In other districts, the officer who receives the petition for filing shall, before filing the petition, verify the signatures and make his certificate of the number of signatures he believes to be genuine.

(5) The district shall pay the expense of verifying the signatures and of calling and conducting the election. The election shall be conducted in the district, or in the subdivision of the district from which the district officer was elected, in accordance with the law governing election of district officers.

[1969 c.325 §3]

PENALTIES

198.990 Penalties. Violation of ORS 198.120 is abuse of a public trust, and any person convicted thereof shall be subject to the punishment prescribed by subsection (2) of ORS 162.240.

[1969 c.344 §3]

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, 1969

Robert W. Lundy
Legislative Counsel