

Chapter 199

1969 REPLACEMENT PART

Metropolitan Study Commissions; Local Government Boundary Commissions

METROPOLITAN STUDY COMMISSIONS

(Generally)

- | | | | |
|---------|--|---------|--|
| 199.110 | Policy | 199.425 | Local government boundary commissions created |
| 199.120 | Definitions | 199.430 | Procedure for creating additional commissions |
| 199.130 | Metropolitan study commission for Portland area | 199.435 | Organization of commission created under ORS 199.430 |
| 199.140 | Metropolitan study commissions for areas other than Portland area | 199.440 | Membership; appointment; qualifications; term; vacancy |
| 199.150 | Membership; appointment; qualifications; term | 199.445 | Quorum; voting requirements for certain matters |
| 199.160 | Procedure when legislator fails to make appointment | 199.450 | Advisory committee; membership; function; term
(Boundary Change Procedure) |
| 199.170 | Organization; chairman; vice chairman | 199.460 | Jurisdiction of boundary commission over annexation, merger or consolidation |
| 199.180 | Vacancy; expenses; meetings; quorum; voting; rules of procedure
(Comprehensive Plan) | 199.465 | Procedure for major boundary change within jurisdiction of commission |
| 199.210 | Determination of boundaries for metropolitan services | 199.470 | Extension of time period if rehearing requested, order appealed or referred |
| 199.220 | Standards for boundary determination | 199.475 | Power of boundary commission over proposed boundary change; notice to non-appearing owners of omitted land |
| 199.230 | Comprehensive plan for metropolitan services | 199.480 | Decision of commission; effect of approval or disapproval of change |
| 199.240 | Plan to contain equitable adjustment of property and debts of local government units | 199.485 | Commission may initiate boundary changes; content and effect of final order initiating change |
| 199.250 | Date of completion of preliminary plan; hearing; notice | 199.490 | Procedure for minor boundary changes |
| 199.260 | Appeal from plan; notice to commission; jurisdiction of circuit court; effect of determination | 199.495 | Procedure for certain annexations |
| 199.270 | Action where plan includes creation or any change in public corporation or political subdivision | 199.505 | Effective date of minor boundary changes; election if objection filed; election procedure |
| 199.280 | Action after negative vote in election under ORS 199.270 | 199.510 | Financial effects of annexation |
| 199.310 | Additional authority of commission | 199.515 | Standards for review of boundary changes; limitations on certain boundary changes |
| | | 199.520 | Public hearing procedure; rehearings |
| | | 199.525 | Rules of commission; public hearing required; effective date |
| | | 199.530 | Expenses; employees; cooperation from local governments |
| | | 199.535 | County may levy taxes for ORS 199.410 to 199.540; commissions may accept donations |
| | | 199.540 | Application of other statutes to proceedings under ORS 199.410 to 199.540 |

LOCAL GOVERNMENT BOUNDARY COMMISSIONS

(Generally)

- 199.410 Policy
199.415 Definitions
199.420 "District" defined

CROSS REFERENCES

Intergovernmental cooperation, Ch. 190

199.440

Terms of initial commission members, 1969 c 484 §7

**METROPOLITAN STUDY COMMISSIONS
(Generally)**

Note: ORS 199.110 to 199.310 are repealed on June 30, 1971. See 1969 c.130 §3.

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, air pollution, 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; 1965 c.69 §1]

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;
- (f) Fire protection; and
- (g) Air pollution prevention.

(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; 1965 c.69 §2]

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 filing 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, 1971, 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; 1969 c.130 §1]

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) A position on the commission is vacant under any condition specified by ORS 236.010 or a vacancy is created if an incumbent fails, after January 1, 1969, to attend two successive meetings unless:

(a) His absence is due to his illness or the illness of a member of his family; or

(b) Prior to the meeting he is excused by the chairman from attending.

(2) A vacancy on a commission for any cause shall be filled by appointment of a new member by the appointing legislator or the successor of the appointing legislator who appointed the member he replaces.

(3) 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.

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

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

(6) 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; 1969 c.130 §2]

(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 govern-

ing 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]

199.310 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]

LOCAL GOVERNMENT BOUNDARY COMMISSIONS

(Generally)

199.410 Policy. (1) The Legislative Assembly finds that:

(a) A fragmented approach has developed to public services provided by local government and such an approach has limited the orderly development and growth of Oregon's urban areas for the maximum interest of all its citizens.

(b) The programs and growth of each unit of local government affect not only that particular unit but also the activities and pro-

grams of a variety of other units within each urban area.

(c) As local programs become increasingly intergovernmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.

(2) The purpose of ORS 199.410 to 199.540 is to provide a method for guiding the creation and growth of cities and special service districts in Oregon in order to prevent illogical extensions of local government boundaries and to assure adequate quality and quantity of public services and the financial integrity of each unit of local government.

[1969 c.494 §1]

199.415 Definitions. As used in ORS 199.410 to 199.540, unless the context requires otherwise:

(1) "Affected city" means a city for which a boundary change is proposed or ordered.

(2) "Affected district" means a district for which a boundary change is proposed or ordered.

(3) "Boundary change" means a major or minor boundary change.

(4) "Boundary commission" or "commission" means a local government boundary commission formed under ORS 199.410 to 199.540.

(5) "City" includes proposed city.

(6) "City council" means the governing body of a city.

(7) "County board" means the county court or board of county commissioners of a county located within the jurisdiction of a boundary commission or proposed boundary commission.

(8) "District" means one of the districts named in ORS 199.420 and includes a proposed district.

(9) "District board" means the governing body of a district.

(10) "Filing agency" means the county board, district board, city council and other public officer or agency designated by the principal Act to receive or take the first action on a petition for a boundary change.

(11) "Major boundary change" means formation, merger, consolidation or dissolution of a city or district.

(12) "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district.

(13) "Petition" includes resolution, order and any other form of initiatory action for a boundary change.

(14) "Principal Act" means the law, other than ORS 199.410 to 199.540, applicable to boundary changes of an affected city or district.

(15) "Proceeding" means a proceeding to consider a boundary change.
[1969 c.494 §2]

199.420 "District" defined. As used in ORS 199.410 to 199.540, unless the context requires otherwise, "district" means one of the following:

(1) Domestic water supply corporation organized under ORS chapter 264.

(2) Park and recreation district organized under ORS chapter 266.

(3) Highway lighting district organized under ORS chapter 372.

(4) Sanitary district organized under ORS 450.005 to 450.245.

(5) Sanitary authority organized under ORS 450.705 to 450.980.

(6) County service district organized under ORS chapter 451.

(7) Vector control district organized under ORS 452.020 to 452.180.

(8) Rural fire protection district organized under ORS chapter 478.

[1969 c.494 §3]

199.425 Local government boundary commissions created. Three local government boundary commissions hereby are created, one having jurisdiction in each of the following areas:

(1) The area consisting of Columbia, Washington, Multnomah and Clackamas Counties.

(2) The area consisting of Marion and Polk Counties.

(3) The area consisting of Lane County.
[1969 c.494 §4]

199.430 Procedure for creating additional commissions. (1) Outside the areas described by ORS 199.425, a boundary commission may be created as provided by this section with jurisdiction in the area in one county or with jurisdiction in the area in two or more contiguous counties. A commission may be created by:

(a) Similar resolutions creating a commission adopted by the county board of each of the counties within the jurisdiction of the commission; or

(b) Similar petitions, signed by the voters of each county within the jurisdiction of the proposed commission, requesting the creation of a commission having jurisdiction within

the counties, filed with and approved by order of the county boards of each county in the jurisdiction of the commission.

(2) Each petition filed with a county board requesting creation of a boundary commission shall be signed by not less than 10 percent of the registered voters of the county. The petition shall be approved by the county boards if each finds that the needs of the local government units in the territory described in the petition and the public interest would be benefited by the establishment of a boundary commission to carry out the purposes described by ORS 199.410.

(3) A resolution creating or an order approving the creation of a boundary commission is effective on:

(a) The date the last county board in the jurisdiction of the commission adopts the resolution or order; or

(b) The date specified in the order, or resolution, but not more than 60 days after the adoption of the resolution or order.

(4) When a commission is created under this section, copies of the resolutions or orders of the county boards shall be filed with the Governor, the Secretary of State, and the county clerk and the assessor of each county within the jurisdiction of the commission.

(5) A commission created as provided by this section shall not have jurisdiction of any proceeding initiated prior to the effective date of the resolution or order creating such commission.

[1969 c.494 §5]

Note: ORS 199.430 becomes operative July 1, 1971. See 1969 c.494 §5a.

199.435 Organization of commission created under ORS 199.430. (1) The members of the first board of a commission formed under ORS 199.430 shall be appointed within 90 days after the commission is created.

(2) Notwithstanding ORS 199.440, of the first appointees to a commission formed under ORS 199.430, one shall serve for one year, two for two years, two for three years and two for four years. The respective terms of the first appointees shall be determined by lot at the first meeting of the commission.

(3) The Governor shall fix the time and place of the first meeting and notify the members of the commission thereof. The first meeting shall be an organizational meeting.

[1969 c.494 §8]

199.440 Membership; appointment; qualifications; term; vacancy. (1) A boundary

commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000, the commission shall have 11 members. The Governor shall appoint all members.

(2) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer, agent or employe of a city, county, district or other political subdivision of this state may not serve as a member of a commission. A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(3) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor by appointment for the unexpired term.

[1969 c.494 §6]

199.445 Quorum; voting requirements for certain matters. A majority of the members of a commission constitute a quorum for the transaction of business, and a majority of a quorum may act for the commission. However, the approval of a majority of the members of the commission is required to:

(1) Adopt a final order under ORS 199.480 or 199.490.

(2) Adopt rules under ORS 199.525.

[1969 c.494 §9]

199.450 Advisory committee; membership; function; term. (1) Each boundary commission shall appoint an advisory committee to advise and assist the commission in carrying out the purposes of ORS 199.410 to 199.540. An advisory committee shall consist of five members who are residents within the jurisdiction of the commission. To be qualified to serve on a committee a person shall be a member of the governing body of a city, county or district located within the jurisdiction of the commission. The members shall include two city officers, two county officers and one district officer. Any member of the committee may designate a representative who is an officer or employe of his city, county or district to appear and act in his stead at any meeting of the committee.

(2) The advisory committee shall meet on the call of the commission. The committee may review each petition filed with the commission except a petition filed under ORS 199.495. If the committee reviews a petition, it may submit a recommendation on the petition to the boundary commission within 30 days after the petition is filed with the commission.

(3) A member shall serve for a term of two years. Of the members first appointed, however, two shall serve for two terms of one year and three shall serve for terms of two years. The respective terms of the members shall be determined by lot at the first meeting of the advisory committee.

[1969 c.494 §9a]

(Boundary Change Procedure)

199.460 Jurisdiction of boundary commission over annexation, merger or consolidation. (1) A boundary commission has jurisdiction of a proceeding if any part of the territory included within the affected city or district, or any of the territory subject to an annexation, merger or consolidation proceeding is within the jurisdiction of the commission.

(2) If the territory subject to the proceeding is within the jurisdiction of two or more commissions, the highest assessed value commission shall have primary jurisdiction in the conduct of the proceeding under ORS 199.410 to 199.540, and all other commissions shall cooperate in the conduct of the proceeding. On the call of the highest assessed value commission, the commissions shall meet as a joint commission to hold hearings and to adopt any final order in the matter. As used in this subsection, "highest assessed value commission" means the commission having jurisdiction of the greater portion of the taxable assessed valuation of the territory subject to the proceeding, whether located within or without the affected city or district.

[1969 c.494 §10]

199.465 Procedure for major boundary change within jurisdiction of commission. (1) When a major boundary change is initiated by petition as provided by the principal Act, if the territory subject to the petition is within the jurisdiction of a boundary commission, notwithstanding the principal Act, the filing agency shall immediately send a certified copy of the petition to the boundary commission having jurisdiction.

(2) The proceeding under the principal

Act shall be suspended from the date the petition is filed with the filing agency until the date the boundary commission files the final order of the commission with the filing agency as provided by ORS 199.465 to 199.505. Suspension of the proceeding as provided by this section shall continue for not more than 60 days.

(3) Subject to ORS 199.470, if the decision of the boundary commission on the petition is not filed with the filing agency within the time allowed by this section, the petition will be considered approved by the commission.

[1969 c.494 §11]

199.470 Extension of time period if rehearing requested, order appealed or referred.

(1) The 60-day suspension provided by ORS 199.465 shall be extended an additional 60 days if a rehearing on a final order of a boundary commission is requested and the commission files a request for an extension with the filing agency prior to the expiration of the 60-day period.

(2) If a final order of a boundary commission is appealed to the circuit court, the suspension shall be extended and continue until the appeal is determined and the results thereof certified to the filing agency. A copy of the notice of appeal shall be filed with the filing agency prior to the expiration of the 60-day period provided by ORS 199.465.

(3) If a decision of a boundary commission is referred to the voters under ORS 199.505, the suspension shall be extended and shall continue until the filing agency receives a certification of the commission of the results of the election. A copy of the order calling the election shall be filed with the filing agency prior to the expiration of the 60-day period.

[1969 c.494 §12]

199.475 Power of boundary commission over proposed boundary change; notice to nonappearing owners of omitted land. (1) When the boundary commission receives a petition as provided by ORS 199.465, it shall:

(a) Cause a study to be made of the proposal offered by the petition.

(b) Conduct one or more public hearings on the proposed boundary change.

(2) After the study and hearings, the boundary commission may alter the boundaries set out in a petition for formation of a city or district to either include or exclude territory. If the commission determines that

any land has been improperly omitted from the proposed city or district and that the owner has not appeared at the hearing, the commission shall continue the hearing and shall order notice given to the nonappearing owner requiring him to appear before it and show cause, if any, why his land should not be included in the proposed city or district. Notice may be given by personal service at least 10 days prior to the date to which the hearing has been continued.

[1969 c.494 §13]

199.480 Decision of commission; effect of approval or disapproval of change. (1) On the basis of the study and hearings, the boundary commission shall approve the petition as presented or as modified by the commission or disapprove the petition by an order stating the reasons for the decision of the commission.

(2) A copy of the final order of the commission shall be filed with the filing agency from which the commission received the petition. When the order of the commission is filed:

(a) If the commission approved the petition as presented or as modified, the proceeding shall continue as provided by the principal Act; except that when a commission reviews a petition, the city, county or district board shall not be required to call or hold a hearing on the matter of the petition.

(b) If the commission disapproved the petition, the proceeding shall terminate.

[1969 c.494 §14]

199.485 Commission may initiate boundary changes; content and effect of final order initiating change. A boundary commission may initiate a proceeding by adoption of a resolution declaring its intention to propose a boundary change and by proceeding as provided by ORS 199.465 to 199.485. When the final order of a commission on a boundary change initiated under this section is filed with the filing agency, thereafter for all purposes the order shall be considered as if it were a petition filed in accordance with the principal Act. Such an order shall contain a legal description of the boundaries of the territory that is the subject of the proposal, a map showing the location of the territory and the name of the affected city or district. It shall designate the principal Act of the city or district under which the proposed boundary change is submitted to the filing agency.

[1969 c.494 §15]

199.490 Procedure for minor boundary changes. (1) In addition to the procedure provided by ORS 199.465 to 199.485, a minor boundary change may be conducted as provided by this section. A proceeding for a minor boundary change may be initiated:

(a) By resolution of the governing body of the affected city or district;

(b) By petition signed by 10 percent of the registered voters residing in the affected territory;

(c) By petition signed by the owners of at least one-half the land area in the affected territory; or

(d) By resolution of a boundary commission having jurisdiction of the affected territory.

(2) The petition or resolution shall:

(a) Name the affected city or district and whether it is proposed to annex or withdraw territory;

(b) Describe the boundaries of the affected territory;

(c) If the proposal concerns a district, designate the applicable principal Act; and

(d) Be filed with the boundary commission having jurisdiction.

(3) Except when a boundary change is proposed by a city or district under this section, the boundary commission shall notify the affected city or district that a petition or resolution has been filed. Upon the filing of a petition or resolution, the commission shall proceed as provided by ORS 199.475 to 199.485.

[1969 c.494 §16]

199.495 Procedure for certain annexations. (1) When an annexation within the jurisdiction of a boundary commission is initiated:

(a) As provided by ORS 222.170 or 222.750, the petition or resolution proposing the boundary change shall be filed with the boundary commission having jurisdiction.

(b) As provided by ORS 222.850 to 222.915, the findings adopted by the State Board of Health under ORS 222.880 shall be considered the initiatory action and a certified copy of such findings shall be filed with the boundary commission having jurisdiction at the same time a copy of the findings is filed with the affected city.

(2) When a petition, resolution or findings are filed with a commission as provided by this section, the commission shall proceed as provided by ORS 199.475 to 199.485. However:

(a) If the proposed annexation is approved by the commission, the final order shall be effective on the date the order is adopted and shall not be subject to subsections (1), (2) and (3) of ORS 199.505 or subsection (4) of ORS 199.520.

(b) ORS 222.885 to 222.915 do not apply to proceedings conducted by a boundary commission initiated by the findings of the State Board of Health as provided by this section. [1969 c.494 §16a]

199.505 Effective date of minor boundary changes; election if objection filed; election procedure. (1) If the boundary commission by its final order approves a minor boundary change proposed under ORS 199.490, the change shall take effect 45 days after the date the commission adopts the final order approving the change. However, the change shall not take effect unless the change is also approved by the qualified voters if within 45 days after the date of the order:

(a) Written objections to the change signed by not less than 20 percent of the qualified voters in the affected territory are filed with the commission; or

(b) A resolution objecting to the change adopted by the city council of the affected city or district board of the affected district is filed with the commission.

(2) If objections as required by this section are filed by a city council or district board, the council or board shall call and hold an election in the affected city or district on the boundary change as approved. If objections are filed by the qualified voters, the commission shall certify the fact of the objections to:

(a) The city council or district board of the affected city or district, if the change involves a withdrawal of territory, whereupon the council or board shall call an election in the city or district.

(b) To the county board of the county where the territory is located, if the change involves an annexation, whereupon the board shall call an election in the territory.

(3) An election required by subsection (2) of this section shall be held within 60 days after the date of the commission order which is being referred to the voters and shall be conducted in accordance with the principal Act. A city council or a board that calls an election under this section shall certify the results of the election to the commission. If a majority of those voting on the proposition in each election approve the change approved

by the commission, the commission thereupon shall proclaim the results. Upon the adoption of the proclamation the change shall take effect.

(4) A copy of the final order adopted under this section, or a copy of the proclamation if an election is held, shall be filed with the Secretary of State, the assessor and county clerk of each affected county, and the clerk of the affected district or city.

[1969 c.494 §17]

199.510 Financial effects of annexation.

(1) Except as otherwise provided by a city annexation based on a tax differential proposed under subsection (2) of ORS 222.111 and ORS 199.540, after the date of a final order annexing territory under ORS 199.505, the territory annexed shall become subject to the indebtedness, bonded or otherwise, of the affected city or district in like manner as the territory within the city or district. If the affected territory is to be annexed to a city, and lies within the boundaries of a district other than a district named in subsection (1) or (4) of ORS 199.420, the affected territory is withdrawn from the district on the date of the final order unless the city is part of the district.

(2) After the date of a final order withdrawing territory from an affected city or district, the territory withdrawn shall be free from assessments and taxes levied thereafter by the affected city or district. However, the withdrawn territory shall be taxed for its proportionate share of any bonded or other indebtedness existing at the time of the order. If the territory is being withdrawn from a district into a city, the city shall have the right to exercise the choice permitted by subsection (2) of ORS 222.520. The proportionate share shall be based on the assessed valuation, according to the assessment roll in the year of the levy, of all the property located within the city or district immediately prior to the withdrawal.

[1969 c.494 §18]

199.515 Standards for review of boundary changes; limitations on certain boundary changes.

(1) In order to carry out the purposes described by ORS 199.410 when reviewing a boundary change, a boundary commission shall consider economic, demographic and sociological trends and projections pertinent to the proposal, and past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change.

(2) Subject to any provision to the contrary in the principal Act of the affected district, territory within a city may not be included within or annexed to a district without the consent of the city council; territory within a city may not be included within or annexed to another city; and territory within a district may not be included within or annexed to a district subject to the same principal Act.

[1969 c.494 §19]

199.520 Public hearing procedure; re-hearings.

(1) Notice of a public hearing by a boundary commission shall be published by at least two insertions in a newspaper of general circulation in the affected county. The first publication shall be not more than 25 days nor less than 15 days before the hearing. The second publication shall be not more than 15 days nor less than 8 days before the hearing. The commission shall also cause the notice to be posted in not less than three public places within the affected city, district or territory at least 15 days before the hearing. The commission shall provide for publication by broadcasting on radio or television stations.

(2) Notice of a hearing shall describe the proposed boundary change, state the time and place of the hearing and that any interested person may appear and shall be given a reasonable opportunity to be heard.

(3) Hearings shall be conducted in accordance with the rules of the boundary commission. A hearing may be adjourned to another time, not more than five days later than the time stated in the notice of the hearing unless notice of the hearing is republished. Notice of the hearing shall be republished if the hearing is adjourned to a place other than the place stated in the notice of the hearing.

(4) After a final order has been adopted, if the commission finds that a substantial reason exists for it to review the order and to receive additional information on the proposal, it may grant a rehearing on the matter if a request therefor, filed by any interested person, is received within 30 days after the date of the order. If a rehearing is granted, it shall be held within 60 days after the request for the rehearing is filed. Within 30 days after the rehearing, the commission shall approve the final order or it shall revise the final order and file the revised order as provided by ORS 199.480.

[1969 c.494 §20]

199.525 Rules of commission; public hearing required; effective date.

(1) A commission shall adopt, and may from time to

time amend, rules to govern the proceedings before the commission. A proceeding shall be conducted in accordance with the rules of the commission.

(2) A rule or an amendment to a rule shall not take effect unless the commission first holds at least one public hearing regarding the rule or amendment. Copies of the rules of the commission and amendments thereto shall be available to the public and shall be distributed to each city council and county and district board within the jurisdiction of the commission.

(3) A rule or an amendment to a rule shall take effect 30 days after it is adopted by the commission unless a later date is provided by the commission in the order adopting the rule. [1969 c.494 §21]

199.530 Expenses; employes; cooperation from local governments. (1) Each member of a boundary commission shall receive travel and other expenses incidental to the performance of his duties.

(2) A commission may employ administrative, clerical and technical assistants for carrying on its functions and it may fix their compensation.

(3) The governing bodies of cities, counties and districts located within the area of jurisdiction of a boundary commission shall cooperate when requested, with the boundary commission by providing information, records, materials and other forms of support and, if available, consulting services and staff assistance.

[1969 c.494 §22]

199.535 County may levy taxes for ORS 199.410 to 199.540; commissions may accept donations. (1) Any county located within the jurisdiction of a boundary commission may levy taxes and expend funds for the purposes of ORS 199.410 to 199.540.

(2) A boundary commission may accept any funds, property or services, or the use of any property donated by any person, district, city or county in carrying out the purposes of ORS 199.410 to 199.540.

[1969 c.494 §23]

199.540 Application of other statutes to proceedings under ORS 199.410 to 199.540. ORS 222.111 to 222.160 and 222.990 and the statutes of the state that govern annexation of territory to, or disconnection of territory from, districts shall not apply in territory subject to the jurisdiction of a boundary commission. However, a city annexation proposal initiated under ORS 199.490 may include a tax differential proposal authorized by subsection (2) of ORS 222.111. ORS 222.530 shall not apply in territory subject to the jurisdiction of a boundary commission unless the affected territory constitutes at least 60 percent of the area and 60 percent of the assessed value of the district.

[1969 c.494 §24]

Note: 1969 c.494 §28 provides:

Sec. 28. Sections 1 to 24 of this Act [ORS 199.410 to 199.540] and the amendments to ORS 222.010 and 222.030 enacted by sections 26 and 27 of this Act do not apply to any proceeding initiated prior to the effective date of this Act [July 1, 1969] for annexation to, withdrawal from, or formation, consolidation, merger or dissolution of, a city or a district named by section 3 of this Act [ORS 199.420].

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

CHAPTER 200

[Reserved for expansion]