

# Chapter 199

## 1971 REPLACEMENT PART

### Local Government Boundary Commissions; City-County Consolidation

#### LOCAL GOVERNMENT BOUNDARY COMMISSIONS

##### (Generally)

- 199.410 Policy
  - 199.415 Definitions for ORS 199.410 to 199.510
  - 199.420 "District" defined
- (Commission)
- 199.425 Local government boundary commissions; areas of jurisdiction
  - 199.430 Procedure for creating additional commissions
  - 199.435 Organization of commission created under ORS 199.430
  - 199.440 Membership; appointment; qualifications; term; vacancy
  - 199.445 Quorum; voting requirements for certain matters
  - 199.450 Advisory committee; membership; function; term
  - 199.452 Adoption of rules; hearing; when effective
  - 199.455 Expenses of members; employes; cooperation of local governments
  - 199.457 County may levy taxes for ORS 199.410 to 199.510; commissions may accept donations
- (Jurisdiction; General Procedure)
- 199.460 Jurisdiction of boundary commission over boundary changes
  - 199.461 Study of proposed boundary change; hearing; authority over changes; notice to public officials
  - 199.462 Standards for review of changes; territory which may not be included in certain changes
  - 199.463 Notice; hearing
- (Boundary Change Procedure)
- 199.465 When petition for major boundary change must be submitted to commission; effect of submission; effect of appeal

- 199.480 Filing of major boundary change order; effect of filing
- 199.485 Commission authority to initiate major change; content and filing of resolution
- 199.487 Commission authority to initiate minor change; nonapplicability of certain boundary change procedures; effect of commission action
- 199.490 Procedure for minor boundary changes
- 199.495 Effect of ORS 199.490
- 199.505 Effective date of minor changes; objection; election
- 199.510 Financial effects of annexation or withdrawal

#### CITY-COUNTY CONSOLIDATION

##### (Generally)

- 199.705 Definitions for ORS 199.705 to 199.775
  - 199.710 Short title
  - 199.715 City-county consolidation authorized
  - 199.720 Initiation of consolidation proceedings by resolution or petition
- (Commission)
- 199.725 Charter commission; appointment; term; first meeting; chairman; appropriation for expenses
  - 199.730 Functions of charter commission
- (Consolidation)
- 199.735 Election on consolidation
  - 199.740 Effect of consolidation
  - 199.745 First governing body of consolidated city-county
  - 199.750 Status of consolidated city-county
  - 199.755 Receipt of state funds by consolidated city-county
  - 199.760 Boundaries of consolidated city-county; effect of change
  - 199.765 Tax base; effect of consolidation on continuing levies
  - 199.770 Status of employes after consolidation
  - 199.775 Effect of city-county incorporation

#### CROSS REFERENCES

Intergovernmental cooperation, Ch. 190

Validation of prior boundary changes, 1971 c.462 §19

- 199.110 [1963 c.516 §1; 1965 c.69 §1; repealed by 1969 c.130 §3]
- 199.120 [1963 c.516 §2; 1965 c.69 §2; repealed by 1969 c.130 §3]
- 199.130 [1963 c.516 §3; repealed by 1969 c.130 §3]
- 199.140 [1963 c.516 §4; repealed by 1969 c.130 §3]
- 199.150 [1963 c.516 §§5, 6, 19; 1969 c.130 §1; repealed by 1969 c.130 §3]
- 199.160 [1963 c.516 §7; repealed by 1969 c.130 §3]
- 199.170 [1963 c.516 §8; repealed by 1969 c.130 §3]
- 199.180 [1963 c.516 §9; 1969 c.130 §2; repealed by 1969 c.130 §3]
- 199.210 [1963 c.516 §10; repealed by 1969 c.130 §3]
- 199.220 [1963 c.516 §11; repealed by 1969 c.130 §3]
- 199.230 [1963 c.516 §§12, 13; repealed by 1969 c.130 §3]
- 199.240 [1963 c.516 §14 (1); repealed by 1969 c.130 §3]
- 199.250 [1963 c.516 §15; repealed by 1969 c.130 §3]
- 199.260 [1963 c.516 §14 (2); repealed by 1969 c.130 §3]
- 199.270 [1963 c.516 §16; repealed by 1969 c.130 §3]
- 199.280 [1963 c.516 §17; repealed by 1969 c.130 §3]
- 199.310 [1963 c.516 §18; repealed by 1969 c.130 §3]

**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 programs 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 199.510 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 for ORS 199.410 to 199.510.** As used in ORS 199.410 to 199.510, unless the context requires otherwise:

(1) "Affected city" means a city, named in a petition, for which a boundary change is proposed or a city named in a final order, for which a boundary change is ordered.

(2) "Affected district" means a district, named in a petition, for which a boundary change is proposed or a district, named in a final order, for which a boundary change is ordered.

(3) "Affected territory" means territory described in a petition.

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

(5) "Boundary commission" or "commission" means a local government boundary commission formed under ORS 199.410 to 199.510.

(6) "City" includes proposed city.

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

(8) "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.

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

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

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

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

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

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

(15) "Principal Act" means the statutes, other than ORS 199.410 to 199.510, applicable to boundary change proceedings of an affected city or district.

(16) "Proceeding" means a proceeding to consider a boundary change.

(17) "Withdrawal" includes the detachment, disconnection or exclusion of territory from an existing city or district.

[1969 c.494 §2; 1971 c.462 §1]

**199.420 "District" defined.** As used in ORS 199.410 to 199.510, unless the context requires otherwise, "district" means one of the following:

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

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

(3) Metropolitan service district organized under ORS chapter 268.

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

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

(6) Sanitary authority organized under ORS 450.675 to 450.980.

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

(8) Vector control district organized under ORS 452.020 to 452.170.

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

[1969 c.494 §3; 1971 c.462 §2]

### (Commission)

**199.425 Local government boundary commissions; areas of jurisdiction.** 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 territorial jurisdiction in one county or in two or more contiguous counties. A commission may be created by:

(a) Similar resolutions creating a com-

mission 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 board if it 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; 1971 c.462 §3]

**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 199.475.

(2) Adopt rules under ORS 199.452.  
[1969 c.494 §9; 1971 c.462 §4]

**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 199.510. 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 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; 1971 c.462 §5]

**199.452 Adoption of rules; hearing; when effective.** (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.  
[Formerly 199.525]

**199.455 Expenses of members; employes; cooperation of 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.

[Formerly 199.530]

**199.457 County may levy taxes for ORS 199.410 to 199.510; 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 199.510.

(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 199.510.

[Formerly 199.535]

**(Jurisdiction; General Procedure)**

**199.460 Jurisdiction of boundary commission over boundary changes.** (1) A boundary commission has jurisdiction of a proceeding to consider a boundary change if any part of the territory included or proposed to be included within the affected city or district 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 199.510, and all other commissions having jurisdiction of the territory 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 a final order in the proceeding. As used in this subsection, "highest assessed value commission" means the commission having jurisdiction of the greatest portion of the taxable assessed valuation of the affected territory.

[1969 c.494 §10; 1971 c.462 §6]

**199.461 Study of proposed boundary change; hearing; authority over changes; notice to public officials.** (1) When the boundary commission receives a petition in a boundary change proceeding, 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 proposal.

(2) After the study and hearings, the boundary commission may alter the boundaries set out in a petition for formation or a minor boundary change of a city or district or in a petition for consolidation of cities so as either to include or exclude territory. If the commission determines that any land has been improperly omitted from the proposal and that the owner of the land has not appeared at the hearing, in person or by his representative designated in writing, the commission shall continue the hearing on the petition and shall order notice given to the nonappearing owner requiring him to appear before the commission and show cause, if any, why his land should not be included in the proposal. Notice to nonappearing owners may be given by personal service or by letter sent by first-class mail, at least 10 days prior to the date to which the hearing has been continued. The required notice may be waived by the nonappearing owner.

(3) On the basis of the study and after hearing, the boundary commission shall approve the proposed boundary change as presented or as modified by the commission or disapprove the proposed change, by an order stating the reasons for the decision of the commission. Any person interested in a boundary change may, within 30 days after the date of a final order, appeal the order for review under ORS 34.010 to 34.100.

(4) Immediately after the effective date of a final order entered under subsection (3) of this section and a proclamation declaring a minor boundary change approved if any is entered under subsection (3) of ORS 199.505, the commission shall file a copy of the order and proclamation, if any, with the Secretary of State, the assessor and the county clerk of each county in which the affected territory, city or district is located, and the clerk of the affected city or district. If the commission disapproves a minor boundary change, it shall send a copy of the final order to the person who actually filed the petition and to the affected city or district.

[Formerly 199.475]

**199.462 Standards for review of changes; territory which may not be included in certain changes.** (1) In order to carry out the purposes described by ORS 199.410 when reviewing a petition for 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 or city:

(a) Territory within a city may not be included within or annexed to a district without the consent of the city council;

(b) Territory within a city may not be included within or annexed to another city; and

(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act.

[Formerly 199.515]

**199.463 Notice; hearing.** (1) Notice of a public hearing conducted by a boundary commission under ORS 199.475 shall be published by at least one insertion in a newspaper of general circulation in the affected city, district or territory not more than 25 days nor less than 15 days before the hearing. A second notice may be published either by a second insertion in a newspaper of general circulation in the affected city, district or territory or by letter sent first-class mail addressed to each owner of land in the affected territory not more than 15 days nor less than 8 days before the hearing. The commission may 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 may 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) A hearing may be adjourned or continued to another time, but not more than seven days later than the time stated in the notice of the hearing unless the notice of the hearing is revised and republished. Notice of the hearing shall be revised and republished if the hearing is adjourned to a place other than the place stated in the notice of the hearing.

[Formerly 199.520]

#### (Boundary Change Procedure)

**199.465 When petition for major boundary change must be submitted to commission; effect of submission; effect of appeal.**

(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, within 10 days after a sufficient petition is filed, 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. Suspension of the proceeding as provided by this section shall continue for not more than 120 days after the date the commission receives the petition.

(3) 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.

(4) Notwithstanding subsection (3) of this section, if a final order of a boundary commission is appealed for review by the circuit court and a copy of the notice of appeal is filed with the filing agency prior to the expiration of the period of suspension provided by subsection (2) of this section, the suspension period shall be extended and continue until the appeal is determined and the results thereof certified to the filing agency.

[1969 c.494 §11; 1971 c.462 §10]

**199.470** [1969 c.494 §12; repealed by 1971 c.462 §20]

**199.475** [1969 c.494 §13; 1971 c.462 §7; renumbered 199.461]

**199.480 Filing of major boundary change order; effect of filing.** In a major boundary change proceeding, a certified copy of the final order of the boundary commission shall be filed with the filing agency from which the commission received the petition. If the order of the commission is filed within the period provided by subsection (2) of ORS 199.465:

(1) 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 considers and enters a final order on a petition:

(a) The city, county or district board is not required to call or hold a hearing on the petition and shall not change boundaries as described by the final order of the commission.

(b) An election on the proposed change, if any is required under the principal Act,

shall be held, on a date that may be fixed by the commission, within 120 days after the date of the final order; and all elections on one proposal shall be held on the same date.

(c) The final order, in a proceeding to merge or to consolidate districts or to dissolve a district and transfer its functions, assets and liabilities to a county service district, shall conclude the proceeding for all purposes; and the merger, consolidation or dissolution and transfer shall take effect 45 days after the date the commission adopts the final order in the proceeding.

(2) If the commission disapproved the petition, the proceeding shall terminate.  
[1969 c.494 §14; 1971 c.462 §11]

**199.485 Commission authority to initiate major change; content and filing of resolution.** (1) A boundary commission may initiate a proceeding for a major boundary change, if the affected territory is subject to its jurisdiction, by adopting a resolution proposing a major boundary change and by proceeding as provided by ORS 199.465, 199.480 and this section. Such a resolution shall:

(a) Identify the affected city or district and state the kind of boundary change proposed;

(b) Contain a legal description of the boundaries of the affected territory;

(c) If the proposal concerns a district, designate the principal Act of the affected district;

(d) Have attached a map showing the location of the affected territory; and

(e) Be filed with the proper filing agency.

(2) In proceedings initiated under this section, the filing agency is not required to send a copy of the resolution to the boundary commission but the commission shall, except in formation proceedings, file a certified copy of the resolution with the affected city or district within five days after the date the resolution is filed with the filing agency. When the resolution is filed with the filing agency, thereafter for all purposes the resolution shall be considered as if it were a petition filed in accordance with the principal Act.

[1969 c.494 §15; 1971 c.462 §12]

**199.487 Commission authority to initiate minor change; nonapplicability of certain boundary change procedures; effect of com-**

**mission action.** (1) Within the jurisdiction of a boundary commission, a minor boundary change proceeding may be initiated as provided by ORS 199.490. In addition, a city annexation proceeding may be initiated as provided by ORS 222.170, 222.750 or 222.850 to 222.915. Minor boundary change proceedings shall be conducted as provided by this section, ORS 199.490, 199.495, 199.505 and 199.510.

(2) ORS 222.111 to 222.160 and the statutes of the state that govern annexation of territory to, or withdrawal of territory from, districts do 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.

(3) Notwithstanding any charter or statutory provision to the contrary except ORS 222.180, a final order or a proclamation of a boundary commission declaring a minor boundary change approved is effective to change the boundary of the city or district without the necessity of any further action by the voters or the governing body of the city or district.

[Formerly 199.540]

**199.490 Procedure for minor boundary changes.** (1) 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 state 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;

(d) Have attached a map showing the location of the affected territory; and

(e) Be filed with the boundary commission having jurisdiction of the affected territory.

(3) When a city annexation is initiated:

(a) As provided by ORS 222.170 or 222.750, the petition 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.

(4) Except when a boundary change is initiated by a city or district under subsection (1) of this section or by the State Board of Health as provided by paragraph (b) of subsection (3) of this section, the boundary commission shall notify the affected city or district that a petition or resolution has been filed or that it adopted a resolution. If the petition or resolution complies with the requirements of the applicable statutes, the commission shall proceed as provided by ORS 199.460, 199.475 and 199.505 to 199.520.

[1969 c.494 §16; 1971 c.462 §14]

**199.495 Effect of ORS 199.490.** In a proceeding initiated as provided by subsection (3) of ORS 199.490:

(1) 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 ORS 199.505.

(2) ORS 222.885 to 222.895, 222.915 and subsections (1) and (2) of ORS 222.900 do not apply to proceedings initiated by the findings of the State Board of Health.

[1969 c.494 §16a; 1971 c.462 §15]

**199.505 Effective date of minor changes; objection; election.** (1) If the boundary commission by its final order approves a minor boundary change, 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 it 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) 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. Where a minor boundary change has been initiated pursuant to paragraph (a) of subsection (1) of ORS 199.490, cost of an election required by this paragraph shall be paid by the city or district to which the territory is proposed to be annexed.

(3) An election required by subsection (2) of this section shall be held, on a date that may be fixed by the commission, within 120 days after the expiration of the time allowed for filing objections under subsection (1) of this section 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 of the election. Upon the adoption of the proclamation the change shall take effect.

[1969 c.494 §17; 1971 c.288 §1; 1971 c.462 §16]

**199.510 Financial effects of annexation or withdrawal.** (1) After the date of a final order or proclamation annexing territory, 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 (5) 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 or proclamation 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; 1971 c.462 §17]

**199.515** [1969 c.494 §19; 1971 c.462 §8; renumbered 199.462]

**199.520** [1969 c.494 §20; 1971 c.462 §9; renumbered 199.463]

**199.525** [1969 c.494 §21; renumbered 199.452]

**199.530** [1969 c.494 §22; renumbered 199.455]

**199.535** [1969 c.494 §23; renumbered 199.457]

**199.540** [1969 c.494 §24; 1971 c.462 §13; renumbered 199.487]

**CITY-COUNTY CONSOLIDATION  
(Generally)**

**199.705 Definitions for ORS 199.705 to 199.775.** In ORS 199.705 to 199.775:

(1) "City-county" means a city incorporated under ORS 199.705 to 199.775 and having both city and county functions.

(2) "City in the county" means a city having more than 50 percent of its population in the county.

(3) "Most populous city" means a city of not less than 300,000 population.  
[1971 c.731 §2]

**199.710 Short title.** ORS 199.705 to 199.775 may be referred to as the City-County Act of 1971.

[1971 c.731 §1]

**199.715 City-county consolidation authorized.** By proceeding under ORS 199.705 to 199.775, a county and the most populous city in the county may consolidate to form a city-county, and one or more of the other

cities in the county may join in the consolidation.

[1971 c.731 §3]

**199.720 Initiation of consolidation proceedings by resolution or petition.** (1) Consolidation proceedings may be initiated by resolution of the governing body of the county or of the most populous city in the county. Within five days after adoption of the resolution a true copy thereof shall be filed with the governing body, other than the adopting governing body, of each city that has any territory within the county and of each county in which such a city has territory.

(2) The proceedings may also be initiated by qualified voters of the county and of the most populous city in the county who reside within or outside of the county, filing with the county clerk of the county a petition signed by a number of such voters equal to six percent of the total number of votes cast in the county for all gubernatorial candidates at the last preceding election at which a Governor was elected for a four-year term.

(3) The form of the petition shall be:

**CITY-COUNTY CONSOLIDATION**

We, the undersigned qualified voters, hereby initiate proceedings for consolidating \_\_\_\_\_ County, the City of \_\_\_\_\_, and whatever other cities in the County desire to join in the consolidation. We request that a charter commission be appointed, a charter be prepared, and an election on the consolidation be held, all under the City-County Act of 1971.

Names

Addresses

(Here follow 20 lines for signatures)

(4) Before the petition is circulated for signatures, a true copy of it shall be filed with the county clerk. No signature on the petition shall be counted unless subscribed thereon and filed with the county clerk within 180 days after the original filing.

(5) Within 15 days after receiving signatures to the petition the county clerk shall verify the signatures. As soon as he has verified the signatures and whether the number required for the petition have signed, he shall certify that fact on the petition and file the petition. Within five days after the certification he shall forward a true copy of the text of the petition and of the certification to the governing body of each city that has any territory within the county and of each county in which such a city has territory.

(6) The date of initiation of the proceedings shall be the date the initiating resolution is adopted or the date that the county clerk certifies that the initiating petition bears the required number of verified signatures.

[1971 c.731 §4]

(Commission)

**199.725 Charter commission; appointment; term; first meeting; chairman; appropriation for expenses.** (1) Within 30 days after the proceedings are initiated a charter commission comprised of persons each of whom is a qualified voter of the county or the most populous city shall be appointed as follows:

(a) Three members jointly by a majority of a convention of the State Senators elected from the county or any part thereof, one of whom shall be a resident of the unincorporated area of the county.

(b) Three members jointly by a majority of a convention of the State Representatives elected from the county or any part thereof, one of whom shall be a resident of the unincorporated area of the county.

(c) Two members by the governing body of the county.

(d) Two members by the governing body of the most populous city in the county.

(e) One member jointly by a majority of a convention of the mayors of the cities in the county other than the most populous city.

(2) Any of the appointments not made as provided by subsection (1) of this section shall be made by the Governor within 45 days after the proceedings are initiated.

(3) Each appointment made under this section shall be certified immediately by the appointing authority to the mayor of the most populous city.

(4) Members of the charter commission shall serve without pay.

(5) The terms of office of members of the commission shall continue until the charter that the commission prepares is submitted to the voters under ORS 199.730 and 199.735. A position on the commission shall become vacant, however, for any cause specified by ORS 236.010 and may be declared vacant by the commission because of nonattendance at commission meetings. Within 30 days after such a vacancy occurs or is declared, it shall be filled in the manner prescribed by the provisions of subsections (1) and (2) of this section

that are applicable to the position vacated.

(6) Within five days after receiving certification of the final appointment to the commission, the mayor of the most populous city shall fix the time and place and give the commission members at least 10 days' notice of the first meeting of the commission. He shall convene the commission and serve as its temporary chairman. At the first meeting the commission shall designate a permanent chairman and organize in whatever other manner it considers advisable.

(7) The governing body of the county proposed to be consolidated shall appropriate for the expenses of the commission:

(a) Not less than \$25,000; and

(b) Additional amounts, aggregating not more than \$100,000, as requisitioned by a majority of the following officials: The chairman of the commission, the chairman of the county governing body and the mayor of the most populous city in the county.

(8) The county and any city in the county may appropriate money to assist the charter commission with its work.

[1971 c.731 §5]

**199.730 Functions of charter commission.** The charter commission:

(1) Shall adopt rules to govern its proceedings.

(2) May acquire property, avail itself of quarters, enter into contracts necessary for its work, and receive and expend gifts, grants and appropriations.

(3) May employ administrative, clerical and technical assistance necessary for its work, and may request and secure information and assistance from the county and other units of local government located in the county and officers and employes thereof including the district attorney and the city attorneys and their staffs.

(4) Within one year after its first meeting shall prepare and publish a preliminary draft of a charter for the city-county.

(5) After publication of the preliminary draft shall hold public hearings thereon.

(6) Within two years after the first meeting of the commission shall prepare a final draft of the charter.

(7) After a majority of the members of the commission has approved the final draft, shall call and fix a date for an election under ORS 199.735.

[1971 c.731 §6]

(Consolidation)

**199.735 Election on consolidation.** (1) The election shall be held at the same time as a regular primary or general election held throughout the state.

(2) At the election the following questions shall be submitted:

(a) To the qualified voters of the county and of the most populous city, the question whether the county and the most populous city shall be consolidated and thus incorporated as a city-county and shall also include all other cities whose voters favor joining in the consolidation as provided under paragraph (b) of this subsection.

(b) To the qualified voters of each less populous city in the county, the question whether that city shall join the most populous city and the county in consolidating into the city-county.

(3) The commission shall file the call and the charter with the county clerk, who shall arrange for, give notice of, conduct and publicize the results of the election under ORS 254.310 and the general laws of the state governing elections. The county shall bear the expense of the election.

[1971 c.731 §7]

**199.740 Effect of consolidation.** (1) The consolidation shall take place if, and only if, it receives at the election affirmative votes by a majority of those voting thereon in the county and by a majority of those voting thereon in the most populous city in the county.

(2) In case the consolidation takes place, any less populous city in the county shall become a part of the city-county unless a majority of the voters voting on the question submitted under subsection (2) of ORS 199.735 votes against doing so.

(3) A majority vote for the question shall have the effect of surrendering or merging the charter of any affected city as required in subsection (1), section 2a of Article XI of the Oregon Constitution if the consolidation occurs.

[1971 c.731 §8]

**199.745 First governing body of consolidated city-county.** (1) The first members of the governing body of the city-county shall be nominated and elected in the manner and at the times prescribed by the city-county charter.

(2) The county clerk shall arrange for,

give notice of and conduct the election. The county shall bear the expense of the election.

(3) The charter shall prescribe the date on which the city-county comes into existence and shall include necessary transitional provisions.

[1971 c.731 §9]

**199.750 Status of consolidated city-county.** (1) The city-county shall be a city within the meaning of state law, except ORS 221.610 to 221.660, 222.210 to 222.310 and 222.850 to 222.915. In merger proceedings under ORS 222.610 to 222.720 consent by the city-county to the merger may be given by the governing body of the city-county without a popular vote on the merger. No merger or annexation adding territory to the city-county shall change a county boundary. Annexation to the city-county of area in another county or merger into the city-county of a city in another county shall be for the provision of city services only.

(2) The city-county shall be a county for purposes of Articles IV, VII (Amended), VII (Original) and VIII of the Oregon Constitution and in its relationship to any city in the city-county excluded from the consolidation under subsection (2) of ORS 199.740. That relationship shall continue until the excluded city disincorporates or merges into the city-county, but the excluded city may not extend its boundaries.

(3) The city-county shall have the powers and duties of counties and county officers and cities and city officers under state law and the city-county charter. The charter shall prescribe or make provision for prescribing what officers and agencies of the city-county shall exercise those powers and duties.

(4) The charter may also prescribe or make provision for prescribing that state officers elected in the city-county alone shall simultaneously be city-county and state officers and have city-county functions prescribed by the charter or ordinances of the city-county.

(5) The city-county shall be both a city and a county entitled to receive funds under state and federal laws allocating funds to cities or counties or both.

[1971 c.731 §10]

**199.755 Receipt of state funds by consolidated city-county.** (1) A city-county shall receive a share of the revenues allocated to counties under ORS 323.455, 366.525 and 471.810. Subject to subsections (2) and (3)

of this section, it shall also receive a share allocated under ORS 323.455, 366.800 and 471.810 to cities.

(2) Starting with the first full calendar month after the effective date of the consolidation, a city-county shall receive a share of such revenues allocated to cities on the same basis as a city. In computing such share, population shall be determined as provided by subsection (3) of this section.

(3) For the purposes of this section, population of a city-county shall be determined:

(a) For the calendar year in which the consolidation becomes effective, at 70 percent of the population of the city-county as determined under ORS 190.510 to 190.590;

(b) For the first calendar year following the calendar year in which the consolidation becomes effective, at 73 percent of the population of the city-county as determined under ORS 190.510 to 190.590; and

(c) For the second calendar year following the calendar year in which the consolidation becomes effective, at 76 percent; for the third, at 79 percent; for the fourth, at 82 percent; for the fifth, at 85 percent; for the sixth, at 88 percent; for the seventh, at 91 percent; for the eighth, at 94 percent; for the ninth, at 97 percent; and for the 10th and each succeeding calendar year, following the calendar year in which the consolidation becomes effective, at 100 percent of the population of the consolidated city-county as determined under ORS 190.510 to 190.590.

[1971 c.731 §11]

**199.760 Boundaries of consolidated city-county; effect of change.** (1) When a city-county is incorporated, for purposes of county functions its boundaries shall be the boundaries of the county that is consolidated into the city-county, and for purposes of city functions:

(a) The boundaries shall include all territory located in any city in the county immediately before the consolidation; and

(b) The boundaries shall exclude all territory in any city extending into the county if more than half of the population in the city is located outside the county immediately before the consolidation.

(2) No boundary change effected under ORS 199.705 to 199.775 shall:

(a) Change the boundaries of a legislative district established by state law.

(b) Deprive any member of the Legislative Assembly of his seat in that body.

[1971 c.731 §12]

**199.765 Tax base; effect of consolidation on continuing levies.** (1) The charter for a city-county shall specify the initial tax base for the city-county within the meaning of section 11, Article XI of the Oregon Constitution which shall be not less than the sum of the existing tax bases of the most populous city, the county and all special districts automatically extinguished under ORS 222.510 or by ORS 199.705 to 199.775. To raise the revenue authorized within the initial tax base, the charter may establish taxing districts on the basis of services to be provided by the city-county and prescribe different tax rates for the different taxing districts. The charter shall provide procedure for modification or dissolution of such taxing districts and for changing such tax rates, after the first fiscal year in which the city-county levies taxes.

(2) The charter of the city-county may provide that any serial tax levy previously authorized outside the limitation of section 11, Article XI of the Oregon Constitution shall continue as if the consolidation had not occurred. The governing body of the city-county may exercise whatever taxing power is thus continued.

[1971 c.731 §13]

**199.770 Status of employes after consolidation.** After a consolidation is effected under ORS 199.705 to 199.775, there shall be preserved and continued, to at least the same extent as they exist at the time of the consolidation, the employment status and pension and other benefit rights of the employes of the consolidating governmental units, including, but not limited to:

(1) Rights, privileges and benefits, including pensions and pension rights and benefits existing under collective bargaining agreements or otherwise.

(2) Collective bargaining rights.

(3) Protection of individual employes against a worsening of their positions with respect to their employment.

(4) Employment of persons employed immediately prior to the consolidation by the consolidating units.

(5) Priority, as of the time immediately before the consolidation, of reemployment of employes of the consolidating units who have previously been laid off or had their employment terminated.

(6) Paid training or retraining programs for any employe of a consolidating unit whose

position or job is eliminated by the consolidation or by any subsequent administrative reorganization in the city-county.

[1971 c.731 §14]

**199.775 Effect of city-county incorporation.** (1) When a city-county is incorporated, it shall:

(a) Succeed to all the property, contracts and rights of the consolidating cities and county; and

(b) Subject to whatever debt distribution plan the city-county charter prescribes, become liable for all the obligations of the consolidating cities and county.

(2) The officers of the consolidating cities and county shall forthwith deliver to the city-

county officers the assets and records of the consolidating cities and county. Uncollected taxes theretofore levied by the consolidating cities and county shall become the property of the city-county upon collection.

(3) Immediately after the effective date of the county boundary changes effected under ORS 199.760, the officers of the city-county and of adjoining counties that the boundary changes affect shall transfer public records, buildings and property in accordance with ORS chapter 202.

(4) The effect of incorporation of a city-county on special districts is governed by ORS 222.510 to 222.570 to the extent they are applicable.

[1971 c.731 §15]

**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, 1971.

Robert W. Lundy  
Legislative Counsel

**CHAPTER 200**

**[Reserved for expansion]**

