

Chapter 199

1979 REPLACEMENT PART

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CROSS REFERENCES

Health hazard annexation or district formation, facilities and services, boundaries, 431.705 to 431.760
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199.410 to 199.512

Conclusive presumption of validity of boundary proceedings one year after effective date, 12.270
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199.705 to 199.775

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199.110 [1963 c.516 §1; 1965 c.69 §1; repealed by 1969 c.130 §3]

199.120 [1963 c.516 §2; 1965 c.69 §2; repealed by 1969 c.130 §3]

199.130 [1963 c.516 §3; repealed by 1969 c.130 §3]

199.140 [1963 c.516 §4; repealed by 1969 c.130 §3]

199.150 [1963 c.516 §§5, 6, 19; 1969 c.130 §1; repealed by 1969 c.130 §3]

199.160 [1963 c.516 §7; repealed by 1969 c.130 §3]

199.170 [1963 c.516 §8; repealed by 1969 c.130 §3]

199.180 [1963 c.516 §9; 1969 c.130 §2; repealed by 1969 c.130 §3]

199.210 [1963 c.516 §10; repealed by 1969 c.130 §3]

199.220 [1963 c.516 §11; repealed by 1969 c.130 §3]

199.230 [1963 c.516 §§12, 13; repealed by 1969 c.130 §3]

199.240 [1963 c.516 §14 (1); repealed by 1969 c.130 §3]

199.250 [1963 c.516 §15; repealed by 1969 c.130 §3]

199.260 [1963 c.516 §14 (2); repealed by 1969 c.130 §3]

199.270 [1963 c.516 §16; repealed by 1969 c.130 §3]

199.280 [1963 c.516 §17; repealed by 1969 c.130 §3]

199.310 [1963 c.516 §18; repealed by 1969 c.130 §3]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 199.512 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 199.512. As used in ORS 199.410 to 199.512, unless the context requires otherwise:

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

(2) "Affected district" means a district or districts, named in a petition, for which a boundary change is proposed or a district or districts, 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 199.512.

(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, withdrawal or transfer of territory to or from a city or district.

(14) "Owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll.

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

(16) "Principal Act" means, with reference to a city, ORS chapters 221, except ORS 221.230, and 222 and, with reference to a district, the statutes, other than ORS 199.410 to 199.512, which describe the powers of an affected district including but not limited to the statutes under which a district is proposed or is operating.

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

(18) "Transfer of territory" means the process of simultaneous withdrawal and annexation of territory from one district to another district organized under the same principal Act other than ORS 198.705 to 198.990, or the simultaneous withdrawal and annexation of territory from one city to another city.

(19) "Withdrawal" includes the detachment, disconnection or exclusion of territory from an existing city or district. [1969 c.494 §2; 1971 c.462 §1; 1973 c.664 §1; 1975 c.361 §1]

199.420 "District" defined. As used in ORS 199.410 to 199.512, 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.

(10) Geothermal heating district organized under ORS chapter 523. [1969 c.494 §3, 1971 c.462 §2; 1975 c.782 §49]

(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 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; 1979 c.152 §1]

Note: Section 11, chapter 645, Oregon Laws 1979, provides

Sec. 11. (1) ORS 199.425 is repealed effective July 1, 1981.

(2) Subject to subsection (5) of ORS 199.430, all proceedings pending before a boundary commission repealed by subsection (1) of this section shall be terminated July 1, 1981

199.430 Procedure for creating local autonomous commissions; jurisdiction over pending matters. (1) 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 commission and providing for the manner of commission funding 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 and providing for the manner of commission funding, 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) Subject to subsection (6) of this section, 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 unless a boundary commission repealed by section 11, chapter 645, Oregon Laws 1979, had the proceeding under consideration on June 30, 1981, in which circumstance the commission created under this section shall have jurisdiction over the proceeding if it is otherwise within its territorial jurisdiction. The boundary commission created under this section shall, for the purposes of that proceeding, be substituted for, and shall be considered to be, the repealed boundary commission.

(6) No boundary commission created under this section shall, before July 1, 1981, have jurisdiction over any proceeding within the jurisdiction of a boundary commission repealed by section 11, chapter 645, Oregon Laws 1979. [1969 c.494 §5; 1971 c.462 §3; 1979 c.645 §1]

199.432 Status of commission created under ORS 199.430. (1) A boundary commission created under ORS 199.430 shall be a municipal corporation with perpetual succession and may sue and be sued, enter into contracts and perform such other actions as may be necessary to carry out the provisions of ORS 199.410 to 199.512.

(2) A boundary commission shall not be subject to the provisions of ORS 294.305 to 294.520. [1979 c.545 §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. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employes of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(3) 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.

(4) 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. If the Governor has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the

remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

[1969 c.494 §6; 1975 c.653 §1; 1979 c 374 §1]

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 199.461.

(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 199.512. 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 199.512; 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 199.512.

(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 199.512. [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 199.512, 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; action by commission; appeal; 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 appeal the order in accordance with the provisions of ORS 183.480 to 183.500 governing judicial review of agency orders or, if the decision of the boundary commission involves application of the state-wide planning goals, in accordance with the provisions of sections 4 to 6, chapter 772, Oregon Laws 1979.

(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; 1979 c 772 §16]

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, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change and, except as provided in ORS 197.275, the state-wide planning goals adopted under ORS 197.225.

(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:

(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; 1975 c 361 §2, 1979 c 374 §2]

199.463 Notice; hearing. (1) Notice of a public hearing conducted by a boundary commission under ORS 199.461 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]

199.464 Commission approval for exercise of additional district function, to extraterritorially extend district or city sewer or water line or to establish privately owned community water system. (1) Approval or disapproval under this section shall be based on the policy stated in ORS 199.410 and the standards set forth in ORS 199.462. A commission shall take action on any matter referred to it under this section in the manner provided for action by the commission upon a petition for a minor boundary change initiated under subsection (2) of ORS 199.490. Any action taken by the commission under this section is subject to judicial review as provided in subsection (3) of ORS 199.461 for judicial review of final orders of the commission.

(2) Without the approval of a boundary commission, a district with territory in the jurisdiction of the commission may not initiate an additional function of the district. Any

proposal by a district to initiate an additional function shall be referred immediately to the boundary commission that has jurisdiction of the territory in which the district lies. The district shall take no further action on the proposal unless the commission approves the proposal as proposed or modified.

(3) Without the approval of a boundary commission, a city or district with territory in the jurisdiction of the commission shall not extend a water or sewer line extraterritorially to an extent not effected on October 5, 1973. Tentative plans for such extraterritorial extension shall be submitted to the boundary commission that has jurisdiction of the territory in which the extension is proposed. If the commission disapproves the plans, no further action may be taken.

(4) Except as provided in paragraphs (d) and (e) of subsection (5) of this section, within territory subject to the jurisdiction of a boundary commission, no person may establish a community water supply system or a privately owned sewerage system or privately owned disposal system or extend a water line or sewer line without commission approval. Tentative plans for such approval shall be submitted to the boundary commission that has jurisdiction of the territory for which the establishment or extension is proposed. However, extension by a city or district of water lines or sewer lines shall be governed by subsection (3) of this section and the requirements of this section shall not apply to establishment of a city-owned community water supply system within its boundaries.

(5) (a) A community water supply system within the territory subject to the jurisdiction of a commission may apply to the commission for allocation of service territory. If the territory is allocated to a community water supply system, no other community water supply system may serve within the territory without approval of the commission and the approval may not be given so long as the existing system is reliable and has an adequate quality and quantity of water.

(b) In condemning all or part of the properties and allocated service territory of a private community water supply system through eminent domain, the acquisition price shall be fair market value.

(c) No part of the acquisition price for all or part of a community water supply system acquired by eminent domain shall be specially assessed against the property within the ac-

quired service territory, or its owners on a special benefit assessment basis.

(d) A community water supply system to which service territory has been allocated under this subsection may extend or establish water lines within the territory without further approval of the commission.

(e) Upon application filed on or before January 1, 1976, the Public Utility Commissioner shall allocate to a community water supply system that territory which it was serving adequately and exclusively on June 12, 1975, and that territory which previously had been allocated to it under this section by the Public Utility Commissioner prior to June 12, 1975. Such allocation shall be binding upon the commission.

(6) Action which under this section requires approval by a boundary commission but is taken without that approval may be enjoined, upon suit in a court of competent jurisdiction, by the boundary commission in whose territorial jurisdiction the action is taken.

(7) As used in this section:

(a) "Water line" includes every water line except a line connecting a community water supply system with the premises of the water user unless the line provides for extraterritorial extension of service.

(b) "Sewer line" includes every gravity sewer line that is eight inches or more in diameter and all force lines regardless of size, except a line connecting a sewer system with the premises of the user unless the line provides for extraterritorial extension of service.

(c) "Community water supply system" means a source of water and distribution system whether publicly or privately owned which serves more than three residences or other users where water is provided for public consumption including, but not limited to, a school, farm labor camp, an industrial establishment, a recreational facility, a restaurant, a motel, a mobile home park, or a group care home.

(d) "Sewerage system" is that system described by subsection (5) of ORS 468.700.

(e) "Disposal system" is that system described by subsection (1) of ORS 468.700, except for individual subsurface disposal systems.

(f) "Tentative plans" submitted to the boundary commission for approval shall include:

(A) For the establishment of a water system or extension of a water line:

(i) The source of the supply and quantity of water available.

(ii) The transmission, distribution and storage system size and location.

(iii) The proposed number of service connections, a map, and a legal description indicating the proposed service area.

(B) For the establishment of a sewer system or extension of a sewer line:

(i) The location of the treatment facility and outfall or other method of disposal.

(ii) The size and location of the collection system.

(iii) The proposed number of service connections, a map, and a legal description indicating the proposed service area. [1973 c.684 §2; 1975 c.330 §1; 1979 c.374 §3, 1979 c.880 §4]

(Boundary Change Procedure)

199.465 When petition for major boundary change required; when economic feasibility statement required; effect of filing petition; effect of appeal. (1) When a major boundary change is initiated by a legally sufficient petition as provided by the principal Act, if the territory subject to the petition is within the jurisdiction of a boundary commission, the filing agency notwithstanding the principal Act, shall file, within 10 days after the petition is filed, a certified copy of the petition with the boundary commission having jurisdiction of the change. If the petition proposes formation of a city or district it shall be accompanied by an economic feasibility analysis. The analysis shall include among other items a description of the services or functions to be performed or provided by the new unit and an analysis of their relationship to other existing or needed government services.

(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 commission files a certified copy of its final order with the filing agency. Suspension of the proceeding under this section shall not continue for more than 120 days after the date the commission receives the petition.

(3) If the decision of the commission on the petition is not filed with the filing agency within the 120 days, the petition shall be considered approved by the commission.

(4) Notwithstanding subsection (3) of this section, if a final order of a 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; 1973 c.433 §1]

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 proceeding for a major boundary change, 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 copy is so filed within the 120 days prescribed by subsection (2) of ORS 199.465 and:

(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 council or county or district board need not 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 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; 1973 c.664 §4]

199.485 Commission authority to initiate major change; resolution as petition; content and filing of resolution. (1) A boundary commission may initiate a proceed-

ing for a major boundary change in territory subject to its jurisdiction by adopting and within 10 days thereafter filing with the proper filing agency a resolution proposing the change and by proceeding in accordance with the principal Act of the affected city or district, ORS 199.465, 199.480 and this section. 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.

(2) The resolution shall:

(a) Identify the affected city or district;

(b) State the kind of boundary change proposed;

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

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

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

(f) Include whatever additional information the principal Act of the affected city or district authorizes or requires petitioners to include in or with a petition for such a boundary change.

(3) 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, unless the city or district is the filing agency. [1969 c.494 §15; 1971 c.462 §12; 1973 c.664 §5]

199.487 Commission authority to initiate minor change; nonapplicability of certain boundary change procedures; effect of commission 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 222.750 or 222.850 to 222.915. Minor boundary change proceedings shall be conducted as provided by this section and ORS 199.490 to 199.512.

(2) ORS 222.111 to 222.170 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; 1979 c 880 §3]

199.490 Procedure for minor boundary changes or transfers of territory. (1) A proceeding for a minor boundary change other than a transfer of territory 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) (a) An annexation proceeding may also be initiated by a resolution adopted by the governing body of the affected city or district upon receiving consent to annex their land in writing from more than half of the owners of land in the territory proposed to be annexed, who also own more than half of the land in the territory proposed to be annexed and of real property therein representing more than half of the assessed value of all real property in the territory proposed to be annexed.

(b) For the purpose of this subsection, consent need not be obtained for any land in a public way included within or contiguous to the territory proposed to be annexed. However, land in such a public way shall, as determined by the commission, be considered annexed to the affected city or district if the minor boundary change is approved, regardless of the land's ownership, size or assessed valuation.

(c) As used in this subsection, "owner" has the additional meaning given that term in subsection (4) of ORS 222.120.

(3) A transfer of territory proceeding may be initiated:

(a) By joint resolution of the governing bodies of the affected districts or cities;

(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.

(4) The petition or resolution shall:

(a) Name the affected city or district and state whether it is proposed to annex, withdraw or transfer 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.

(5) When a city annexation is initiated:

(a) As provided by ORS 222.750 the petition proposing the annexation shall be filed with the boundary commission having jurisdiction of the annexation.

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

(6) Except when a boundary change is initiated by an affected city or district under subsection (1), (2), (3) or (5) of this section or by the Assistant Director for Health as provided by paragraph (b) of subsection (5) of this section, the boundary commission shall notify the affected city or district that a petition has been filed or that the commission has adopted a resolution. If the petition complies with the requirements of the applicable statutes, the commission shall proceed as provided by ORS 199.460 to 199.463 and 199.490 to 199.512.

(7) Unless the parties appearing at a hearing for a minor boundary change agree to a postponement of the adoption of a final order, a final order approving or disapproving a minor boundary change must be adopted within 90 days after the date the petition or resolution is filed with the commission. If a final order approving or disapproving a minor boundary change is not adopted within 90 days after the petition or resolution is filed or within the period of postponement, the petition or resolution shall be considered approved by the commission. A postponement shall not be for a period exceeding one year from the date the petition or resolution initiating the change is filed with the commission. [1969 c 494 §16; 1971 c.462 §14; 1973 c.808 §1; 1975 c.157 §3, 1975 c 361 §3; 1979 c 880 §1]

199.495 Effect of ORS 199.490. In a proceeding initiated as provided by subsections (2) and (5) of ORS 199.490:

(1) If the proposed annexation is approved by the commission, the final order shall be effective at the time specified in the final order except that the effective date shall not be more than one year after the date the final order is adopted. If no effective date is specified in the final order, the order shall take effect on the date the order is adopted. The order shall not be subject to ORS 199.505.

(2) ORS 222.885 to 222.896, 222.915 and subsections (1) and (3) of 222.900 do not apply to proceedings initiated by the findings of the Assistant Director for Health. [1969 c.494 §16a; 1971 c.462 §15; 1975 c.157 §1; 1975 c.639 §19; 1979 c 374 §4; 1979 c 880 §2]

199.505 Effective date of minor changes; objection; election. (1) If the boundary commission by its final order approves a minor boundary change other than a transfer of territory, the change shall take effect at the time specified in the final order, but the effective date shall not be less than 45 days, nor more than one year, after the date the commission adopts the final order approving the change. If no effective date is specified in the final order, the order shall take effect 45 days after 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 adoption of the order:

(a) Written objections to the change signed by not less than 20 percent of the qua-

lified 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; 1975 c.157 §2; 1975 c.361 §4]

199.507 Effective date of transfer of territory; objections; election. (1) If the boundary commission by its final order approves a transfer of territory, the change shall take effect at the time specified in the final order, but the effective date shall not be less than 45 days, nor more than one year, after the date the commission adopts the final order approving the change. If no effective date is specified in the final order, the order shall

take effect 45 days after 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 adoption 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 district board or city council of any affected city or district is filed with the commission.

(2) If an objection is filed by the board of a district or city council of a city which under the final order would lose territory, it shall call and hold an election within its boundaries on whether the territory designated for transfer should be withdrawn from the district or city.

(3) If an objection is filed by the board of a district or city council of a city which under the final order would acquire the territory, it shall call and hold an election within its boundaries on whether the territory designated for transfer should be annexed to the district or city.

(4) If objections are filed by the qualified voters, the commission shall certify the fact of the objections to the county board of the county where the territory is located whereupon the board shall call an election within the boundaries of the territory proposed for transfer on whether the territory should be transferred.

(5) An election required by 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. The results of the election shall be certified to the commission. If a majority of those voting on a proposition in each and all elections 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. [1975 c 361 §6]

199.510 Financial effects of transfer or withdrawal. (1) After the date of a final order or proclamation of annexation or transfer of territory, the territory annexed or trans-

ferred shall become subject to the indebtedness, bonded or otherwise, of the affected city or district acquiring the territory in like manner as the territory within the city or district.

(2) (a) If the affected territory is to be annexed to a city, and lies within the boundaries of a district, the affected territory is withdrawn from the district on the date of the final order unless the city is part of the district. The city shall have the right to exercise the choice permitted by subsection (2) of ORS 222.520.

(b) Paragraph (a) of this subsection does not apply when the territory to be annexed lies within a water district organized under ORS chapter 264 or a sanitary district organized under ORS 450.005 to 450.245. Withdrawal of territory from such a water or sanitary district shall be governed solely by ORS 222.520 to 222.575.

(3) After the date of a final order or proclamation withdrawing or transferring territory from an affected city or district, the territory withdrawn or transferred shall be free from assessments and taxes levied thereafter by the affected city or district losing the territory. However, the withdrawn or transferred territory shall remain subject to any bonded or other indebtedness existing at the time of the order, except as provided by ORS 198.882. 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; 1973 c.808 §2, 1975 c.361 §7; 1977 c.663 §2]

199.512 Commission proceedings for district formation or annexation to relieve public health danger. (1) The findings of the Assistant Director for Health filed with a boundary commission in accordance with ORS 431.740 or 431.750 shall be considered a petition for the purposes of ORS 199.410 to 199.512. When the findings of the assistant director are filed with a commission, it shall proceed in accordance with the findings and with ORS 199.410 to 199.512, but the commission shall not inquire into the need for the proposed facilities or adjust the boundaries of the affected territory.

(2) In proceedings described by subsection (1) of this section, the boundary commission

shall determine whether the affected territory shall be included in a new city, new metropolitan service district or new county service district or annexed to an existing district. The final order of the commission shall conclude the proceedings for all purposes; and the formation or annexation approved and ordered by the commission shall take effect 45 days after the date the commission adopts the final order in the proceeding. [1973 c.361 §16]

199.514 [1973 c.664 §3; repealed by 1975 c.326 §5]

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 resolu-

tion 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) An additional amount of 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; 1973 c.745 §1]

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; on merger. (1) The election shall be held at the same time as a regular primary or general election held throughout the state or on a date, after March 1, 1974, specified by the commission.

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

(a) To the qualified voters who are resident in the county and to the qualified voters who are resident in the most populous city, the question whether the charter shall be adopted as the charter of a city-county.

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

(3) If a qualified voter is a resident in both the county and the most populous city, the question submitted under paragraph (a) of subsection (2) of this section shall appear only on the county ballot for such voter, but it shall be tallied both as a vote of a voter resident in the county and as a voter resident in the most populous city in the county.

(4) The commission shall file the call and the charter with the county clerk, who shall give notice of, conduct and publicize the results of the election under the general laws of the state governing elections. The county shall bear the expense of the election. [1971 c.731 §7; 1973 c.745 §2; 1979 c.190 §402]

199.740 Effect of election. (1) The charter shall be approved and the consolidation shall take place if, and only if, the question receives at the election affirmative votes by a majority of those voting thereon who are resident in the county and also by a majority of those voting thereon who are resident in the most populous city in the county.

(2) In case the question is approved as provided by subsection (1) of this section, any less populous city in the county shall be merged with and become a part of the city-county unless a majority of the voters resident in the city voting on the question submitted under subsection (2) of ORS 199.735 votes against the question.

(3) A majority vote for the question in a city approving it shall have the effect of approving the surrender of the charter of the city as required in subsection (1), section 2a of Article XI of the Oregon Constitution. The

majority vote in the county approving the question shall have the effect of approving the surrender of the charter, if any, of the county. The surrender in both cases shall take effect when the city-county comes into existence.

[1971 c.731 §8; 1973 c.745 §3]

199.743 Financial affairs of city-county if charter becomes effective during fiscal year. (1) Notwithstanding ORS 294.305 to 294.555 and 310.010 to 310.130, if the charter for a city-county is approved under subsection (1) of ORS 199.740 and the effective date of such charter is other than the date of the beginning of the fiscal year immediately following the fiscal year in progress on the effective date of such charter, during the remainder of the fiscal year in progress on the effective date of such charter the city-county shall expend moneys and levy taxes in accordance with the budgets prepared and adopted by each of the municipal corporations consolidated, merged or dissolved in the formation of the city-county pursuant to such charter, as if such charter had not taken effect. For the purposes of this section, the city-county shall be considered to be a continuation of each municipal corporation consolidated, merged or dissolved in the formation of the city-county.

(2) As used in subsection (1) of this section:

(a) "Fiscal year" has the meaning given that term in subsection (12) of ORS 294.311.

(b) "Municipal corporation" has the meaning given that term in subsection (17) of ORS 294.311. [1973 c.745 §9]

199.745 First governing body of 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. The charter may provide that it will become effective for specified purposes immediately upon the proclamation of the results of the election on the adoption of the charter.

[1971 c.731 §9; 1973 c.745 §3a]

199.750 Status of 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, VI, 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. The charter may prescribe or make provision for prescribing which duties or functions shall be county, city or jointly city-county powers.

(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; 1973 c.745 §4]

199.753 City-county service district.

(1) A city-county may establish service districts as provided by ORS 199.705 to 199.775 and ORS chapter 451. For the purposes of ORS chapter 451, a city-county shall be considered a county and the city-county legislative body shall be considered a county court. The charter may delegate or provide for the delegation of executive and administrative responsibilities in respect to service districts to the chief executive officer and administrative departments of the city-county.

(2) In addition to those districts authorized under ORS 451.010, a city-county may create service districts for any purpose authorized by its charter. [1973 c.745 §8]

199.755 Receipt of state funds by 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 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 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 and provide for the administration of differential taxation, the charter may establish districts on the basis of services to be provided by the city-county and prescribe a formula for computing different tax rates for the different districts. The charter shall provide procedure for modification or dissolution of such districts and for changing such tax rate formula, 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 under ORS 280.060 and any continuing tax levy authorized prior to July 21, 1953, and meeting the qualifications of ORS 310.125 by the voters of any consolidating, merging or extinguished government 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; 1973 c.431 §1]

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 immediately before the city-county comes into existence, the employment status and pension and other benefit rights of the employes of the consolidating, merging or extinguished 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 time the city-county comes into existence by the units.

(5) Priority, as of the time immediately before the city-county comes into existence, of reemployment of employes of the units who have previously been laid off or had their employment terminated.

(6) Paid training or retraining programs for any employe of a unit whose position or job is eliminated by the consolidation, merger or extinction, or by any subsequent administrative reorganization in the city-county. [1971 c.731 §14; 1973 c.745 §5]

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) ORS 222.510 applies to any district mentioned in that section whenever the entire area of such a district is included within the boundaries of a city-county, as described under ORS 199.760, for either county or city functions. [1971 c.731 §15; 1973 c.745 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, 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,
October 1, 1979

Thomas G. Clifford
Legislative Counsel

CHAPTER 200
[Reserved for expansion]

