Chapter 266

1979 REPLACEMENT PART

Park and Recreation Districts

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GENERAL PROVISIONS

266.010 Definitions. As used in this chapter:

(1) "County board" means county court or board of county commissioners of the county.

(2) "County" means the county in which the district, or the greater portion of the taxable assessed value of the district, is located.

(3) "District" means park and recreation district formed under this chapter.

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

(5) "Owner" means the holder of record title to real property or the vendee under a land sale contract, if there is such a contract.

(6) "Voter" means a registered voter of the state who resides in the district. [Subsection (2) (1967 Replacement Part) enacted as 1967 c.574 §2; 1969 c.668 §1]

266.020 [Repealed by 1971 c.647 §149]

266.030 [1961 c.587 §4; 1969 c.668 §2; repealed by 1971 c.727 §203]

266.110 Petition for organization. (1) A community may form a municipal corporation to provide park and recreation facilities for the inhabitants.

(2) In addition to other required matters, the petition for formation shall state the number of members to be on the district board and the method of election of the board of the proposed district from among the methods described in ORS 266.375. [Amended by 1957 c.57 §1; 1961 c.587 §1; 1969 c.668 §3; 1971 c.727 §91; 1975 c.249 §5]

266.115 [1961 c.587 §3; 1969 c.668 §4; repealed by 1971 c.727 §203]

266.120 [Amended by 1969 c.668 §5; repealed by 1971 c.727 §203]

266.130 [Amended by 1969 c.668 §6; repealed by 1971 c.727 §203]

266.140 [Amended by 1969 c.668 §7; repealed by 1971 c.727 §203]

266.150 [Repealed by 1971 c.647 §149 and by 1971 c.727 §203]

266.160 [Amended by 1969 c.668 §8; repealed by 1971 c.647 §149]

266.170 [Amended by 1969 c.668 §9; repealed by 1971 c.647 §149]

266.180 [Amended by 1969 c.668 §10; repealed by 1971 c.727 §203]

DISTRICT BOARD

266.310 Officers of district; qualifications. (1) The officers of the district shall be a board of three or five members, to be elected by the registered voters of the district at large, and a secretary, to be appointed by the board.

(2) Every registered voter resident within a district for the period requisite to enable him to vote at a general election is qualified to be a member of the board or officer of the district. [Amended by 1957 c.57 §2; 1969 c.668 §11]

266.320 Number of board members elected at formation election; terms of office. (1) The number of district board members to be elected shall be three or five, according to the number set forth in the petition for formation. The nominating petition shall be filed with the county board.

(2) The successful candidates and their respective terms shall be determined in the manner provided in subsections (3) and (4) of ORS 450.045.

(3) Each of the directors shall hold office until election and qualification of his successor. [Amended by 1957 c.57 §3; 1969 c.668 §12; 1971 c.647 §56; 1971 c.727 §192]

266.325 Increasing number of board members. A district having a three-member board may increase the number of members to five in the manner set forth in ORS 450.062, except that the annual election and commencement of terms shall be as provided in ORS 266.330. [1957 c.57 §7]

266.330 Annual election of board members. (1) An election shall be held in the district, on the date fixed by ORS 255.335, at which a successor shall be elected for each of the members of the district board whose terms regularly expire on the following July 1. If one board member is to be elected, the candidate receiving the highest vote shall be elected. If two board members are to be elected, the candidates receiving the first and second highest vote shall be elected.

(2) Each officer elected shall hold office from July 1 next after such election, for four years, and until his successor is elected and qualified. [Amended by 1957 c.57 §4; 1969 c.668 §13; 1973 c.796 §24; 1975 c.647 §28]

266.340 Oath of office of board members. A district board member when elected

shall take the oath of office within 10 days after receiving his certificate of election. [Amended by 1969 c.345 §6; 1969 c.668 §§14, 45]

266.350 [Repealed by 1971 c.403 §18]

266.360 [Amended by 1957 c.57 §5; 1969 c 668 §15; repealed by 1969 c.668 §46 and by 1969 c.669 §21]

266.370 Board as governing power; president and secretary; signing documents; meetings. (1) The park and recreation board shall be the governing power of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one of its members as president and shall appoint a secretary who need not be a member of the board. In case of the absence, or inability to act, of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tempore, or secretary pro tempore, or both, as the case may be.

(3) All contracts, deeds, warrants, releases, receipts and documents of every kind shall be signed in the name of the district by its president and shall be countersigned by its secretary.

(4) The board shall hold such meetings either in the day or evening, as may be convenient, requisite or necessary.

266.375 Manner of electing board members. (1) The board members may be elected in one of the following methods or a combination thereof:

(a) Elected by the qualified voters of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the qualified voters of the district.

(2) Candidates for election from zones shall be nominated by qualified voters of the zones. Candidates for election at large may be nominated by qualified voters of zones or by qualified voters of the district, as determined under subsection (3) of this section.

(3) Where the method selected under subsection (2) of this section includes a combination of nomination of candidates from zones and of nomination of candidates at large, the number of candidates to be nominated in each manner shall be specified in the petition submitted under ORS 266.110 or in the petition or resolution under ORS 266.380. [1975 c 249 §2]

266.380 Zones for board members. (1) If a petition signed by at least 1,000 qualified voters of the district or at least a number equal to 10 percent of the voters voting for the office of director at the last annual election in the district, whichever is less, is presented to the board of such district requesting that the district be zoned by the purpose of nominating or electing one or more board members, the board shall submit the question to the qualified voters of the district at the next annual election in the district for their approval or rejection. The question may also be presented to the voters of the district upon adoption of a resolution by the board. The petition or resolution shall describe the proposed boundaries of the zones and shall specify whether in filling each position on the board a qualified voter of the district shall be entitled to sign a petition of nomination or to vote for a candidate from any zone or only for a candidate from the zone in which the voter resides.

(2) If the qualified voters of the district approve the establishment of zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by persons who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot. [1975 c.249 §3]

266.385 Boundaries of zones for board members; changing method of electing board members. (1) The boundaries of zones established within a district, whether established upon formation of the district or thereafter, from which board members are to be nominated or elected shall be as nearly equal in population as is feasible according to the latest federal census and shall be adjusted by the board to reflect boundary changes of the district.

(2) The method of nominating and electing board members established pursuant to ORS 266.110 or 266.380 may be changed to another method described in ORS 266.375 by submitting the question of such change to the qualified voters at the next annual election in the district for their approval or rejection. The question shall be so submitted when a petition requesting the change and signed by at least 1,000 qualified voters of the district or at least a number equal to 10 per cent of the voters voting for the office of director at the last

annual election in the district, whichever is less, is presented to the board or a resolution to submit the question to the voters is adopted by the board. The petition or resolution shall meet the requirements for a petition or resolution as set forth in subsection (1) of ORS 266.380. [1975 c.249 §4]

POWERS AND DUTIES

266.410 General district powers. Every district shall have power:

(1) To have and use a common seal.

(2) To sue and be sued by its name.

(3) To construct, reconstruct, alter, enlarge, operate and maintain such lakes, parks, recreation grounds and buildings as, in the judgment of the district board, are necessary or proper, and for this purpose to acquire by lease, purchase, gift, devise, condemnation proceedings or otherwise such real and personal property and rights of way, either within or without the limits of the district as, in the judgment of the board, are necessary or proper, and to pay for and hold the same.

(4) To make and accept any and all contracts, deeds, leases, releases and documents of any kind which, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(5) To assess, levy and collect taxes to pay the cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining any lakes, parks, recreation grounds and buildings that may be acquired, or any lawful claims against the district, and the running expenses of the district.

(6) To employ all necessary agents and assistants, and to pay the same.

(7) To make and enforce regulations:

(a) For the removal of garbage and other deleterious substances, and all other sanitary regulations not in conflict with the Constitution, the laws of Oregon or the regulations of the Environmental Quality Commission.

(b) Governing the conduct of the users of the facilities of lakes, parks, recreational grounds and buildings within the district.

(8) To prohibit any person violating any rule or regulation from thereafter using the facilities of the district for such period as the board may determine.

(9) To call, hold and conduct all elections, necessary or proper after the formation of the district.

(10) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(11) To compel all residents and owners within the district to connect their houses and habitations with the street sewers, drains or other sewage disposal system.

(12) To establish and collect reasonable charges for the use of the facilities of the district and issue appropriate evidence of the payment of such charges.

(13) Generally to do and perform any and all acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed. [Amended by 1961 c.587 §5; 1969 c.668 §16; 1971 c 647 §57; 1971 c.727 §193]

266.420 Levy of taxes. Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount in dollars and cents shall not exceed one-fourth of one percent (.0025) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207. [Amended by 1963 c.9 §11; 1969 c.668 §17]

266.430 Sinking funds. The park and recreation board, by resolution duly adopted, may establish sinking funds for the purpose of defraying the costs of acquiring land for park and recreation sites, and for acquiring or constructing buildings or facilities thereon or therein. Any such fund may be created through the inclusion annually within the tax budget of the district of items representing the yearly instalments to be credited thereto. The amount of these items shall be collected and credited to the proper fund in the same manner in which taxes levied or revenues derived for other purposes for the district are collected and credited. The balances to the credit of the funds need not be taken into consideration or deducted from budget estimates by the levying authority in preparing the annual budget of the district. None of the moneys in such funds shall be diverted or transferred to other funds, but if unexpended balances remain after disbursement of the funds for the purpose for which they were created, such balances, upon approval by resolution of the park and recreation board,

shall be transferred to the operation and maintenance fund of the district.

266.440 Handling by county treasurer of tax moneys collected for district purposes. (1) Except as otherwise provided by ORS 266.530 to 266.580, the money of the district shall be deposited, in the discretion of the district board, either with the county treasurer of the county, in accordance with subsections (2) to (4) of this section, or in one or more banks or savings and loan associations to be designated by the board. Funds deposited in a bank or savings and loan association shall be withdrawn or paid out only upon proper order and warrant or check signed by the secretary and countersigned by the president of the district board. The board may by resolution designate a secretary pro tempore or a president pro tempore who may sign warrants or checks on behalf of the secretary and president, respectively.

(2) If district funds are deposited with the county treasurer, when the tax collector pays over to the county treasurer moneys collected for a district, the county treasurer shall keep the moneys in the county treasury as follows:

(a) He shall place and keep in a fund called the operation and maintenance fund of the district (naming it) the moneys levied by the district board for that fund.

(b) He shall place and keep in a fund called the construction fund of the district (naming it) the moneys levied by the board for construction, reconstruction and alteration.

(3) The county treasurer shall pay out moneys from the funds only upon the written order of the board, signed by the president and countersigned by the secretary. The order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made. The order shall be entered in the minutes of the board.

(4) The county treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for the district. [Amended by 1969 c.668 §18; 1973 c.220 §1]

266.450 Adoption and taking effect of regulations and orders of board; penalty for violating regulations. (1) Any general regulation of the district board shall be adopted in accordance with ORS 198.510 to 198.600.

(2) Orders not establishing a general regulation need not be published or posted, unless otherwise provided by this chapter, but shall be entered in the minutes, and the entry shall be signed by the secretary of the board. An ordinary order shall take effect upon the entry in the minutes.

(3) Violation of a regulation enacted under subsection (7) of ORS 266.410 is a misdemeanor punishable upon conviction by a fine not to exceed $100 or imprisonment not to exceed five days, or both. [Amended by 1969 c.668 §19; 1971 c.268 §13]

266.460 District attorney to aid board; special counsel. The district board may call upon the district attorney for advice as to any district business. The district attorney shall give advice when called on therefor by the board. The board may at any time employ special counsel for any purpose. [Amended by 1969 c.668 §20; 1971 c.268 §14]

266.470 Disposition of fines. All fines for violation of any regulation or order of the district board shall, when paid to the secretary of the board, be deposited by the district in the operation and maintenance fund of the district. [Amended by 1969 c.668 §21; 1971 c.268 §15; 1973 c.220 §2]

266.480 Power to contract bonded indebtedness for certain purposes. A district has the power to contract a bonded indebtedness for the purpose of providing funds:

(1) To acquire land, rights of way, interests in land, buildings and equipment.

(2) To improve land and develop parks and recreation grounds.

(3) To construct, reconstruct, improve, repair and furnish buildings, gymnasiums, swimming pools, golf courses, driving ranges, boat marinas and recreational facilities of every kind.

(4) To acquire equipment of all types, including vehicular equipment necessary for and in the use, development and improvement of the lands and facilities of the district.

(5) To pay the costs, expenses and attorney fees incurred in the issue and sale of the bonds.

(6) To fund or refund outstanding indebtedness, or for any one or combination of any such purposes. [Amended by 1969 c.668 §22]

266.490 Bond election at discretion of board or on petition. For the purpose of providing funds with which to put into effect one or any combination of any of the purposes authorized under ORS 266.480, the district board, when authorized by a majority of those voting at an election called for that purpose, may borrow money and sell and dispose of general obligation bonds. An election shall be called whenever a majority of the board so decides, or shall be called upon the petition presented to the board asking for bond election in a specific amount for carrying out any one or more of the purposes authorized by ORS 266.480. The petition shall be signed by a number of voters equal to at least five percent of the qualified voters in the district or at least 1,000 voters, whichever number is smaller. Any elector of the district may sign the petition for any measure upon which the elector is entitled to vote. Upon verification of the petition the district shall submit the measure to a vote of the people at the next regular district election of the district. [Amended by 1967 c.609 §4; 1969 c.668 §23; 1975 c.627 §3; 1979 c.190 §410]

266.500 [Amended by 1969 c.668 §24; repealed by 1971 c.647 §149]

266.510 [Amended by 1963 c.9 §12; repealed by 1969 c.668 §25 (266.512 enacted in lieu of 266.510 and 266.520)]

266.512 General obligation bonds; conditions; interest; advertisement and sale. (1) Whenever authorized by the voters, the district board may issue general obligation bonds of the district, not exceeding in par value the amount stated in the notice of election and for the purpose therein named, bearing not to exceed seven percent interest per annum, payable semiannually, redeemable at such time or times as the board may, at the time of providing for the issuance thereof, determine, but due and payable not to exceed 30 years from date.

(2) The aggregate amount of general obligation bonds issued and outstanding at any one time shall in no case exceed two and one-half percent of the true cash value of all taxable property of the district, computed in accordance with ORS 308.207.

(3) General obligation or revenue bonds must recite that they are issued under this chapter. All bonds shall be signed by the president of the district board, attested by the secretary and registered by the county treasurer. The interest coupons thereto annexed shall be signed by the president and secretary, by their original or engraved facsimile signatures.

(4) All general obligation and revenue bonds issued, including refunding bonds, shall be advertised and sold in the manner prescribed by ORS 287.014 to 287.026 for the sale of bonds of cities of this state. [1969 c.668 §26 (enacted in lieu of 266.510 and 266.520)]

266.514 Revenue bonds; issuance; conditions. In addition to the authority to issue general obligation bonds, a district, when authorized by a majority of those voting at an election called for that purpose, may sell and dispose of revenue bonds, and pledge as security therefor all or any part of the unobligated net revenue of the district or a recreational facility of the district, to purchase, acquire, construct, reconstruct or improve a facility, or to perform any of those acts in combination, for any authorized purpose. Revenue bonds shall be issued in the same manner and form as are general obligation bonds of the district, but they shall be payable, both as to principal and interest, from revenues only. Revenue bonds shall not be subject to the limitation provided by ORS 266.512 applicable to general obligation bonds and shall not be a lien upon any of the taxable property within the limits of the district. Revenue bonds shall be payable solely from such part of the revenue of the district as remains after payment of obligations having a priority and of all expenses of operation and maintenance of the district, including any taxes levied against it. All revenue bonds shall contain a clause reciting that both the principal and interest are payable solely from operating revenues of the district remaining after paying such obligations and expenses. [1969 c.668 §26a]

266.516 Refunding bonds. Refunding bonds of the same character and tenor as those replaced thereby may be issued pursuant to a resolution duly adopted by the district board without submitting to the voters the question of authorizing the issuance of such bonds. [1969 c.668 §26b]

266.518 Contracts with United States. (1) In carrying out the powers conferred by this chapter, a district may contract with the United States or any agency thereof for the acquisition, construction, reconstruction, maintenance and operation, or any of them, of park and recreation facilities.

(2) Contract provisions for repayment of any loan from the United States, and the bonds securing the payment of the same, if any are issued, may be of such denomination, for such term not exceeding 50 years and may call for the payment of such interest not exceeding seven percent per annum, may provide for such instalments and for repayment of the principal at such times, as may be required by the federal laws and as may be agreed upon between the district board and the United States agency. [1969 c.668 §26c; 1973 c.86 §1]

266.520 [Repealed by 1969 c.668 §25 (266.512 enacted in lieu of 266.510 and 266.520)]

266.530 Registration and delivery of bonds; disposition of proceeds. (1) The county treasurer shall register each bond issued pursuant to ORS 266.480 in a book kept for that purpose in his office, noting the district, amount, date, time and place of payment, rate of interest and such other facts as may be deemed proper.

(2) The county treasurer shall cause the bonds to be delivered promptly to the purchasers upon payment therefor, and shall hold the proceeds of the sale of the bonds subject to the order of the district board to be used solely for the purpose for which the bonds were issued.

(3) When the bonds have been so executed, registered and delivered, their legality shall not be open to contest by the district or by any person or corporation for or on its behalf, for any reason whatever. [Amended by 1969 c.668 §27]

266.540 Additional taxes for payment of bond interest and principal; bond sinking fund. (1) The district board shall ascertain and levy annually, in addition to all other taxes, a direct annual ad valorem tax on all taxable property in the district, which tax shall be outside of and in addition to the annual levy limitation contained in ORS 266.420, and which tax shall be for an amount sufficient:

(a) To pay the interest accruing on the bonds promptly as it becomes due.

(b) To raise a percentum of the principal of the bonds as will, in equal annual instalments, be sufficient to retire all the bonds as they mature.

(2) The funds derived from such tax levies shall be retained by the county treasurer, and kept by him in a separate fund to be known as and designated "——— Park and Recreation District bond interest and sinking fund." The fund shall be irrevocably pledged to and used solely for the payment of the interest accruing on and the principal of the bonds when due, so long as any of the bonds or the coupons thereto appertaining remain outstanding and unpaid. The interest earnings of the fund shall be credited thereto and become a part thereof. [Amended by 1969 c.668 §28]

266.550 Procedure in event board fails to levy bond tax. If the district board fails or refuses to levy the tax necessary for the interest, principal or sinking fund, the county treasurer shall ascertain and certify the amount necessary to the county board. The county board shall then levy a tax sufficient to raise the sum so required and ascertained by the county treasurer. The proper county officer having power to extend county taxes shall extend such tax upon the tax roll of the county upon the taxable property of the district. The proper county officer whose duty it is to collect taxes shall collect such tax according to law, and shall pay the funds so collected into the county treasury to the credit of the bond interest and sinking fund of the district to be used in the payment of the bonds and interest. [Amended by 1969 c.668 §29]

266.560 Redemption of bonds; notice. (1) Whenever the amount of any sinking fund created under ORS 266.480 and 266.540 equals the amount, principal and interest, of any bond then due or subject under the pleasure or option of the district to be paid or redeemed, the county treasurer of the county in which the district is located shall notify the holder of the bond and shall publish a notice in the newspaper published nearest to the district.

(2) The county treasurer shall, within 30 days from the date of the notice, redeem and pay any bond then redeemable and payable, giving priority according to the date of issuance numerically, upon presentation of the bond at the place of payment specified therein.

(3) In case any holder of such bonds fails to present them at the time mentioned in the notice the interest thereon shall cease, and the county treasurer shall thereafter pay only the amount of the bond and the interest accrued thereon up to the last day of the time of redemption mentioned in the notice.

(4) When any bonds are so redeemed or paid, the county treasurer shall cause them to be canceled and write across the face thereof "redeemed" and the date of redemption, and

shall deliver them to the district board, taking its receipt therefor. [Amended by 1969 c.668 §30]

266.570 [Repealed by 1969 c.668 §47]

266.580 Payment of bond principal and interest; payment of collection commission. (1) The principal of and the interest on the bonds shall be payable in lawful money of the United States of America at the office of the treasurer of the county or at the fiscal agency of the State of Oregon in the city of New York, at the option of the purchaser thereof.

(2) The county treasurer must cause to be paid out of any money in his hands belonging to the district the interest on or principal of any bond issued pursuant to ORS 266.480 promptly when and as the same becomes due at the place of payment designated in the coupons or bonds.

(3) All coupons or bonds so paid must be immediately reported to the district board.

(4) No county treasurer or district board shall pay to the purchaser of any bond issued pursuant to ORS 266.480 or to any agency representing such purchaser, any commission whatsoever for collection of the interest on or principal of any bond so issued.

(5) The county treasurer shall not be required to remit to the purchaser of any bonds or coupons the amount necessary to redeem such bonds or coupons until the day they are due. [Amended by 1969 c 668 §31]

266.590 Validation of certain bond issues. All proceedings taken prior to March 18, 1949, in the authorization and issuance of bonds by any district pursuant to ORS 266.480 to 266.512 and 266.530 to 266.580 hereby are validated, ratified, confirmed and approved, notwithstanding any defects and irregularities in the proceedings or any part thereof, and notwithstanding that the amount of the bonded indebtedness to be incurred was not stated upon the ballot used in the election authorizing the issuance of the bonds. [Amended by 1969 c.668 §32]

266.610 [1967 c.574 §3; 1969 c.668 §33; repealed by 1971 c 727 §203]

266.620 [1967 c.574 §4; 1969 c.668 §34; repealed by 1971 c.727 §203]

266.630 [1967 c.574 §5; 1969 c.668 §35; repealed by 1971 c.727 §203]

266.640 [1967 c.574 §6; 1969 c.668 §36; repealed by 1971 c.727 §203]

266.650 [1967 c.574 §7; repealed by 1971 c.727 §203]

266.660 [1969 c.668 §38; repealed by 1971 c 727 §203]

266.670 [1969 c.668 §39; repealed by 1971 c.727 §203]

266.680 [1969 c.668 §40; repealed by 1971 c.727 §203]

266.710 [1967 c.574 §8; 1969 c.668 §42; repealed by 1971 c.727 §203]

266.720 [1967 c.574 §§9, 10; 1969 c.668 §43; repealed by 1971 c.727 §203]

266.730 [1967 c.574 §11; 1969 c.668 §44; repealed by 1971 c.727 §203]

266.740 [1967 c.574 §12; 1971 c.647 §61; repealed by 1971 c.727 §203]

266.750 [1967 c 574 §13; repealed by 1971 c.727 §203]

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