

Chapter 268

1989 EDITION

Metropolitan Service Districts

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GENERAL PROVISIONS

Note: Section 7, chapter 321, Oregon Laws 1989, takes effect on July 1, 1991. See note after 268.150. Section 7, chapter 321, Oregon Laws 1989, provides:

Sec. 7. (1) Subject to subsection (2) of this section, the council or the electors of the district may by ordinance prescribe the organization of the district government. However, an ordinance prescribing the organization of the district government that is enacted by the council shall receive the approval of the electors of the district before taking effect. An ordinance prescribing the organization of district government may provide for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the district's powers and perform all the district's duties as required by the laws of this state.

(2) The council or the electors of the district may supersede ORS 268.150, 268.160, 268.170, 268.180, 268.190, 268.210 and 268.215 by enacting an ordinance authorized by this section. Until superseded by a district ordinance, such provisions shall remain in effect in the district. [1989 c.321 §7]

268.010 Short title. This chapter may be referred to as the Metropolitan Service District Act of 1969. [1969 c.700 §1]

268.015 Policy. The Legislative Assembly hereby finds that there exists a proliferation of regional governments in the Portland metropolitan area, leading to duplication of public services, overlapping jurisdictions and a confusion and unfamiliarity by citizens as to the governmental decisions affecting their lives and property; and hereby declares that the purpose of ORS 249.056, 268.015 to 268.030, 268.060, 268.125 to 268.190, 268.310, 268.312, 268.320, 268.335, 268.342, 268.360, 268.380 to 268.390, 268.505, 268.512, 268.513 and 268.517 is to provide for the consolidation of those regional governments and to establish an elected governing body and thereby to increase the accountability and responsiveness of regional government officials to the citizenry through the election process. [1977 c.665 §1]

Note: 268.015 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.020 Definitions. As used in this chapter:

(1) "Council" means the governing body of a district.

(2) "District" means a metropolitan service district established under this chapter.

(3) "Executive officer" means the official responsible for the executive and administrative functions of the district.

(4) "Metropolitan area" means that area which lies within the boundaries of Clackamas, Multnomah and Washington Counties.

(5) "Improvement" means the facilities and other property constructed, erected or acquired by and to be used in the performance of services authorized to be performed by a district.

(6) "Metropolitan significance" means having major or significant district-wide impact.

(7) "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity. [1969 c.700 §2; 1977 c.665 §2, 1979 c.531 §3; 1987 c.349 §1]

268.030 Purpose of chapter; limitation on use; purpose of districts. (1) This chapter is enacted in order to provide a method of making available in metropolitan areas public services not adequately available through previously authorized governmental agencies.

(2) To this end not more than one district may be established under this chapter in any metropolitan area.

(3) Subject to the limitations of state law, the district may provide:

(a) Metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water, public transportation, water supply, human services, parks and recreation, cultural facilities, libraries, correctional facilities and correctional programs; and

(b) Metropolitan zoo facilities; and

(c) Local aspects of those public services authorized by paragraphs (a) and (b) of this subsection that are transferred to the district by agreement between the district and other public corporations, cities or counties; and

(d) By contract, metropolitan and local aspects of services authorized under this chapter to areas outside the district boundaries.

(4) A district, where formed, shall provide for those aspects of land use planning having metropolitan significance. [1969 c.700 §3, 1975 c.510 §1; 1977 c.95 §16; 1977 c.665 §3; 1977 c.782 §3]

268.040 Exemption from public utility regulation. Transportation facilities operated by a district, including the rates and charges made by the district and the equipment operated by the district, and transportation facilities operated for a district by a private operator pursuant to a contract between the operator and the district, including the rates and charges made by the operator pursuant to the contract, and the equipment operated pursuant to the contract, shall not be subject to the laws of this state regulating public utilities, including those

laws administered by the Public Utility Commission of Oregon. [1969 c.700 §31]

268.050 Initiative and referendum. (1) The electors of a district may exercise the powers of the initiative and referendum with reference to legislation of the district in accordance with ORS 255.135 to 255.205.

(2) The council may refer any ordinance to the electors for their approval or rejection at any election date prescribed in ORS 255.345.

(3) Upon petition of the electors of the district filed with the district election officer, the council shall call an election for the purpose of referring legislation or submitting initiative legislation to the electors for their approval or rejection. [1969 c.700 §28; 1981 c.173 §40, 1983 c.350 §129, 1989 c.328 §2]

268.060 Costs of elections. (1) The cost of elections to nominate or elect councilors or the executive officer shall be paid by the district.

(2) When a district election is held on a district measure, the election shall be conducted under ORS chapter 255. [1977 c.665 §6a (enacted in lieu of 268.200)]

FORMATION; BOUNDARIES

268.100 Initiation of proceedings to establish district; petition or resolution for election; tax base. (1) In addition to initiatory action authorized by ORS 198.705 to 198.955, proceedings to establish a district may be initiated by:

(a) A resolution adopted by the governing body of the most populous city in the proposed district and filed with the county governing body, petitioning that body to call the election; or

(b) A resolution adopted by the county governing body of the most populous county in a metropolitan area on its own motion and declaring its intention to call the election.

(2) The petition or resolution initiating formation may request that the election to establish the district be held at the same time as an election at which it is permissible to establish a tax base within the meaning of section 11, Article XI of the Oregon Constitution. If the petition or resolution does so, the election shall be held at such time. The petition or resolution may also request that the proposition to be voted on at such an election include a proposed tax base for the district within the meaning of section 11, Article XI of the Oregon Constitution. If the petition or resolution does so, the proposition to be voted on at the election shall include a proposed tax base for the district, in accordance with the petition or resolution. [1969 c.700 §4; 1971 c.727 §97]

268.110 [1969 c.700 §5(1), (2); repealed by 1971 c.727 §203]

268.115 [1969 c.700 §5(3), (4), repealed by 1971 c.727 §191]

268.120 Establishing district tax base. A tax base within the meaning of section 11, Article XI of the Oregon Constitution may be established for a district at the same election at which the district is established. If the petition or resolution for initiating proceedings to establish the district contains both requests authorized by ORS 268.100 (2), the county governing body that calls the election shall confer about the proposed tax base with the governing bodies of all counties and cities having territory in the proposed district and shall then determine the tax base to be proposed for the district. The proposition submitted to the electors of the district for the purpose of establishing the district shall propose the tax base specified by the county governing body. The tax base so proposed shall be the initial tax base of the district within the meaning of section 11, Article XI of the Oregon Constitution, if the district is established at the election. [1969 c.700 §6, 1971 c.727 §99]

268.125 Legal description of district boundaries; map. Subject to annexation or withdrawal of territory under ORS 198.705 to 198.955, the boundaries of a metropolitan service district shall be: Beginning at a point along the north boundary of the State of Oregon at the intersection of said boundary with the center line of the Willamette River; thence easterly along said north boundary to its intersection with the east line of Section 20, T1N, R4E, W.M.; thence south leaving said state boundary tracing the east line of Sections 20, 29 and 32, T1N, R4E, W.M.; thence continuing south along the east line of Sections 5, 8, 17 and 20, T1S, R4E, W.M.; to the intersection of said line with the boundary between Multnomah and Clackamas Counties, Oregon; thence west along said county line to the center line of Old Loop Road; thence southeasterly along Old Loop Road to its intersection with 312th Avenue, S.E.; thence south along 312th Avenue, S.E. to its intersection with the south line of Section 5, T2S, R4E, W.M.; thence west tracing the south line of Sections 5 and 6, T2S, R4E, W.M.; thence continuing west along the south line of Sections 1 and 2, T2S, R3E, W.M. to the southwest corner of Section 2, T2S, R3E, W.M.; thence south along the east line of Section 10, T2S, R3E, W.M.; to the southeast corner of Section 10, T2S, R3E, W.M.; thence west along the north line of Sections 15, 16, 17 and 18, T2S, R3E, W.M. to the northwest corner of Section 18; thence south along the west line of T2S, R3E, W.M. to its intersection with the center line of the Clackamas River; thence downstream along

said center line to its intersection with the west line of Section 21, T2S, R2E, W.M.; thence southerly along said west line of Section 21 to its intersection with the southerly right-of-way line of the South Clackamas River Road (Market Road No. 28); thence southeasterly along the southerly boundary of the South Clackamas River Road 483 feet, more or less, to its intersection with the northerly extension of the east line of Hawarden Subdivision; thence southerly along said extended line and the east line of Hawarden Subdivision to the north line of James Winston Donation Land Claim No. 69 in Section 21, T2S, R2E, W.M.; thence westerly along the north line of said Donation Land Claim to the westerly northwest corner; thence southerly along the west line of Donation Land Claim No. 69 to the southwest corner; thence southeasterly along the south line of said Donation Land Claim No. 69 to the northerly right-of-way line of Forsythe Road (County Road No. 374); thence easterly along the northerly right-of-way line of said Forsythe Road to its intersection with the extended westerly line of Lot 8 of Harding Walden Tracts; thence southerly along said west line to the southwest corner of Lot 8; thence easterly along the north line of Lots 17, 16, 15, 14 and 13 to the northeast corner of Lot 13 of said Harding Walden Tracts; thence southerly along the east line of said Lot 13 5 feet, more or less, to the southwest corner of a tract of land (Tax Lot 2 2E 21D 1200) deeded to May Pletz c/o John O. and Kathleen C. Beirwagen, Deed Reference 74-1625; thence easterly a distance of 335 feet, more or less, along the southerly boundary of said tract to the southwest corner of a tract of land (Tax Lot 2 2E 21D 1300) deeded to May Pletz, Deed Reference 74-1625; thence continuing easterly along the southerly boundary of (Tax Lots 2 2E 21D 1300 and 1403) to the southeast corner of said Tax Lot 1403, said point being on the west boundary of Tax Lot 2 2E 21D 1900; thence south along the west boundary of Tax Lot 2 2E 21D 1900 to the southwest corner of said Tax Lot 1900, said point also being the northwest corner of that tract of land (Tax Lot 2 2E 21D 1901), deeded to School District No. 62, Deed Reference 71-16239; thence easterly along the northerly boundary of said tract a distance of 660 feet to the northeast corner of said tract; thence northerly along the east boundary of Tax Lot 2 2E 21D 1900 to the northwest corner of Lot 4 Winston Acres; thence easterly along the northerly boundary of Lot 4, to the northeast corner of Lot 4 Winston Acres; thence northerly along the west boundary of Lot 13 Winston Acres, to the northwest corner of said Lot 13; thence southeasterly along the northeasterly boundary of Winston Acres a

distance of 946.01 feet; thence southerly along the easterly boundary of Winston Acres a distance of 140 feet, more or less, to the southeast corner of Lot 12, Winston Acres; thence easterly a distance of 20 feet to the common corner of Sections 21, 22, 27 and 28, T2S, R2E, W.M.; thence easterly along the north boundary of said Section 27 a distance of 1417.68 feet, more or less, to a point, being the northwest corner of that tract of land (Tax Lot 2 2E 27B 200), deeded to Marjorie E. Haberlach and recorded in Book 513, Page 656; thence southerly a distance of 1915.09 feet, more or less, along the westerly boundary of said tract and the southerly extension of said westerly boundary to a point on the center line of Holcomb Road; thence north 72 degrees 30 minutes west along said center line a distance of 70 feet, more or less, to a point of intersection of said center line with the northerly extension of the easterly boundary of that tract of land (Tax Lot 2 2E 27B 1400) deeded to Donald L. Curtis and Margaret Curtis, Deed Reference 69-14726; thence south 17 degrees 30 minutes west 348.06 feet, more or less, along said extension and said easterly boundary to a point being the southeast corner of said tract; thence north 72 degrees west 305 feet, more or less to the southwest corner of said tract; thence north 00 degrees 02 minutes east 335 feet, more or less, to the northwest corner of said Curtis tract; thence north 72 degrees 30 minutes west 25 feet, more or less, to a point being the northwest corner of that tract of land (Tax Lot 2 2E 27B 1300) deeded to Park Place Water District and recorded in Volume 456, Page 528; thence south 00 degrees 02 minutes east 874 feet, more or less, to the east-west center line of Section 27, T2S, R2E, W.M.; thence westerly along said center line to a point which is south 89 degrees 19 minutes 44 seconds west 70.85 feet from the quarter corner on the line between Sections 28 and 27, T2S, R2E, W.M.; thence north 89 degrees 27 minutes west 659.76 feet to the northwest corner of Tax Lot 2 2E 28D 190, said point being on the east line of the George Abernethy Donation Land Claim No. 58; thence south 08 degrees 00 minutes west along said east line of Donation Land Claim No. 58 to the northeast corner of Tax Lot 2 2E 28D 1490; thence westerly 670 feet, more or less, along the northerly boundary of said Parcel 1490 to the northwest corner of said Parcel 1490; thence southerly along the west line of said Parcel 1490 683.10 feet, said point being the southeast corner of Tax Lot 2 2E 28D 1300; thence westerly 613.14 feet along the southerly boundary of said Parcel 1300 to the southwest corner of said Parcel 1300; thence northerly along the west boundary of said Parcel 1300 60 feet, more or less, to the

northeast corner of a tract of land (Tax Lot 2 2E 28D 900) deeded to F. S. and Hazel Edmiston as recorded in Book 592, Pages 384 and 385; thence north 89 degrees 50 minutes west 372.0 feet to the northwest corner of said Parcel 900; thence south 02 degrees 45 minutes west 542.5 feet, more or less, along said tract to an interior corner of said tract; thence north 76 degrees 15 minutes west along the boundary of said tract a distance of 91.74 feet; thence southerly along the westerly boundary, and its southerly extension, of said tract a distance of 250 feet, more or less, to a point on the center line of Market Road No. 20; thence westerly along said center line 300 feet, more or less, to a point of intersection of said center line with the northerly extension of the easterly boundary of that tract of land (Tax Lot 2 2E 33 900) deeded to Bruce C. Yoder, Deed Reference 68-18053; thence southerly 235 feet, more or less, along said extension and said easterly boundary to the southeast corner of said tract; thence southeasterly 450 feet, more or less, along the easterly boundary of a tract of land (Tax Lot 2 2E 33 1000) deeded to Murl and Margie F. Yoder as recorded in Book 476, Page 724 to the most southerly point of said tract; thence north 59 degrees 15 minutes west 210 feet, more or less, to a point on the easterly right-of-way line of County Road No. 312; thence southerly 20 feet, more or less, along said right-of-way line to a point being the northwest corner of that tract of land (Tax Lot 2 2E 33 1100) deeded to Clairmont Water District and recorded in Book 589, Page 637; thence south 59 degrees 50 minutes east 425 feet, more or less, to the northeast corner of that tract of land (Tax Lot 2 2E 33 1290) deeded to James L. and Frona M. Garvison as recorded in Book 484, Page 128; thence southeasterly along the easterly boundary, and its extension, of said tract, a distance of 580 feet, more or less, to a point, said point being the northwest corner of Tax Lot 2 2E 33 1600; thence southerly 600 feet, more or less, along the west boundary of said Parcel 1600, to the southwest corner of said Parcel 1600; thence easterly along the south boundary of said Tax Lot 1600 330 feet, more or less, to the northwest corner of Tax Lot 2 2E 33 2200; thence south 00 degrees 10 minutes east 1740 feet, more or less, along the west boundary of said Parcel 2200, to the southwest corner of said Parcel 2200, said point also being on the north line of Donation Land Claim No. 45; thence north 88 degrees 00 minutes east 485 feet, more or less, along the north line of said Donation Land Claim No. 45 to the northwest corner of Tax Lot 2 2E 33 7500; thence south 00 degrees 15 minutes east 801.9 feet along the west boundary of said Parcel 7500 to the southeast corner of Tax

Lot 2 2E 33 7100; thence westerly 359.1 feet along the south line of said Parcel 7100 to the northeast corner of Tax Lot 2 2E 33 7000; thence south 06 degrees 00 minutes west 1778.4 feet to the southeast corner of Tax Lot 3 2E 4B 1100; thence south 79 degrees 30 minutes west 10.0 feet, more or less, along the south boundary of said Parcel 1100 to the northeast corner of Tax Lot 3 2E 4B 400; thence southerly along the east boundary of said Parcel 400 to the northwest corner of Tax Lot 3 2E 4B 200; thence south 35 degrees east 1,087.45 feet, more or less, to the most easterly northeast corner of Tax Lot 3 2E 4A 801; thence southerly 236.28 feet to the northerly northwest corner of Tax Lot 3 2E 4A 1300; thence following the north and east lines of said Tax Lot, north 89 degrees 54 minutes 50 seconds east 178.2 feet, south 58 degrees east 574.2 feet, south 05 degrees 15 minutes east 625.7 feet to the center line of County Road No. 199; thence south 88 degrees west along center of said road 380 feet more or less; thence south 02 degrees 00 minutes east 1,500 feet, more or less, to the northerly line of vacated Westover Acres; thence south 89 degrees 19 minutes 40 seconds east 180 feet, more or less, to a point being the most westerly northwest corner of that tract of land (Tax Lot 3 2E 4D 1002) deeded to Jon and Leanne Marie Klebaum, Deed Reference 71-7839; thence southerly along the westerly boundary of said tract a distance of 279.88 feet, more or less, to the most southerly southwest corner of said tract; thence easterly along the southerly boundary of said property a distance of 250 feet, more or less, to an interior corner of said tract; thence southerly along the westerly boundary of said tract a distance of 293 feet, more or less, to the center line of County Road No. 377 (Thayer Road); thence easterly along said center line a distance of 60 feet, more or less; thence south 00 degrees 24 minutes 30 seconds west 1,003.14 feet; thence east 315.14 feet to the northeast corner of Tax Lot 3 2E 9A 800; thence south 1,659 feet more or less to the center line of John Loder Road No. 877; thence east along the center line of said road to the west line of Section 10, T3S, R2E; thence south along said section line to the north line of Tax Lot 3 2E 10C 802; thence south 89 degrees 35 minutes east 815 feet, more or less, to a point being the northwest corner of that tract of land (Tax Lot 3 2E 10C 801) deeded to Edward G. and Lois N. Roberts c/o Wayne C. Hall, Jr., Deed Reference 70-27620; thence south 00 degrees 30 minutes west along the westerly boundary of said tract 864.67 feet, more or less, to the southwest corner of said tract; thence south 89 degrees 35 minutes east a distance of 806.04 feet, more or less, to a point on the east line of the Andrew

Hood Donation Land Claim No. 44; thence south 00 degrees 30 minutes west along said line a distance of 1,060 feet to the north line of Beaver Creek Road No. 11; thence south 40 degrees 45 minutes east along said road 38 feet, more or less; thence north 37 degrees 10 minutes east 445.3 feet to the southeast corner Tax Lot 3 2E 10C 100; thence north 00 degrees 45 minutes east 567.0 feet, more or less, to the south line of Section 10, T3S, R2E, W.M.; thence east along the south line of said section 1,865 feet, more or less, to the southeast corner of Tax Lot 3 2E 10D 3,500; thence south 00 degrees 30 minutes west 1,132.05 feet, more or less, to a point on the southwest corner of Lot 8, Old Acres No. 3 Subdivision; thence westerly 1,700.0 feet, more or less, to a point being the most southwest corner of that tract of land (Tax Lot 3 2E 15A 200) deeded to Joseph J. and May Rose Herberger recorded in Book 564, Page 638, said point also being on the easterly line of Market Road No. 11; thence southeasterly along said easterly line 610.0 feet, more or less, to the point of intersection of the easterly extension of the north line of Henrici Mountain and Henrici Mountain View Addition No. 2 Subdivisions; thence north 89 degrees 38 minutes west along said north line and its easterly extension, 1,148.63 feet, more or less, to a point being the most southwest corner of that tract of land (Tax Lot 3 2E 15BD 2900) deeded to Fred P. and Elizabeth T. Weaver as recorded in Book 630, Page 462, said point also being on the east line of Henrici Terrace No. 3; thence northerly 207.53 feet to a point being the northeast corner of Lot 4, Block 5, Henrici Terrace No. 3; thence westerly along the north line of said Subdivision, 1,411.21 feet to a point being the most southwest corner of that tract of land (Tax Lot 3 2E 15B 300) deeded to William V. and W. M. Luther as recorded in Book 590, Page 292 and Deed Reference 74-31796; thence northerly 155.0 feet, more or less, to the most southerly southeast corner of that tract of land (Tax Lot 3 2E 15B 200) deeded to Donald and M. Kingsborough and recorded in Book 567, Page 030 and Book 568, Page 208; thence westerly a distance of 1,562 feet, more or less, thence south 625.6 feet; thence west 914 feet, more or less, to the easterly southeast corner of Tax Lot 3 2E 16A 1500; thence north 90 feet; thence west along the north line of said Tax Lot 1,500 extended to the west line of State Highway No. 40; thence south 62 degrees 44 minutes west 654 feet, more or less, to the west line of Andrew Hood Donation Land Claim No. 44; thence north along said Donation Land Claim line 486.4 feet; thence west 120 feet to the southwest corner of Tax Lot 3 2E 16B 2501; thence northwesterly along said Parcel 2501, and

Parcel 2505, and Parcel 2502 to the northwesterly corner of a tract of land (Tax Lot 3 2E 16B 2502) deeded to Ashley and Elizabeth A. Greene, Deed Reference 72-37520; thence north 61 degrees 47 minutes 45 seconds east 75.0 feet, more or less, to the southwesterly corner of that tract of land (Tax Lot 3 2E 16B 2503) deeded to Ashley and Elizabeth A. Greene, Deed Reference 75-4871; thence northerly 310.0 feet to a point, said point being the northwesterly corner of said tract; thence south 75 degrees 45 minutes west 1,047.76 feet; thence south 89 degrees 47 minutes west 909.4 feet; thence north 14 degrees 15 minutes west to the southwest corner of Sharon Subdivision; thence north 01 degree 40 minutes west 265.7 feet to a point on the northerly right-of-way of South Caufield Road; thence north 73 degrees 46 minutes east along said right-of-way 118.5 feet; thence north 11 degrees 53 minutes west 412.1 feet; thence north 62 degrees 14 minutes east 84.85 feet; thence north 33 degrees 09 minutes east 418.2 feet; thence north 27 degrees 45 minutes east 170.6 feet; thence northeasterly 33 feet to a point on the southerly boundary of that tract of land (Tax Lot 3 2E 8D 700) deeded to Walter and Helen M. Felbrick as recorded in Book 403, Page 178; thence north 74 degrees 25 minutes east 300 feet, more or less, to the southeast corner of said tract; thence north 15 degrees 15 minutes west 590 feet, more or less, to an interior corner of said tract; thence north 74 degrees 45 minutes east along southern boundary of 50 foot wide access way of said tract 320.46 feet, more or less; thence south 44 degrees 41 minutes east 228.73 feet; thence north 59 degrees 37 minutes east 340 feet, more or less to the west right-of-way line of Highway No. 40 (Oregon City-Molalla Highway); thence northerly along said line 50 feet; thence south 59 degrees 37 minutes west 290 feet, more or less, along northern boundary of said tract and access way; thence north 44 degrees 41 minutes west 216.18 feet; thence westerly along the northerly boundary of said tract a distance of 1,500 feet, more or less, to a point which is the southwesterly corner of a tract of land (Tax Lot 3 2E 8D 605), deeded to Albert N. and Violet B. Lilly, Deed Reference 73-26598; thence north 15 degrees 10 minutes west a distance of 287 feet, more or less; thence south 74 degrees 50 minutes west a distance of 666 feet, more or less, to a point on the west line of Robert Caufield Donation Land Claim No. 53; thence south 66 degrees 44 minutes west a distance of 338.92 feet to a point on the northeasterly line of Donation Land Claim No. 45, said point being 204.25 feet north 46 degrees 45 minutes west from the easterly corner of John S. Howland Donation Land Claim No. 45; thence south 46

degrees 45 minutes east 204.25 feet to the easterly corner of said Donation Land Claim No. 45; thence southwesterly along the southerly line of said Donation Land Claim No. 45 to the south line of Section 8, T3S, R2E, W.M.; thence west along the south line of said Section 8 to the east line of Tax Lot 3 2E 8C 400; thence north 43 degrees east 585 feet, more or less, to the end of County Road No. 1690 (also the northeast corner of Tax Lot 3 2E 8C 400); thence north 46 degrees 45 minutes west 1,320 feet, more or less, to a point on the east boundary of Tax Lot 3 2E 7D 300; thence southwesterly 312 feet, more or less, along the east boundary of said Parcel 300 to the southeast corner of said Parcel 300, said point also being the northeast corner of Fir Ridge Addition; thence northwesterly 412.5 feet along the northerly boundary of said Fir Ridge Addition to the northwest corner of said Addition; thence south 42 degrees 30 minutes west 1,057.67 feet to the center line of County Road No. 518; thence southwesterly 1,190 feet, more or less, along the northerly extension of the southeasterly boundary of that tract of land (Tax Lot 3 2E 18 1003) deeded to Richard A. and Nancy Marugg, Deed Reference 75-9701, to a point being the northeast corner of said tract; thence north 46 degrees 15 minutes west along the northeasterly boundary of said tract a distance of 230 feet to the northerly northwest corner of said Tax Lot 1003; thence southwesterly along the westerly boundary of said Tax Lot 1003 140 feet, more or less, to the southerly southeast corner of Tax Lot 3 2E 18 1202; thence northwesterly along the south boundary of said Parcel 1202 to the north line of Section 18, T3S, R2E; thence west along said north line of Section 18 to the south line of S. S. White Donation Land Claim No. 41; thence south 32 degrees 30 minutes west along said Donation Land Claim No. 41 and the extension thereof a distance of 1,475 feet, more or less, to the southerly southeast corner of Tax Lot 3 1E 13 290; thence north 47 degrees 30 minutes west 1,214.30 feet; thence south 42 degrees 15 minutes west 398 feet; thence north 36 degrees 15 minutes west 32.2 feet; thence north 14 degrees west 235.4 feet; thence 60 degrees 15 minutes west 196.6 feet to the center of Market Road No. 24 (Central Point Road); thence northerly along the center line of said Market Road No. 24 to its intersection with the center line of Parrish Road (County Road No. 1005); thence north 42 degrees 15 minutes west along the center line of County Road No. 1005 a distance of 1,452 feet, more or less, to an angle point; thence south 42 degrees 15 minutes west along the center line of County Road No. 1005 a distance of 214.5 feet; thence south 47 degrees

31 minutes east 366.2 feet, more or less; thence south 44 degrees west 465.5 feet; thence north 47 degrees 30 minutes west 220.6 feet to the most northerly corner of a tract of land (Tax Lot 3 1E 12C 1000) deeded to Florence M. Roberts, Deed Reference 74-27174 in Section 12, T3S, R1E, W.M.; thence south 42 degrees 15 minutes west along the northwesterly boundary of said tract 2,045 feet more or less to a point of intersection with the south line of said Section 12; thence west along the south line of sections 12, 11 and 10, T3S, R1E, W.M. to the southwest corner of said Section 10; thence north along the west line of said Section 10 to the northwest corner thereof; thence west along the south line of Section 4, T3S, R1E, W.M. to the southwest corner of said Section 4; thence north along the west line of said Section 4 to the northwest corner thereof; thence west along the north line of said T3S, R1E, W.M. to its intersection with the Willamette Meridian, which is a point on the boundary between Clackamas and Washington Counties, Oregon; thence south, then west along said county line to its intersection with the city boundary of the City of Wilsonville at the quarter corner on the north line of Section 12, T3S, R1W, W.M., said point also being on the boundary line between Washington County and Clackamas County; thence southerly following said city limits line along the north-south center line of said Section 12 to its intersection with Boeckman Creek; thence southerly along Boeckman Creek to its intersection with the north right-of-way line of Boeckman (Roberts) County Road No. 80; thence easterly along the northerly right-of-way line and right-of-way line extended to the east line of said Section 12; thence southerly along the east line of said Sections 12, 13 and 24, T3S, R1W, W.M. to its intersection with the center line of the Willamette River; thence following the center line of said Willamette River southwesterly to its intersection with the extended north-south division line of George L. Curry Donation Land Claim No. 43; thence southerly along the north-south division line of said Donation Land Claim No. 43 to the most southerly southwest corner of Tax Lot 3 1W 24 3200; thence easterly along the south boundary line of said Tax Lot 3 1W 24 3200 to the southeast corner of said Tax Lot; thence south along the east line of Tax Lot 3 1W 24 3300 and the east line extended to its intersection with the center line of the Eilers Road (J. Miley) County Road No. 567; thence west along the center line of Eilers Road to Engineers station 34 + 50.00; thence northerly 30 feet at right angles with the center line of Eilers Road to a point on the northerly right-of-way line; thence in a

northwesterly direction along the northerly right-of-way of Eilers Road to its intersection with the easterly right-of-way line of Interstate Highway No. 5; thence leaving said Highway north 26 degrees 10 minutes east 273 feet, more or less; thence north 03 degrees 22 minutes east 326.71 feet; thence north 69 degrees 30 minutes 50 seconds west to a point on the easterly right-of-way line of Interstate Highway No. 5; thence northerly along the east right-of-way line of Interstate Highway No. 5 to the center of the Willamette River; thence westerly along the center of the Willamette River to its intersection with the extension of the westerly line of Robert V. Short Donation Land Claim No. 46 in Section 22, T3S, R1W, W.M.; thence north along the westerly line of Donation Land Claim No. 46 to the International E11 corner in said westerly line; thence north 22 degrees 41 minutes west 1,518 feet, more or less, to the center line of the Wilsonville-Newberg Market Road No. 6; thence north 63 degrees 45 minutes east along the center line of said Market Road No. 6 1,138.5 feet; thence north 3,388 feet, more or less, to a point on the north line of Robert V. Short Donation Land Claim No. 46; thence easterly along the north line of Donation Land Claim No. 46 3,452 feet, more or less; thence north 07 degrees east 427.02 feet; thence north 25 degrees 30 minutes west 505 feet, more or less; thence south 72 degrees 16 minutes west 461.8 feet; thence north 26 degrees 20 minutes west 610 feet, more or less; thence south 72 degrees 16 minutes west 197.95 feet; thence north 10 degrees 30 minutes east 178 feet, more or less; thence north 14 degrees 00 minutes west 198 feet; thence north 28 degrees 00 minutes west 116.8 feet, more or less; thence north 52 degrees 00 minutes west to the west line of Section 14, T3S, R1W, W.M.; thence north along the west line of Sections 14 and 11, leaving the city limits line in Section 11 to the northwest corner of Section 11, which point is on the boundary line between Clackamas and Washington Counties; thence north along the west line of Section 2, T3S, R1W, W.M., to the northwest corner of said Section 2, T3S, R1W, W.M., said point also being the southwest corner of Section 35, T2S, R1W, W.M.; thence west along the south line of Sections 34, 33, 32 and 31 to the southwest corner of Section 31, T2S, R1W, W.M., said point also being on the Unified Sewerage Agency boundary as adopted on March 6, 1974; thence along said boundary and along the west line of Sections 31 and 30 to the northwest corner of Section 30, T2S, R1W, W.M.; thence east along the north line of Sections 30 and 29 to the north one-quarter corner of Section 29; thence south along the north-south center line of Section

29 to the center of said section; thence east along the east-west center line 2,000 feet more or less to a point on a line that is parallel to and northwesterly 950 feet from the center line of the Southern Pacific Railroad right-of-way; thence northeasterly and parallel to said railroad right-of-way 4,500 feet more or less to the center line of Southwest Cipole Road (County Road No. 505); thence northwesterly along said center line to the center line of Southwest Pacific Highway (99 W); thence southwesterly along said center line to the west line of Section 21, T2S, R1W, W.M.; thence north along the west line of Section 21 to the northwest corner thereof; thence east along the north line of said Section 21 to its intersection with the southerly extension of the east line of Southwest 137th Avenue; thence north along said extension and along the east line of Southwest 137th Avenue 4,500 feet more or less to the center line of Southwest Bend Road; thence westerly along said center line 2,000 feet more or less to the center line of Southwest 150th Avenue; thence north along said 150th Avenue 3,000 feet more or less to the east-west center line of Section 8, T2S, R1W, W.M.; thence west along the east-west center line to the one-quarter corner common to Sections 7 and 8; thence north along the east line of Section 7 2,640 feet more or less to the southeast corner of Section 6, said corner being on the center line of Roshak Road (County Road No. 142); thence north along the center line of said County Road No. 142 1,050 feet more or less to the center line of Bull Mountain Road No. A147 1/2; thence northerly and westerly along the center line of said Bull Mountain Road 2,900 feet more or less to the center line of Old Scholls Ferry Road No. 2156; thence northeasterly along the center line of said road 660 feet more or less to a point on the east line of Section 6, T2S, R1W, W.M.; thence north along the east line of Section 6 to the northeast corner thereof; thence west along the north line of Section 6 to the northwest corner thereof; thence north along the line common to Section 31, T1S, R1W, W.M., and Section 36, T1S, R2W, W.M., to the northeast corner of said Section 36; thence west along the north line of Sections 36 and 35, T1S, R2W, W.M., to the center line of Clark Hill Road No. 1980; thence north 420 feet more or less to the southeast corner of the Hoffman tract recorded in Book 554, Page 438, Washington County Records; thence north 86 degrees 42 minutes west 1,095 feet to the southwest corner of said tract; thence north 05 degrees 09 minutes west 1,114 feet more or less to the center line of Farmington Road No. 1553; thence northeasterly along the center line of said road 65 feet more or less to the southwest corner of the Sneed

tract described in Book 923, Page 567; thence north 07 degrees 30 minutes west 1,660 feet more or less to the northwest corner of said tract; thence south 81 degrees 11 minutes east along H. Johnson Donation Land Claim No. 55 250 feet more or less to the east line of Section 27, T1S, R2E; thence north 620 feet more or less to the south boundary of Hazel Meadows Subdivision; thence east 45.68 feet to the southwest corner of Lot 32 of said subdivision; thence north approximately 1,320 feet to the northwest corner of Lot 15 of said subdivision; thence east to the center line of County Road No. 1553 (Farmington Road); thence northeasterly 10 feet more or less to southeast corner of Lingram tract, Book 78, Page 319; thence north 89 degrees 49 minutes west 544.5 feet; thence north 14 degrees 10 minutes west 192.06 feet; thence north 61 degrees 29 minutes west 1,026.30 feet; thence north 51 degrees 13 minutes west 342.2 feet; thence north 16 degrees 08 minutes east 378.5 feet; thence south 89 degrees 36 minutes east 470.2 feet; thence north 1,697.4 feet to the southwest corner of Lot 13, Fruitdale Subdivision, also center line of Rosedale Road; thence east along center said road to the north-south center line of Section 23, T1S, R2W, W.M.; thence north to the north one-quarter corner of Section 23; thence east along the north line of Section 23 to the center line of Southwest 209th Avenue; thence northerly along said center line 6,500 feet more or less to the northerly right-of-way of Southern Pacific Railroad; thence northwesterly along said right-of-way to the intersection of the east right-of-way 234th Avenue; thence southerly along said right-of-way to the center line of Gordon Creek; thence southwestwardly along said center line to the center line of the Tualatin River; thence westerly along said river to the west boundary of R. Holbrook Donation Land Claim No. 62; thence north along said Donation Land Claim to the northwest corner of said Donation Land Claim No. 62; thence north 67 degrees 50 minutes west 353 feet along the southwesterly line of Singing Woods Plat No. 2 Subdivision to the southeasterly line of Henry Nowland Donation Land Claim No. 68; thence south 52 degrees 09 minutes west 190 feet more or less to the center line of Morgan Road; thence northwesterly along said center line to the center line of Minter Bridge County Road; thence northeasterly along Minter Bridge County Road 770 feet more or less to the southwest corner of Tax Lot 1S 2 8C 2100; thence north 77 degrees 15 minutes west 439.9 feet; thence north 07 degrees 58 minutes east 411.9 feet; thence north 85 degrees 15 minutes west 459.1 feet; thence north 01 degree 54 minutes east 459.8 feet; thence

north 84 degrees 30 minutes west 693 feet; thence north 462 feet to an angle corner on the east line of George Sigler Donation Land Claim No. 42; thence northeasterly on the easterly line of said Donation Land Claim No. 42 to the northeast corner thereof and also being the south line of Donation Land Claim No. 41; thence west along the south line of Michael Moore Donation Land Claim No. 41 to the southwest corner thereof, said point also being on the city limits of the City of Hillsboro; thence southerly along said city limits, which boundary is the southerly projection of the west line of said Michael Moore Donation Land Claim No. 41, to the center of the Tualatin River; thence upstream along the center of the Tualatin River to its intersection with the west line of Section 7, T1S, R2W, W.M.; thence northerly along said section line 800 feet more or less; thence north 89 degrees 57 minutes east 570.3 feet; thence north 1,030 feet more or less; thence north 89 degrees 13 minutes west 560 feet more or less to the center line of State Highway No. 219; thence northerly along said center line to its intersection with the center line of Southwest Wood Street, said point also being on the boundary of the Unified Sewerage Agency; thence westerly along said center line to intersection of said Wood Street and Southwest Dennis Avenue; thence north 89 degrees 57 minutes west 1,000 feet; thence north 00 degrees 03 minutes east 351 feet, to a point in the center of the Southern Pacific Railroad; thence leaving the aforementioned city limits of Hillsboro and following the Unified Sewerage Agency boundary along the center line of the Southern Pacific Railroad to a point which is 858.5 feet east of the center line of Webb Road; thence south 00 degrees 10 minutes east, 1,880 feet more or less to a point 182 feet north of the south line of the W. McLinn Donation Land Claim No. 40; thence west 858.5 feet to the center of Webb Road; thence south 182 feet to a point on the south line of the said McLinn Donation Land Claim No. 40; thence west to a point that is west 40 chains from the northeast corner of the S. Emerick Donation Land Claim No. 46; thence south to the northeast corner of a tract conveyed to Walter E. and Betty J. Carter by Book 839, Page 193, Washington County Records, said point also being in the center of the Tualatin River; thence upstream following the center line of said Tualatin River 2,350 feet more or less to a point; thence leaving said river and running north 88 degrees 59 minutes west 326.3 feet more or less; thence south 53 degrees 02 minutes west 101.9 feet; thence south 89 degrees 30 minutes west 229.4 feet to a point in the center of County Road No. 16; thence north 111 feet to its intersection with the

center line of County Road No. 316; thence west along the center line of said road to its intersection with Golf Course Road; thence south along said Golf Course Road to the south line of Nectarine Street; thence west along the south line of Nectarine Street, said line also being the south boundary of Trevor Downs Subdivision, to the southwest corner of said subdivision; thence north along the west line of said subdivision and its projection therefrom 1,422.10 feet to a point which is 20 feet south of the north line of the S. Emerick Donation Land Claim No. 46; thence west 756.03 feet; thence north 20 feet to a point which is 954.43 feet east of the southwest corner of the B. Q. Tucker Donation Land Claim No. 39; thence west 954.43 feet to said southwest corner of the B. Q. Tucker Donation Land Claim No. 39; thence west along the north line of S. Emerick Donation Land Claim No. 46 to a point on the west line of Mountain View Lane, said point also being the southeast corner of the Patterson tract described in Book 336, Page 596, Washington County Records; thence north along the west line of Mountain View Lane 1,270 feet more or less to a point which is 200 feet more or less south of the center line of the Southern Pacific Railroad, said point also being the southeast corner of the Nelson tract recorded in Book 876, Page 377; thence west 320 feet more or less to the southwest corner of said tract; thence north along the west line of said tract 45 feet to the south line of the aforesaid Southern Pacific Railroad; thence southwesterly along said south line 2,700 feet more or less to a point on the city limits of the City of Forest Grove, said point being approximately 20 feet south of the north line of the William Yates Donation Land Claim No. 44; thence leaving the Unified Sewerage Agency boundary south 80 degrees 29 minutes 52 seconds east 40.48 feet; thence south 565 feet more or less; thence south 89 degrees 16 minutes 40 seconds east 700 feet; thence north 00 degrees 44 minutes 45 seconds east 627.20 feet to the north line of the said Yates Donation Land Claim; thence south 89 degrees 16 minutes 40 seconds east 637.08 feet to the northeast corner of said Yates Donation Land Claim; thence south 00 degrees 44 minutes 43 seconds west 2,500 feet more or less to the south line of said Yates Donation Land Claim; thence north 89 degrees 39 minutes 21 seconds west along said Donation Land Claim line 900 feet more or less to the reentrant corner of said W. Yates Donation Land Claim No. 44; thence south along the southeasterly boundary of said Donation Land Claim 1,540 feet more or less to the north line of a roadway described in Book 528, Page 200, Washington County Records; thence southwesterly along

said roadway 590 feet more or less to the center of Fern Hill Road; thence northerly along the center line of said Fern Hill Road to the center line of the Bonneville Power Administration right-of-way, said point being on the Unified Sewerage Agency boundary; thence leaving the city limits of Forest Grove and running southwesterly along said Unified Sewerage Agency boundary and along the Bonneville Power Administration right-of-way 6,700 feet more or less to its intersection with the center of Gales Creek; thence northwesterly along the center of Gales Creek to a point on the east line of Section 2, T1S, R4W, W.M.; thence north along the east line of Section 2 and along the east line of Section 35, T1N, R4W, W.M., to a point which is approximately 1,950 feet north of the southeast corner of said Section 35, said point also being on the city limits of Forest Grove; thence west along the south line of a tract conveyed to Edward L. Brabham and Gordon Merrill by Book 745, Page 963, to the east line of the H. Buxton Donation Land Claim line to a point which is 1,037.75 feet south of the center line of Gales Creek Road; thence leaving the Forest Grove city limits and running northwesterly 261.4 feet; thence north 402.21 feet; thence west 761.87 feet; thence north 353 feet to the center line of the aforesaid Gales Creek Road; thence northwesterly along the center line of said road, rejoining the city limits of Forest Grove at an angle corner therein, 2,230 feet more or less to its intersection with a line, said line being 1,080 feet more or less east of the east boundary of the Watts Donation Land Claim No. 48; thence north along said line and parallel to the east line of Donation Land Claim No. 48 2,320 feet more or less to a point on the south line of a tract conveyed to Versteeg by Book 418, Page 563, Washington County Records; thence south 89 degrees 31 minutes east 250 feet more or less; thence north 68.64 feet; thence south 86 degrees 10 minutes east 480.60 feet; thence north 533.68 feet; thence north 14 degrees 09 minutes east 482.25 feet to the center of David Hill Road, said point also being the northeast corner of the aforesaid Versteeg tract; thence southeasterly along the center line of said David Hill Road to the east line of Section 26, T1N, R4W, W.M.; thence leaving the Unified Sewerage Agency boundary and running north along the east line of Sections 26 and 23 to a point on the south line of the Bonneville Power Administration Forest Grove Timber Transmission line right-of-way; thence southeasterly along said south right-of-way line to its intersection with the center of Council Creek in Section 30, T1N, R3W, W.M.; thence southeasterly along the center of Council Creek to a point on the north line

of Section 31, T1N, R3W, W.M.; said point also being on the north boundary of the Unified Sewerage Agency; thence southeasterly along the center of Council Creek and along the Unified Sewerage Agency boundary to its intersection with the center of Dairy Creek in Section 35, T1N, R3W, W.M.; thence southeasterly along the center of Dairy Creek to the center of McKay Creek; thence northerly along the center of McKay Creek to a point on the south line of Section 25, T1N, R3W, W.M.; thence east along the south line of said Section 25 to its intersection with the center of Glencoe Road; thence northerly along the center of Glencoe Road to the center line of Evergreen Road; thence east along the center line of Evergreen Road to its intersection with the center line of Cornelius Pass Road in Section 21, T1N, R2W, W.M., said point also being on the Unified Sewerage Agency Boundary; thence northerly along the center line of Cornelius Pass Road to the north line of the Sunset Highway; thence northwesterly along the north line of Sunset Highway 4,000 feet more or less to the east boundary of the Bonneville Power Administration right-of-way; thence northeasterly along the east line of said Bonneville Power Administration right-of-way to its intersection with the center line of Northwest West Union Road, County Road No. 1175; thence southeasterly along the center line of said road to the center line of the Burlington Northern Railway right-of-way; thence southerly along said right-of-way to a point on the westerly extension of the south line of Tax Lot 1N 214D 1100, said point being 520 feet more or less north of the south line of Section 14, T1N, R2W, W.M.; thence east along the south line of Tax Lot 1100 and the south line of Tax Lot 1200 to a point on the center line of Cornelius Pass Road; thence southwestwardly along the center line of Cornelius Pass Road to a point on the south line of Section 14, T1N, R2W, W.M.; thence east along the south line of Section 14 to a point on the east line of a tract described in Book 685, Page 149, Washington County Records (TL 1N 2W 14D 1202); thence northeasterly along the easterly line of said tract to a point on the center line of Northwest West Union Road; thence southeasterly along the center line of Northwest West Union Road to the center of 185th Avenue; thence northerly along the center line of 185th Avenue to the center line of Springville Road; thence easterly along the center line of said Springville Road to a point on the east line of Section 17, T1N, R1W, W.M., said point being the point of beginning of the Unified Sewerage Agency and also being on the boundary between Washington and Multnomah Counties; thence north along the

east line of said Section 17 to the northeast corner; thence west along the north line of said Section 17 to the northwest corner; thence north along the east line of Section 7 to the northeast corner; thence west along the north line of said Section 7 to the quarter corner between Sections 6 and 7, said point also being on the Portland city limits line; thence following said city limits line northerly along the quarter section line to its intersection with the center line of Kaiser Road No. 1643; thence northeasterly along the center line of said road to its intersection with the west line of Lot 3 Schoppe Acres in Section 6, T1N, R1W, W.M.; thence northerly along the west line of Schoppe Acres to the northwest corner, said point being on the east-west center line of Section 6; thence easterly along the east-west center line of Sections 6 and 5 to the center of Section 5; thence northerly along north-south center line of Section 5, T1N, R1W, W.M., and Section 32, T2N, R1W, W.M., to a point 1,240 feet, more or less, north of the south quarter corner of Section 32 said point being the northwest corner of a tract conveyed to Benjamin G. and Marjorie R. Pauly by deed in Book 1075, Page 208, Multnomah County Deed Records; thence east 460 feet to a point which lies 400 feet south of the northeast corner of said Pauly tract; thence south along the east line of said Pauly tract 514.22 feet to the southeast corner of said Pauly tract; thence south 89 degrees 59 minutes east 474.4 feet to the northeast corner of tract conveyed to Luella Welch Hannigan and recorded in Book 471, Page 630 Multnomah County Deed Records; thence South 00 degrees 03 minutes 50 seconds west 689.2 to the southeast corner of said Hannigan tract, said corner also being on the north line of Section 5, T1N, R1W, W.M.; thence east along said north line to the northeast corner of Section 5; thence south on the east line of said Section 5, 880 feet, more or less; thence east to the north-south center line of Section 4; thence north along north-south center line of said Section 4 to the north quarter corner; thence north along the north-south center line of Section 33, T2N, R1W, W.M. to the center of said Section 33; thence east along the east-west center line of said Section 33 to its intersection with the easterly right-of-way line of Water Road; thence northeasterly along the easterly right-of-way line of Water Road to the northwest corner of Lot 5, Block 12, Harborton Subdivision; thence southeasterly along the northerly line of said Lot 5 to the northeast corner, said point being on the northerly right-of-way line of N.W. Drury Lane; thence southwestwardly along the northerly line of N.W. Drury Lane to the southwestwardly line of N.W. Creston Road;

thence southeasterly along the southwesterly right-of-way line of N.W. Creston Road to a point of intersection of the extension of the northwesterly line of Lots 25 and 16, Block 4 Harborton; thence northeasterly along the north line and extended north line of Lots 25 and 16, Block 4 Harborton to the center line of N.W. Mountainview Road; thence southeasterly along the center line of N.W. Mountainview Road to its intersection with the extended northerly line of Lot 32, Block 3; thence northeasterly along northerly line of Lot 32, Block 3 to the northeast corner; thence southeasterly 200 feet to the most easterly corner of Lot 14, Block 3 Harborton; thence southwesterly along the southerly line of Lot 14, Block 3 extended to the center line of N.W. Mountainview Road; thence southeasterly along the center line of N.W. Mountainview Road to its intersection with the southeasterly line of Lots 4 and 7, Block 4 extended; thence southwesterly along the southeasterly line of Lots 4 and 7, Block 4 extended to the southwesterly right-of-way line of N.W. Creston Road; thence southeasterly along the southerly right-of-way of N.W. Creston Road to its intersection with an extended line parallel to and 20 feet northwesterly of the most easterly corner of Lot 14, Block 5; thence northeasterly along said extended line to the easterly line of Lot 14, Block 5; thence southeasterly to the most easterly corner of Lot 15, Block 5; thence southwesterly along the southeasterly line of Lot 15, Block 5 extended to the southerly right-of-way line of N.W. Creston Road; thence southeasterly along said southerly line of N.W. Creston Road to the most easterly corner of Block 2 Lambert; thence southwesterly along the southeasterly line of Block 2 to the most southerly corner of said Block 2; thence southeasterly along the extended southwesterly line of Block 1 to the most westerly corner of Lot 1, Block 1 Lambert; thence northeasterly along the northwesterly line of said Lot 1, Block 1 to the most northerly corner of said Lot 1, Block 1; thence northwesterly along the northeasterly line of Block 1 Lambert to the most northerly corner of Block 6 Harborton; thence southeasterly along the southerly line of N.W. Harborton Drive and N.W. Hampton Road to its intersection with the extended southeasterly line of Lot 11, Block 1

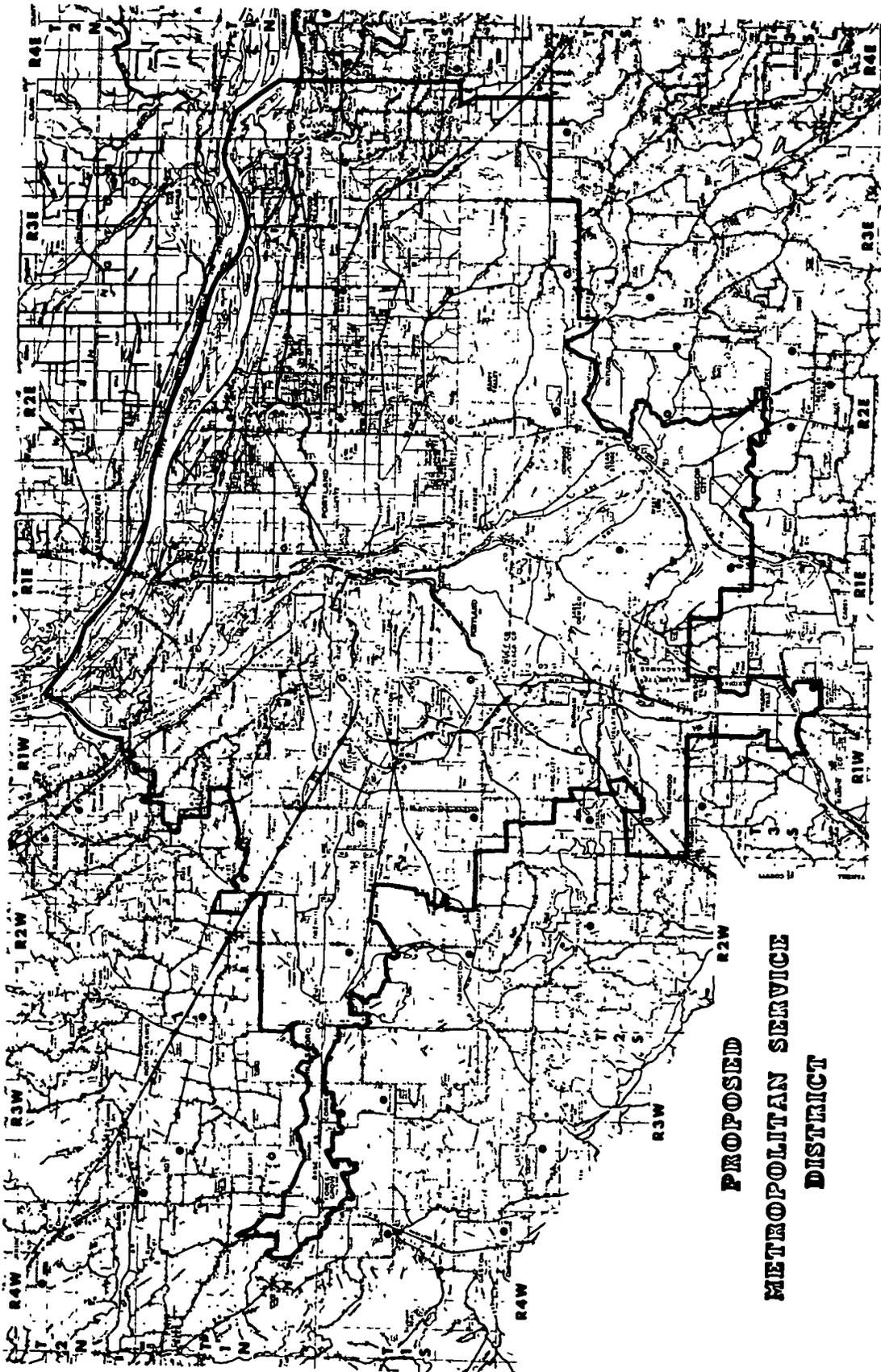
Harborton; thence northeasterly along the southeasterly line of Lot 11, Block 1 to its most southerly corner; thence northwesterly along the southwesterly line of Block 1 to the most southerly corner of Lot 10, Block 1; thence northeasterly along the southeasterly line of Lot 10, Block 1 to the most easterly corner thereof; thence northwesterly along the northeasterly line of Lot 10, Block 1, 50 feet to its most northerly corner; thence southwesterly along the northwesterly line of Lot 10, Block 1 to the most westerly corner of said Lot 10, Block 1; thence northwesterly on the southwesterly line of Block 1 to the most westerly corner of Lot 9, Block 1; thence northeasterly on the northwesterly line of Block 1 to the most northerly corner of Block 1; thence southeasterly along the northeasterly line of Block 1 Harborton to its intersection with the west boundary line by compromise of the Jacob Sanders Donation Land Claim; thence north along said boundary line by compromise to a point where it intersects the south bank, of the upper entrance of the Willamette Slough; thence at right angles to the center of said Willamette Slough northerly to the center of said slough; thence easterly along the center of the Willamette Slough to its intersection with the center of the Willamette River; thence leaving the Portland city limits and going northerly along the center of the Willamette River to the point of beginning.

(2) Unless otherwise specified, references in subsection (1) of this section to the boundaries or limits of a governmental entity are to those boundaries or limits as they were constituted April 1, 1977.

(3) The provisions of ORS 199.410 to 199.512 shall not apply to any change in the boundaries of a metropolitan service district formed prior to June 22, 1978, necessitated by the provisions of subsection (1) of this section.

(4) The following map is intended to illustrate the legal boundaries described in subsection (1) of this section and in case of conflict with that legal description the legal description shall control:

[1977 c.665 §14]



268.130 [1969 c.700 §7; repealed by 1971 c.727 §191]

COUNCIL; EXECUTIVE OFFICER

268.150 Councilors; qualifications; terms; election. (1) The governing body of a district shall be a council consisting of 12 part-time councilors, each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body. Each councilor shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. Councilors shall be divided into two classes so that one-half, as nearly as possible, of the number of councilors shall be elected biennially. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsection (6) of this section.

(2) The council shall by legislative enactment reapportion the subdistricts after the data of each United States decennial census are compiled and released. The reapportionment shall provide for substantially equal population in each subdistrict. Area within each subdistrict shall be contiguous. In apportioning subdistricts the council shall give consideration to existent precincts, maintaining historic and traditional communities and counties as opposed to following existent city or special district boundaries or the political boundaries of state representative or state senate election districts except when these political boundaries coincide with natural boundaries. Any councilor whose term continues through the primary election following reapportionment shall be specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority of the members of the council and shall be effective upon its enactment. The reapportionment shall become operative on the 250th day before the date of the next primary election.

(3) Upon the petition of any elector of the district filed with the Supreme Court not later than the 45th day after the enactment date of reapportionment, original jurisdiction is vested in the Supreme Court to review the reapportionment and the record made by the

council. If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (2) of this section, it shall dismiss the petition. If the Supreme Court determines that the reapportionment does not comply with subsection (2) of this section, the reapportionment shall be void. The Supreme Court shall return the reapportionment to the council accompanied by a written opinion specifying with particularity how the reapportionment fails to comply. The opinion shall further direct the council to correct the reapportionment in those particulars, and in no others, and file the corrected reapportionment with the Supreme Court. The Supreme Court shall review the corrected reapportionment when received to assure its compliance with subsection (2) of this section and may further correct the reapportionment if the court considers correction to be necessary. When the Supreme Court requires correction of a reapportionment under this subsection, the corrected reapportionment shall become operative on the 250th day before the date of the next primary election.

(4) For the purposes of section 18, Article II, Oregon Constitution, a councilor whose term continues through the next primary election following a reapportionment is subject to recall by the electors of the subdistrict to which the councilor is assigned and not by the electors of the subdistrict existing before the latest reapportionment.

(5) For the purposes of filling a vacancy in office under subsection (1) of this section, the vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a vacancy in office occurring after the primary election next following a reapportionment and before a person has been elected and qualified to fill the vacancy.

(6) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candidates for office, apply to the nomination and election of councilors except as provided in subsection (1) of this section and except that a candidate shall be nominated from the subdistrict in which the candidate resides. The number of signatures within the subdistrict required for a nomination is that required under ORS 249.072 (2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply. [1977 c.665 §5 (enacted in lieu of 268.200); 1979 c.804 §7, 1981 c.353 §3a; 1981 c.375 §3; 1983 c.350 §130; 1985 c.808 §78; 1989 c.10 §1]

Note: The amendment to 268.150 by section 1, chapter 321, Oregon Laws 1989, becomes operative on January 1, 1993. See section 3, chapter 321, Oregon Laws

1989. 268.150, as amended, is set forth for the users' convenience.

268.150. (1) The governing body of a district shall be a council consisting of 13 part-time councilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body. Each councilor shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. Councilors shall be divided into two classes so that one-half, as nearly as possible of the number of councilors shall be elected biennially. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsection (6) of this section.

(2) The council shall by legislative enactment reapportion the subdistricts after the data of each United States decennial census are compiled and released. The reapportionment shall provide for substantially equal population in each subdistrict. Area within each subdistrict shall be contiguous. In apportioning subdistricts the council shall give consideration to existent precincts, maintaining historic and traditional communities and counties as opposed to following existent city or special district boundaries or the political boundaries of state representative or state senate election districts except when these political boundaries coincide with natural boundaries. Any councilor whose term continues through the primary election following reapportionment shall be specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority of the members of the council and shall be effective upon its enactment. The reapportionment shall become operative on the 250th day before the date of the next primary election.

(3) Upon the petition of any elector of the district filed with the Supreme Court not later than the 45th day after the enactment date of reapportionment, original jurisdiction is vested in the Supreme Court to review the reapportionment and the record made by the council. If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (2) of this section, it shall dismiss the petition. If the Supreme Court determines that the reapportionment does not comply with subsection (2) of this section, the reapportionment shall be void. The Supreme Court shall return the reapportionment to the council accompanied by a written opinion specifying with particularity how the reapportionment fails to comply. The opinion shall further direct the council to correct the reapportionment in those particulars, and in no others, and file the corrected reapportionment with the Supreme Court. The Supreme Court shall review the corrected reapportionment when received to assure its compliance with subsection (2) of this section and may further correct the reapportionment if the court considers correction to be necessary. When the Supreme Court requires correction of a reapportionment under this subsection, the corrected reapportionment shall become operative on the 250th day before the date of the next primary election.

(4) For the purposes of section 18, Article II, Oregon Constitution, a councilor whose term continues through the next primary election following a reapportionment is subject to recall by the electors of the subdistrict to which the councilor is assigned and not by the electors of the subdistrict existing before the latest reapportionment.

(5) For the purposes of filling a vacancy in office under subsection (1) of this section, the vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a vacancy in office occurring after the primary election next following a reapportionment and before a person has been elected and qualified to fill the vacancy.

(6) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candidates for office, apply to the nomination and election of councilors except as provided in subsection (1) of this section and except that a candidate shall be nominated from the subdistrict in which the candidate resides. The number of signatures within the subdistrict required for a nomination is that required under ORS 249.072 (2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply.

Note: Sections 2 and 8, chapter 321, Oregon Laws 1989, provide

Sec. 2. (1) Not later than January 1, 1992, the Secretary of State shall describe the 13 subdistricts into which the district will be divided on January 1, 1993. When describing the 13 subdistricts under this section, the Secretary of State shall satisfy the requirements of ORS 268.150 (2).

(2) Candidates for the office of councilor at the first regular primary election after the effective date of this Act [July 1, 1991] shall be nominated from the subdistricts described under subsection (1) of this section and shall be elected from such subdistricts.

(3) Notwithstanding subsections (1) and (2) of this section, a person serving as councilor of a metropolitan service district on the effective date of this Act shall continue to reside in and represent the subdistrict to which the person was elected until the first Monday in January 1993.

(4) Not later than February 1, 1992, each councilor of a metropolitan service district whose term continues beyond the first Monday in January 1993, shall be specifically assigned to a subdistrict described by the Secretary of State under subsection (1) of this section for that portion of the councilor's term that extends beyond the first Monday in January 1993. The council of the metropolitan service district shall make the assignments to subdistricts required by this subsection.

(5) Each candidate for the office of councilor who is elected to that office at the regular general election in 1992 shall hold office for a term of four years beginning on the first Monday in January 1993.

(6) On January 1, 1993, the district shall be divided into the 13 subdistricts described by the Secretary of State under subsection (1) of this section. [1989 c.321 §2]

Sec. 8. This Act [199.440, 268.035, 268.150] takes effect on July 1, 1991. [1989 c.321 §8]

268.160 Rules of procedure; officers; compensation and expenses. The council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter. At its first meeting after January 1 of each year, one councilor shall be elected by the council to serve as its presiding officer for the ensuing year. The council shall meet upon the request of the presiding officer or that of a majority of the council. Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel

and other expenses as determined by the council. [1977 c.665 §6 (enacted in lieu of 268.200), 1979 c.804 §8]

268.170 Advisory committees to council; reimbursement to members. To assist it in the performance of its duties, the council shall appoint advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the district in accordance with this chapter. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the council. [1977 c.665 §20]

268.180 Executive officer to administer district; qualifications; election; term; salary; subordinates. (1) District business shall be administered, and district rules and ordinances shall be enforced, by an executive officer.

(2) The executive officer shall be elected in the same manner provided under ORS 268.150, but the officer shall be elected from the district-at-large on a nonpartisan basis. The number of signatures within the district required for nomination is that required under ORS 249.072 (2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply. The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body. The executive officer shall be a resident in the district for not less than one year before taking office. The term of office for an executive officer shall be four years beginning on the first Monday in January on the next year following the election. A vacancy in office shall be filled by appointment by a majority of the council. The executive officer, before taking office, shall take an oath to support the Constitution of the United States and the Constitution and laws of this state.

(3) The executive officer shall serve full time and shall not be employed by any other person or governmental body while serving the district. The executive officer shall not serve as a member of the council.

(4) The salary and employment benefits of the executive officer shall be set by the council upon the recommendation of a salary commission to be appointed by the council, but shall not be less than that of a district court judge of this state.

(5) The executive officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the

council. [1977 c.665 §7, 1979 c.804 §9, 1981 c.375 §4, 1983 c.350 §131; 1987 c.349 §2]

268.190 Council and executive officer relationships; veto. (1) The council is responsible for the legislative functions of the district and such other duties as the law prescribes.

(2) The executive officer shall present to the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district, or to the efficient administration of the affairs of the district.

(3) The executive officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

(4) The executive officer shall administer the district and enforce the ordinances enacted by the council.

(5) Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto. [1977 c.665 §8 (enacted in lieu of 268.200); 1987 c.349 §5]

268.200 [1969 c.700 §9, repealed by 1977 c.665 §4 (268.060, 268.150, 268.160, 268.180, 268.190 and 268.312 enacted in lieu of 268.200)]

268.210 Employing assistance. The council of a district may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the council, subject to the personnel and contract ordinances adopted by the council. [1969 c.700 §27; 1987 c.349 §6]

268.215 Personnel system; adoption by council; council confirmation of executive officer appointments. The executive officer shall submit for council adoption a personnel system for the district. The personnel system shall provide that employees in the office of the executive officer and department directors shall serve at the pleasure of the executive officer and that staff employed by the council shall serve at the pleasure of the council. The council by ordinance may require appointments and reappointments of department directors made by the executive officer to be subject to confirmation by the council. [1987 c.349 §4]

268.220 Employees' rights when district assumes a function of another public corporation, city or county. Except as otherwise provided by ORS 268.230, a district shall offer to employ every person who, on

the date the district takes over a function of a public corporation, city or county in the district, is employed by the corporation, city or county to carry on the function. Where the district employs such a person, the employee shall remain an employee of the corporation, city or county for purposes of any pension or retirement plan the employee has been included in by the corporation, city or county and shall continue to have rights and benefits thereunder as if the person had remained an employee of the corporation, city or county, until the district provides a similar plan for its employees and the employee is included in the plan. Until the employee is so included, the district shall deduct from the compensation of the employee the amount the employee is required to pay under the plan of the corporation, city or county; shall pay that amount to the corporation, city or county, which shall credit the amount to the employee under the plan; and shall make whatever payments the plan calls for the employer to make. [1969 c.700 §30]

268.225 Employee withdrawal from PERS. Notwithstanding any contrary provision of ORS chapter 237, any employee of the district who is a member of the state Public Employees' Retirement System on October 3, 1979, may elect to withdraw from that system. Upon withdrawal, the rights of a district employee shall be governed by ORS 237.111 and shall be the same as those of any other employee who is a member of the system and is separated therefrom for any reason other than death or disability. [1979 c.804 §2]

268.230 District to protect employees' rights when an operating public transportation system is acquired. When the district acquires an operating public transportation system, it shall make fair and equitable arrangements to protect the interests of employees and retired employees of the system. Such protective arrangements shall include, but shall not be limited to:

(1) Preservation of rights, privileges and benefits, including continuation of pension rights and payment of benefits, existing under collective bargaining agreements, or otherwise;

(2) Continuation of collective bargaining rights;

(3) Protection of individual employees against a worsening of their positions with respect to their employment; and

(4) Assurance of employment to persons employed by the mass transportation system acquired and priority of reemployment to persons previously employed. [1969 c.700 §29a]

268.240 PERS membership for specified classes of district employees; condi-

tions. (1) A district that is not participating in the Public Employees' Retirement System may, by application to the board, include any class of employees of the district in the system established by ORS chapter 237 without entering into a contract of integration with the board under ORS 237.051.

(2) The board shall consider an application received under this section to be an application to become a participating employer under ORS chapter 237 but only to the extent of providing membership for the class of employees described in the application.

(3) The board, upon such terms as are set forth in a contract between the board and the employer, shall allow every employee in the specified class to become members of the Public Employees' Retirement System in accordance with ORS 237.001 to 237.315.

(4) When a district enters into a contract with the board under subsection (3) of this section, the district shall agree to eventually extend coverage under ORS chapter 237 to all eligible district employees through successive contracts with the board.

(5) All employees who have completed the period of service with the public employer that is required under ORS 237.011 shall become members of the system on a date specified by the board. All other employees in the described class shall become members upon completion of the required period of service.

(6) As used in this section, "board" means the Public Employees' Retirement Board established under ORS 237.251. [1989 c.879 §2]

POWERS

268.300 Existence, status and general powers of district; where vested. (1) A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall have full power to carry out the objectives of its formation and to that end may have and use a seal, have perpetual succession, sue and be sued in its own name, and enter into contracts.

(2) For purposes of its authorized functions, a district may contract with the United States or with any county, city, state or public body, or any of their departments or agencies.

(3) Except as this chapter provides to the contrary, the powers of the district shall be vested in the governing body of the district. [1969 c.700 §§8, 26, 1977 c.95 §1]

268.310 Powers of district. A district may, to carry out the purposes of this chapter:

(1) Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties in accordance with this chapter.

(2) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.245, 459.255 to 459.385, 459.992 (1) and (2) and 466.995 (1), dispose, and provide facilities for disposal, of solid and liquid wastes.

(3) Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.

(4) Provide public transportation and terminal facilities for public transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

(5) Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

(6) Acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities. However, unless the electors of the district first approve the financing of the facilities, the district shall not:

(a) Construct new facilities; or

(b) Except for facilities acquired by means of an intergovernmental agreement, acquire existing facilities.

(7) Notwithstanding ORS 268.312, provide planning for metropolitan and local aspects of criminal and juvenile justice. Funds derived from municipal corporations under ORS 268.513 may be used as matching funds to obtain federal or state grants for those planning purposes. [1969 c.700 §10, 1971 c.648 §22; 1975 c.510 §2; 1977 c.95 §17; 1977 c.665 §10; 1977 c.782 §5; 1979 c.804 §4; 1987 c.844 §1]

268.312 Additional powers of district; preconditions. (1) Subject to prior approval by the electors of the district, a district may:

(a) Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement in accordance with this chapter.

(b) Plan, coordinate and evaluate the providing of human services, including but not limited to, programs for the aging, health care, manpower, mental health and children and youth.

(c) Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance.

(d) Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.

(e) Provide metropolitan aspects of library activities including, but not limited to, book acquisition and technical assistance for local libraries.

(2) For the purposes of this section, prior approval by the electors of a district includes approval of any measure which authorizes the district to exercise any power or function described in subsection (1) of this section or any measure relating to district finances which authorizes financing or identifies funds to be used for the exercise of such power or function. [1977 c.665 §10a (enacted in lieu of 268.200), 1977 c.782 §6; 1985 c.204 §1]

268.315 Authority of district to levy ad valorem tax. For the purpose of performing the functions set forth in ORS 268.310 (5), the district, when authorized at any properly called election held for such purpose, shall have the power to levy an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half of one percent (.005) of the true cash value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. [1975 c.510 §3]

Note: 268.315 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.317 Solid and liquid waste disposal powers. For purposes of solid and liquid waste disposal, a district may:

(1) Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the district's facilities.

(3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

(4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

(5) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the district. Licenses or franchises granted by the district may be exclusive. Existing landfills authorized to accept food wastes which, on March 1, 1979, are either franchised by a county or owned by a city are exempt from the district's franchising and rate regulation.

(6) Prescribe a procedure for the issuance, administration, renewal or denial of contracts, licenses or franchises granted under subsection (5) of this section.

(7) Regulate the service or services provided by contract, license or franchise, and order modifications, additions or extensions to the equipment, facilities, plan or services as shall be in the public interest.

(8) Receive, accept, process, recycle, reuse and transport solid and liquid wastes. [1977 c.95 §3, 1979 c.531 §4]

268.318 Council approval required for disposal, transfer or resource recovery site or facility; criteria. (1) No public or private disposal, transfer or resource recovery site or facility in the district shall be established, modified or extended without the prior approval of the council. The council may deny an application for the establishment, modification or extension of a site or facility if pursuant to its solid waste management plan the district has either:

(a) Entered into contracts obligating the district to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that those sites or facilities will operate economically

and generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of those sites or facilities; or

(b) Adopted a franchise system for the disposal of solid or liquid wastes.

(2) In considering an application for the establishment, modification or extension of a site or facility, the council may take into account the location and number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the district's solid waste management plan and whether the applicant has complied with all other applicable regulatory requirements. [1979 c.531 §2]

268.320 Elector approval of district actions; assumption of local aspects of functions. (1) The electors of a district may, from time to time, and in exercise of their power of the initiative, or by approving a proposition referred to them by the governing body of the district, authorize the district to assume additional functions and determine the number, qualifications and manner of selecting members of the governing body of the district.

(2) Local aspects of the functions authorized by subsection (1) of this section may be assumed only on the basis of agreements between the district and other public corporations, cities or counties.

(3) The electors of a district may, in exercise of their power of initiative, or by approving a proposition referred to them by the governing body of the district, authorize a transfer of all the duties, functions and powers of the boundary commission formed within the metropolitan area under ORS 199.410 to 199.519 to the district. [1969 c.700 §11; 1977 c.95 §18; 1977 c.665 §11]

268.330 Powers when providing local aspects of service; powers for public transportation; tax refunds. (1) To provide a local aspect of a public service the district may take over facilities and functions of another public corporation, city or county, and may exercise powers of the corporation, city or county, in accordance with the agreement by which the district assumes the functions of the other corporation, city or county.

(2) For purposes of public transportation, a district may:

(a) Contract with the United States or with any county, city or state, or any of their departments or agencies, for the construction, preservation, improvement, operation or maintenance of any mass transit system.

(b) Build, construct, purchase, improve, operate and maintain, subject to other appli-

cable provisions of law, all improvements, facilities or equipment necessary or desirable for the mass transit system of the district.

(c) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.

(d) Fix and collect charges for the use of the transit system and other district facilities.

(e) Construct, acquire, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with the mass transit system within or outside the district.

(f) Use a public thoroughfare in a manner mutually agreed to by the governing bodies of the district and of the thoroughfare or, if they cannot so agree upon how the district may use the thoroughfare, in a manner determined by an arbitrator appointed by the Governor.

(g) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by this chapter.

(3) A district shall be entitled to tax refunds under ORS 319.831, as if the district were a city. [1969 c.700 §12; 1979 c.344 §3, 1983 c.740 §69]

268.335 Authority to establish service districts. (1) A metropolitan service district may establish service districts as provided by ORS chapter 451 and this chapter. For the purposes of ORS chapter 451, a metropolitan service district shall be considered a county and the district council created by ORS 268.150 shall be considered a county court.

(2) Notwithstanding those districts authorized under ORS 451.010, a metropolitan service district may create service districts only for purposes authorized by this chapter. [1977 c.665 §21]

268.340 Acquisition of property; condemnation procedure; authority to lease and dispose of property; right of entry to survey lands. (1) To the extent necessary to provide a metropolitan aspect of a public service, a district may acquire by purchase, condemnation, devise, gift or grant real and personal property or any interest therein within and without the district, including property of other public corporations. In so doing the district may proceed under ORS chapter 35.

(2) A district may lease and dispose of property in accordance with ORS 271.300 to 271.360.

(3) For purposes of surveys necessary for its proper functioning, a district may enter upon land, after giving the owner thereof

reasonable advance notice of the entry. [1969 c.700 §§13, 14, 15; 1979 c.804 §5; 1985 c.443 §3]

268.342 Acquisition of water rights. (1) A district may appropriate and acquire water and water rights within and without the district for the purpose of providing metropolitan aspects of water supply and distribution.

(2) Subsection (1) of this section is not to be construed to affect or impair the vested rights of any person, public corporation, city or county to the use of water or rights in the use of water. [1977 c.665 §23]

268.345 Limitation on condemnation power for certain facilities. Notwithstanding any power of condemnation, the district shall not acquire existent major cultural, convention, exhibition, sports or entertainment facilities owned by a public or municipal corporation without the consent of the governing body of that corporation. [1977 c.782 §2]

268.350 Contracts of district. A district may contract with any public or private agency for the agency to operate any facility or perform any function that the district is authorized to operate or perform. By contract the district may assume any function of any public corporation, city or county in the district that the district has power to assume under this chapter. [1969 c.700 §23]

268.355 Limited participation by local government in Washington in council deliberations; contract. (1) Notwithstanding any other law, a district council may contract with any local government outside this state which shares a common boundary with the district for the participation of that local government in the council's deliberations.

(2) No contract under subsection (1) of this section shall allow a local government jurisdiction outside the State of Oregon a vote on a district council. A contract may grant the participating local government the limited right to object to a measure before a council insofar as that measure directly affects the participating local government. The contract may provide that when an objection is made by the participating local government to a measure the measure shall not apply to the participating local government unless it receives a not less than two-thirds affirmative vote of the members of the council.

(3) A contract under subsection (1) of this section may require a participating local government to pay assessments in the manner provided under ORS 268.513. [1979 c.804 §3]

268.357 Authority to sell certain information; marketing agreements; confidentiality; use of sales fees. (1) A district may impose and collect reasonable fees based on market prices or competitive

bids for geographic data that have commercial value and are an entire formula, pattern, compilation, program, device, method, technique, process, data base or system developed with a significant expenditure of public funds. A district may enter into agreements with private persons or entities to assist with marketing such products. Notwithstanding any other provision of law, district software product programming source codes, object codes and geographic data bases or systems are confidential and exempt from public disclosure under ORS 192.502. Nothing in this section authorizes a district to restrict access to public records through inclusion of such records in a geographic data base or system.

(2) Fees collected under subsection (1) of this section shall be used:

(a) For maintenance of the formula, pattern, compilation, program, device, method, technique, process, data base or system; and

(b) To provide services through the formula, pattern, compilation, program, device, method, technique, process, data base or system to public bodies paying a service charge to the district pursuant to ORS 268.513. [1989 c.476 §2]

268.360 Authority to exercise police power; ordinances; enforcement. (1) For purposes of its authorized functions a district may exercise police power and in so doing adopt such ordinances as a majority of the members of its governing body considers necessary for the proper functioning of the district. All legislative acts shall be by ordinance and all such ordinances shall be adopted in the manner provided in ORS chapter 198, except where in conflict with this section.

(2) Unless otherwise specified by the governing body in the ordinance, an ordinance shall become effective upon its adoption. If the council refers an ordinance to the electors or if a proper referral petition containing the appropriate number of valid signatures is filed, except ordinances making appropriations or effecting an annual tax levy, the ordinance shall become inoperative and the effective date shall be suspended. An ordinance referred by the council or by action of the electors shall become effective when approved by a majority of the electors voting on the question.

(3) In addition to the provisions of ORS 268.990, violation of the district's ordinances may be enjoined by the district upon suit in a court of competent jurisdiction.

(4) In addition to any other penalty provided by law, any person who violates any ordinances or order of the district pertaining to one or more of its authorized functions

shall incur a civil penalty not to exceed \$500 a day for each day of violation.

(5) The civil penalty authorized by subsection (4) of this section shall be established, imposed and collected in the same manner as civil penalties are established, imposed and collected under ORS chapter 468. [1969 c.700 §24; 1977 c.95 §4; 1977 c.665 §12; 1981 c.173 §41; 1981 c.353 §4; 1983 c.350 §132]

268.370 Authority to take over transit system of mass transit district; effect of transfer order. When a metropolitan service district organized under this chapter functions in a mass transit district organized under ORS 267.010 to 267.390, the governing body of the metropolitan district may at any time order transfer of the transit system of the transit district to the metropolitan district, whereupon:

(1) The governing body of the transit district shall transfer title to, and possession of, the transit system and of all books, records, files, documents, and other property of the district to the metropolitan district.

(2) The metropolitan district shall be responsible for all the liabilities and obligations imposed upon or assumed by the transit district.

(3) For purposes of mass transit the metropolitan district shall have all the rights, powers, privileges, and immunities, and be subject to all the duties and obligations, of a mass transit district under ORS 267.010 to 267.390, insofar as those rights, powers, privileges, immunities, duties, and obligations are consistent with this chapter.

(4) The boundaries of the metropolitan district shall, for purposes of mass transit, be extended to encompass all the territory of the transit district.

(5) The transit district shall be dissolved and the offices of its directors terminated. [1969 c.700 §32]

268.380 Land-use planning goals and activities; coordination; review of local plans. A district council shall:

(1) Adopt land-use planning goals and objectives for the district consistent with goals adopted under ORS 197.005 to 197.465;

(2) Review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan conforms to the district's metropolitan area goals and objectives and the state-wide goals;

(3) Coordinate the land-use planning activities of that portion of the cities and counties within the district; and

(4) Coordinate its activities and the related activities of the cities and counties within the district with the land-use planning development activities of the Federal Government, other local governmental bodies situated within this state or within any other state and any agency of this state or another state. [1977 c.665 §17; 1979 c.804 §11]

268.385 District as regional planning coordinator. (1) For the purposes of ORS 197.190, the district formed under this chapter shall exercise within the district the review, advisory and coordinative functions assigned under ORS 197.190 (1) to each county and city that is within the district.

(2) ORS 197.190 (3) and (4) shall not apply to a district formed under this chapter. [1977 c.665 §19]

268.390 Planning for activities and areas with metropolitan impact; review of local plans; urban growth boundary. A district council shall:

(1) Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:

- (a) Air quality;
- (b) Water quality; and
- (c) Transportation.

(2) Prepare and adopt functional plans for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the council may identify.

(3) Adopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS chapters 196 and 197.

(4) Review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district which affect areas designated by the council under subsection (1) of this section or the urban growth boundary adopted under subsection (3) of this section and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plans adopted under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this section. [1977 c.665 §18, 1979 c.402 §1; 1983 c.827 §53; 1985 c.565 §40]

268.395 Commissions to implement powers and functions of district; creation by ordinance. (1) A metropolitan service district may create by ordinance commissions

for all powers or functions of a metropolitan service district as prescribed by law and including those in ORS 268.310, 268.312 and 268.370.

(2) The ordinance shall describe the powers of the commission which may include all powers of the council of the metropolitan service district, except that the power to adopt ordinances and all budget, revenue and planning authority remain in the council of the metropolitan service district.

(3) The ordinance shall describe the number of members of the commission, qualifications of members, terms of office and method of appointment. [1985 c.785 §2]

268.400 Review of final order or action by council. Any person adversely affected or aggrieved by a final order or other final action of a commission created under this section and ORS 268.395 is entitled to review of that order or action by the council of the district. The council shall review actions of a commission in accordance with procedures established by the council. [1985 c.785 §3]

SPECIAL ASSESSMENT DISTRICTS

268.460 Notice of intent to establish special assessment district; contents. (1) Before construction or acquisition of a facility or the furnishing of a service which the district is authorized to furnish and for which facility or service the district intends to establish a special assessment district, the governing body of the district shall adopt an ordinance that:

(a) Describes the facility to be constructed or acquired or the service to be furnished and the part of the work to be undertaken immediately;

(b) Contains a preliminary estimate of the probable cost of the facility or service;

(c) Determines the manner of financing the construction or acquisition of the facility or the furnishing of the service. The governing body may provide that the cost of such construction, acquisition or service shall be paid in part by assessments against the property directly benefited or property contributing to the problem that the construction, acquisition or service is designed to correct and in part out of general funds, ad valorem tax levies, the proceeds of the sale of bonds, service charges or any combination of such sources. The determination of the governing body as to the proportion of cost allocation shall be based on its sound discretion;

(d) Describes one or more assessment districts containing the properties against which the cost of the facility or service will be assessed; and

(e) Contains provision for notices to be mailed to affected property owners announcing the intention of the governing body of the district to construct or acquire the facility or to furnish the service and to assess benefited property or property contributing to the problem that the construction, acquisition or service is designed to correct for a part or all of the cost.

(2) The ordinance may also:

(a) Provide that notices mailed under this subsection shall be sent with response cards so that the affected property owners can indicate approval of, or opposition to, the proposed facility or service;

(b) Provide for a hearing not sooner than 20 days after the mailing of the notices described in paragraph (e) of subsection (1) of this section at which affected property owners may appear to support or object to the implementation of the proposed facility or service and return their response cards; and

(c) Provide, when the response cards received by the district not later than the end of the district's usual business hours on the 14th day immediately following the hearing held under paragraph (b) of this subsection indicate opposition to the proposed facility or service by more than half of those owners returning response cards, who also own more than half of the land owned by those owners returning response cards, the proposed facility or service will not be established. [1981 c.641 §2]

268.465 Authority to levy special assessments; notice of intent; hearing; effect of response cards. (1) Unless the proposed facility or service described in the ordinance required under ORS 268.460 is halted pursuant to a vote of affected property owners under ORS 268.460 (2)(c), a district may levy special assessments against the property within the district in proportion to the benefits such property might have or receive on account of the construction or acquisition of that facility or the furnishing of that service or in proportion to the degree to which the property contributes or has contributed to the problem that the construction, acquisition or service is designed to correct. However, the governing body of the district shall, before proceeding to construct or acquire the facility or to furnish the service, adopt an ordinance providing for the method of assessment, for the recording of assessment liens on such property and for the making of supplemental assessments and rebates. The ordinance shall also:

(a) Contain provision for a notice to be mailed to each affected property owner announcing the intention of the governing body of the district to construct or acquire a fa-

cility or to furnish a service, to create one or more assessment districts and to assess benefited property for a part or all of the cost. The notice shall contain an estimate of the amount of the assessment proposed on the property of the owner receiving the notice. The ordinance shall also require that a notice mailed under this subsection shall be sent with a response card so that the affected property owners can indicate approval of, or opposition to, the proposed assessments.

(b) Provide for a hearing not sooner than 20 days after the mailing of the notices described in paragraph (a) of this subsection at which affected property owners may appear to support or object to the proposed assessment. Any such objection shall state the grounds thereof. The district council shall consider such objections and may adopt, correct, modify or revise the proposed assessments.

(c) Provide that, when the response cards received by the district not later than the end of the district's usual business hours on the 14th day immediately following the hearing held under paragraph (b) of this subsection indicate opposition to the proposed assessments by more than half of those owners returning response cards, who also own more than half of the land owned by those owners returning response cards, the assessments will not be made.

(2) Assessments in the district shall, so far as practicable, be apportioned within the district in accordance with the special and peculiar benefit each lot or parcel of land receives from the construction or acquisition of a facility or the furnishing of the service or in proportion to the degree to which the property contributes or has contributed to the problem that the construction, acquisition or service is designed to correct.

(3) Where parcels of land, or portions thereof, are undeveloped, the governing body of the district may, in its discretion, defer assessing or imposing all or any portion of such special assessments for facilities or services on such parcels until the parcels are served by the facilities or services. [1981 c.641 §3]

268.470 Authority to join certain requirements in single ordinance; effect of response cards. A district, in its discretion, may adopt a single ordinance satisfying the requirements of ORS 268.460 and 268.465. When a district adopts an ordinance under this section, if the response cards returned to the district indicate opposition to the proposed facility or service, and the assessments therefor, by more than half of those owners returning response cards, who also own more than half of the land owned by those owners

returning response cards, the facility or service shall not be established. [1981 c.641 §4]

268.475 Purposes of special assessment district. Special assessment districts authorized under ORS 268.460 to 268.490 may be established for, and limited to, financing the costs of planning and engineering required for the construction or acquisition of a facility or the furnishing of a service which the district is authorized to construct, acquire or furnish. [1981 c.641 §5]

268.480 Response cards; contents; deadline for return; effect. (1) A response card mailed by the district under ORS 268.460 to 268.490 shall contain on one side the printed mailing address of an office of the district. On the other side, the response card shall contain a simple and understandable statement of the district's proposed action for which the property owner's approval is sought, a question relating to approval or disapproval which is phrased so that an affirmative response to the question corresponds to an affirmative vote for the proposed district action and clear instructions for making an affirmative or negative response. Each response card shall be coded to identify the parcel of property owned and shall specify that it must bear the signature of the property owner in order to be counted.

(2) Response cards shall be returned by mail or otherwise to the district not later than the 14th day after the hearing held under ORS 268.460 to 268.490.

(3) Response cards shall be counted and the results tabulated at a district meeting open to the public.

(4) Response cards shall be retained by the district and made available for public inspection during usual business hours at an office of the district for not less than 90 days after the hearing held under ORS 268.460 to 268.470.

(5) For the purposes of ORS 268.460 to 268.490, "owner" or "property owner" means the legal owner as indicated in the records maintained by the appropriate county assessor. If there is multiple ownership in a parcel of land, the multiple owners of the parcel are entitled to only one joint vote under ORS 268.460 to 268.470. If one person is the owner of more than one parcel in the proposed assessment district, that person is entitled to only one vote under ORS 268.460 to 268.470. [1981 c.641 §6]

268.485 Instalment payment of assessment; rights pertaining to assessments. Any owner of property which has been assessed in the sum of \$100 or more for part of the cost of the construction or acquisition of a facility or the furnishing of a service which the district is authorized to furnish shall have the right to pay the assessment in instalments. The property owner and the district shall have the respective rights, duties and powers pertaining to assessments as are given to property owners and cities respectively under ORS 223.205 and 223.210 to 223.295. [1981 c.641 §7]

268.490 Reassessment. ORS 223.405 to 223.485, relating to reassessment, apply to the district, where applicable, in connection with assessments made for the construction or acquisition of a facility or the furnishing of a service which the district is authorized to furnish. [1981 c.641 §8]

268.495 Improvement warrant provisions applicable to special assessments. If the cost, or any portion of the cost, of a service or facility is to be assessed under ORS 268.460 to 268.490 against the property directly benefited, the provisions of ORS 287.502 to 287.515 relating to the issuance of improvement warrants by cities apply insofar as practicable. Such warrants may be issued only after an assessment district has been formed to pay part or all of the costs of the service or facility to be provided. [1981 c.353 §2; 1983 c.740 §70]

FINANCES

268.500 Levy, collection, enforcement of ad valorem taxes; limitation; classification of property; allocation of tax base to specific district functions. (1) A district may levy annually an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half percent (.005) of the true cash value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. The district may also annually assess, levy and collect a special tax upon all such property in an amount sufficient to pay the yearly interest on bonds previously issued by the district and then outstanding, together with any portion of the principal of such bonds maturing within the year. The special tax shall be applied only in payment of the interest and principal of bonds issued by the corporation, but the corporation may apply any funds it may have towards the payment of principal and interest of any such bonds.

(2) Such taxes shall be levied in each year and returned to the county officer whose duty it is to extend the tax levy by the time required by law for city taxes to be

levied and returned. All taxes levied by the district shall become payable at the same time and be collected by the same officer who collects county taxes and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district in the same manner as city taxes are extended. Property shall be subject to sale for nonpayment of taxes levied by the corporation in like manner and with like effect as in the case of county and state taxes.

(3) In taxation a district may classify property on the basis of services received from the district and prescribe different tax rates for the different classes of property.

(4) If the council proposes a tax base measure to the voters of the district, it may perpetually allocate the proposed base to functions or activities of the district. To be binding, the allocation must be stated both in the ordinance or resolution which submits the measure to the voters and in the ballot title. Any constitutionally authorized increase in the tax base subsequently levied by the council shall be apportioned to the functions or activities specified by the council in the ballot title in the same proportion as the original allocation. If the district reduces or ceases to provide a function or activity for which the tax base has been allocated, then the council may use that portion of the tax base for any lawful purpose of the district.

(5) If the statement in the resolution or ordinance and in the measure submitted includes an allocation of the proposed base to functions or activities of the district, the statement in the ballot title for the measure must include the following statement, which shall not be counted as part of the 150-word limit established under ORS 310.390 (1)(c):

Any constitutionally authorized increase in the tax base subsequently levied by the council shall be apportioned to the functions or activities specified by the council in the ballot title in the same proportion as the original allocation. If the district reduces or ceases to provide a function or activity for which the tax base has been allocated, then the council may use that portion of the tax base for any lawful purpose of the district.

[1969 c.700 §17, 1987 c.816 §1]

268.503 Vehicle registration fees. Subject to ORS 801.040 to 801.042, 801.237 and 803.445, for the purpose of providing any service that the district, as defined in ORS 801.237, has power to provide, the district may impose registration fees on vehicles under ORS 803.445. [1989 c.864 §13]

268.505 Income tax; rate limitation; elector approval required. (1) To carry out the purposes of this chapter, a district may by ordinance impose a tax:

(a) Upon the entire taxable income of every resident of the district subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316; and

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office within or having income derived from sources within the district which income is subject to tax under ORS chapter 317 or 318.

(2) The rate of the tax imposed by ordinance adopted under authority of subsection (1) of this section shall not exceed one percent. The tax may be imposed and collected as a surtax upon the state income or excise tax.

(3) Any ordinance adopted pursuant to subsection (1) of this section may require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net income to the district in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(4) If a district adopts an ordinance under this section, the ordinance shall be consistent with any state law relating to the same subject, and with rules and regulations of the Department of Revenue prescribed under ORS 305.620.

(5) Any ordinance adopted by the district under subsection (1) of this section shall receive the approval of the electors of the district before taking effect. [1977 c.665 §22]

268.507 Excise taxes; effective date of tax ordinance; limitation on tax revenues. (1) To carry out the executive, legislative and administrative powers, functions and duties of the district described in this chapter and to study the potential exercise of all the powers and functions specified in ORS 268.312, a district may by ordinance impose excise taxes on any person using the facilities, equipment, systems, functions, services or improvements owned, operated, franchised or provided by the district.

(2) An ordinance imposing or increasing an excise tax shall not become effective until the 90th day after the date of adoption by the district.

(3) The total revenues from all excise taxes imposed by a district under this section shall not exceed in any fiscal year six percent of the gross revenues collected or received by the district during the fiscal year. [1989 c.332 §§3, 4]

268.509 Use of excise tax revenues. It is the intent of the Legislative Assembly that a substantial portion of the revenues derived by the metropolitan service district from the imposition of excise taxes shall be used to reduce overhead charges assessed to and transferred from the operating funds of the district for its central executive, legislative and administrative functions. [1989 c.332 §2]

268.510 [1969 c.700 §18; repealed by 1981 c.641 §9]

268.512 Public lands within water control project subject to assessments and fees. Any land situated within a surface water control project undertaken by the district, the title to which is vested in the state or any county, city or town, shall be subject to assessment and imposition of service fees by the district. The full amount of assessments or service fees due against such land shall be paid to the district at the same times and in the same manner as other district assessments and service fees. [1977 c.665 §23a]

268.513 Service charge for planning functions of district. (1) The council shall consult with the advisory committee appointed under ORS 268.170 before determining whether it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51 cents per capita per year. For the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and coun-

ties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) When the council determines that it is necessary to impose the service charges authorized under subsection (1) of this section for any fiscal year, each mass transit district organized under ORS chapter 267 and port located wholly or partly within the district shall also pay a service charge to the district for that fiscal year for the services and activities carried out under ORS 268.380 and 268.390. The charge for a mass transit district or port shall be the amount obtained by applying, for the population of the mass transit district or port within the boundaries of the district, a per capita charge that is 12-1/2 percent of the per capita rate established for cities and counties for the same fiscal year. Subsections (2) and (3) of this section apply to charges assessed under this subsection.

(5) This section shall not apply to a fiscal year that begins on or after July 1, 1993. [1977 c.665 §16; 1979 c.804 §10; 1981 c.353 §5; 1985 c.210 §1; 1989 c.327 §2]

268.514 Alternatives to service charges for planning. (1) It is the intent of the Legislative Assembly in continuing the service charges authorized by ORS 268.513 that the metropolitan service district, in consultation with the committee appointed under ORS 268.170 and other appropriate state and local officials, shall analyze, consider and propose alternative means of providing the necessary financial support for carrying out certain of the activities and services of the district under ORS 268.380 and 268.390.

(2) The metropolitan service district and the committee shall consider proposals for additional direct resources for the district, as well as additional resources for the local governments that are subject to the service charges. [1989 c.327 §1]

268.515 Service and user charges; grants; loans. (1) A district may impose and collect service or user charges in payment for its services or for the purposes of financing the planning, design, engineering, construction, operation, maintenance, repair and expansion of facilities, equipment, systems or improvements authorized by this chapter.

(2) A district may seek and accept grants of financial and other assistance from public and private sources.

(3) A district may, with the approval of a majority of members of its governing body, borrow money from any county or city with territory in the district.

(4) A district may, by entering into loan or grant contracts or by the issuance of bonds, notes or other obligations with the

approval of a majority of members of its governing body, borrow money from the state or its agencies or departments, including without being limited to, money from the Pollution Control Fund.

(5) Notwithstanding ORS 294.305 to 294.520, 294.555 and 294.565, the authority to borrow granted under this section includes the authority to enter into agreements to repay such money subject to such terms and conditions as the parties may agree.

(6) A district may provide that its borrowing of money be secured by a lien and pledge of all or any part of the revenues derived by the district from the facilities constructed from the proceeds of the moneys borrowed.

(7) Except in an emergency, the imposition of or increase in a service or user charge shall not become effective until 65 business days after approval by the governing body. As used in this subsection, business days mean Monday through Friday. [Formerly 268.540]

268.517 Fiscal year. The fiscal year of the district shall commence on July 1 of each year and end on June 30 of the following year. [1977 c.665 §15]

GENERAL OBLIGATION BONDS

268.520 Authority to issue bonds; limitation; conditions; advertisement and sale. (1) For the purpose of performing any service that the district has power to perform, the district, when authorized at any properly called election held for such purpose, shall have the power to borrow money by the issuance and sale of general obligation bonds. Such bonds shall never exceed in the aggregate 10 percent of the true cash value of all taxable property within the district computed in accordance with ORS 308.207. The bonds shall be so conditioned that the district shall promise and agree therein to pay the bearer at a place named therein, the principal sum with interest at a rate named therein payable semiannually in accordance with the tenor and terms of the interest coupons attached. The bonds shall mature serially not to exceed 30 years from the date of issue.

(2) All general obligation bonds shall be advertised for sale and sold in the manner prescribed in ORS 287.014 to 287.026 for the sale of bonds of cities. [1969 c.700 §19; 1977 c.782 §7; 1983 c.347 §21]

268.525 Refunding bonds. Refunding bonds of the same character and tenor as those replaced thereby may be issued pursuant to a resolution adopted by the district governing body without submitting to the

electors the question of authorizing the issuance of the bonds. [1969 c.700 §19a]

268.530 Bond elections. Elections for the purpose of voting on the question of borrowing funds by issuance and sale of general obligation bonds shall be called by the governing body. [1969 c.700 §20; 1971 c.647 §63a; 1977 c.782 §8]

268.540 [1969 c.700 §§16, 21, 22; 1977 c.95 §5, renumbered 268.515]

REVENUE BONDS

268.590 Credit enhancement of district bonds and other obligations. (1) As used in ORS 268.600 to 268.660:

(a) "Credit enhancement agreement" means the agreement pursuant to which a credit enhancement device is provided, given or issued.

(b) "Credit enhancement device" means any letter of credit, line of credit, municipal bond insurance or other device given or provided as security for the payment of the principal of, premium, if any, or interest on revenue bonds or bond anticipation notes issued under ORS 268.600 to 268.660 or as security for the payment or performance of any of the district's obligations under or with respect to such revenue bonds or bond anticipation notes.

(c) "Credit enhancement provider" means the person or entity providing or issuing a credit enhancement device.

(2) In connection with the issuance of revenue bonds or bond anticipation notes under ORS 268.600 to 268.660, a district may arrange for a credit enhancement device to be given, issued or provided as security for the payment of the principal of, premium, if any, or interest on such revenue bonds or bond anticipation notes or as security for the payment or performance of the district's obligations under or with respect thereto.

(3) A district may enter into a credit enhancement agreement with a credit enhancement provider setting forth the respective rights, duties and obligations of the district and the credit enhancement provider under or with respect to such credit enhancement device, which agreement may contain such terms, covenants and conditions as shall be approved by the governing body of the district and which are not inconsistent with the provisions of ORS 268.600 to 268.660.

(4) The obligations of the district under or with respect to any credit enhancement device or credit enhancement agreement shall not in any manner or to any extent be general obligations of the district nor a charge upon any other revenues or property of the district not specifically pledged thereto.

(5) In the ordinance authorizing the issuance of revenue bonds or bond anticipation notes under ORS 268.600 to 268.660, the governing body may pledge as security for the payment or performance of the district's obligations under or with respect to the related credit enhancement device or credit enhancement agreement all or any portion of the district's revenues, regardless of the source from which derived, then existing or which thereafter come into existence. In addition, in such ordinance the governing body may pledge or mortgage as security for the payment or performance of its obligations under or with respect to such credit enhancement device or credit enhancement agreement any property of the district. Any such pledge or mortgage of revenues or other property may be on such terms as the governing body shall determine, including but not limited to a pledge or mortgage on a parity basis with the pledge or mortgage of such revenues or other property as security for revenue bonds or bond anticipation notes issued under ORS 268.600 to 268.660 or on a subordinated basis. In the ordinance creating such pledge or mortgage, the district may reserve the right to pledge or mortgage from time to time on a parity or subordinated basis all or any part of such pledged or mortgaged revenues or other property as security for the payment or performance of the district's obligations under or with respect to any one or more series of revenue bonds or bond anticipation notes or credit enhancement device or credit enhancement agreement thereafter issued, given, provided or entered into by the district. [1987 c.623 §7]

Note: 268.590 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 268 but not to any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.600 Issuance of revenue bonds; use of proceeds; status of bonds. For the purpose of carrying into effect all or any of the powers granted to metropolitan service districts, a district may from time to time issue and sell revenue bonds without the necessity of the electors of a district authorizing the bonds. Proceeds from the sale of such bonds may be used to cover the costs incurred in issuing such bonds, and preliminary work incident to carrying out such purposes and powers, including but not limited to planning, engineering, inspection, accounting, fiscal, legal and trustee expenses, the costs of issuance of bonds, engraving, printing, advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for such period thereafter as a district may determine, and to establish,

maintain or increase any reserves for debt service on the bonds. Such revenue bonds shall not in any manner or to any extent be a general obligation of a district nor a charge upon any other revenues or property of a district not specifically pledged thereto. A district may issue revenue bonds pursuant to ORS 268.600 to 268.660 for the purpose of financing landfills, transfer facilities, resource recovery facilities and other improvements, facilities and equipment necessary or desirable for the solid and liquid waste disposal system of the district regardless of whether such improvements, facilities or equipment are to be owned by the district or any other public or private agency or person and regardless of whether such improvements, facilities or equipment are to be located within or without the district. In connection with the issuance of revenue bonds to finance any such improvements, facilities or equipment which are to be owned by any other public or private agency or person, the district shall enter into a lease-purchase, instalment sale or loan agreement with such public or private agency or person providing for lease-purchase, instalment sale or loan payments which, together with other revenues pledged for the payment of such revenue bonds as provided in ORS 268.610, shall be sufficient to pay when due the principal of, premium, if any, and interest on such revenue bonds. [1977 c.95 §9; 1987 c.623 §1]

268.610 Ordinance authorizing revenue bonds; content; special trust funds; trustees; enforcement. (1) Revenue bonds issued under ORS 268.600 to 268.660 shall be authorized at a meeting by ordinance of the governing body. The ordinance may provide for the creation of special trust funds and may authorize the appointment of a trustee to administer the funds, and may obligate a district to set aside and pay into a special trust fund for the purpose of securing revenue bonds, all or any portion of its revenues, regardless of the source from which derived, then existing or which thereafter come into existence. The governing body may, in addition thereto, pledge or mortgage for the payment of the principal of and interest on and premium, if any, of any issue of such bonds any property of a district. Notice that action upon the bond ordinance will be taken at the designated meeting of the governing body, shall be given for a period of not less than two consecutive weeks, prior to such meeting, by publication thereof once each week in a newspaper of general circulation, published within the corporate boundaries of the district or, if there be no such newspaper, by posting such notice for a period of not less than two weeks in three public places in the district.

(2) The money in a special trust fund created by an ordinance authorizing an issue of revenue bonds shall be used solely for the purposes provided therefor by the ordinance.

(3) The ordinance may obligate the district, and the district shall have power to fix, levy and collect such rates, rentals, fees and other charges for the use and services of all or any of its facilities, which revenues may be pledged to the payment of the principal of and interest on and premium, if any, of the revenue bonds or any of them and if so pledged shall be sufficient to produce revenues, along with other lawfully available funds, adequate to pay the costs of the operation, maintenance and repair of any or all district properties; to pay or provide for the payment of the principal of and interest on, and premium, if any, of such revenue bonds or any of them, including any reserves for such payment; and to produce such additional amount of revenues therefrom as the district may covenant with the holders of such revenue bonds.

(4) The ordinance may provide that in the event the money in a special trust fund is insufficient to pay the revenue bonds to be paid out of the fund, such revenue bonds shall be payable out of any part or all of other nonpledged revenues of the district. Whenever all bonds and expenses thereof have been paid so that no charge remains upon such special fund, the governing body may, by ordinance, transfer any balance remaining in such fund to its general fund, discharge the trustee, if any, and dissolve the special fund. Any trustee authorized to administer the fund may, subject to approval of the governing body, invest and reinvest moneys in the special fund in any security or securities in which the State of Oregon may by law invest.

(5) If the governing body fails to set aside and pay revenues into a special trust fund as required by the ordinance authorizing the issuance and sale of the bonds secured by the fund, a holder of any of such bonds may bring suit against the district to compel compliance with the provisions of the ordinance in the circuit court of the county in which the district has its principal office.

(6) In the ordinance authorizing the issuance of revenue bonds under ORS 268.600 to 268.660 and pledging all or any portion of the district's revenues to the payment of such revenue bonds:

(a) The district may reserve the right to pledge from time to time on a parity basis all or any part of such pledged revenues as security for any one or more series of revenue bonds thereafter issued by the district, and in the event the right so reserved by the district is exercised all revenue bonds se-

cured by such pledged revenues shall be equally and ratably secured thereby without preference or priority of any kind of any bond or series of bonds secured thereby over any other bond or series of bonds secured thereby; and

(b) The district may reserve the right to pledge from time to time on a subordinated basis all or any part of such pledged revenues as security for any one or more series of revenue bonds thereafter issued by the district.

(7) Any pledge of revenues by a district made pursuant to this section or ORS 268.590 shall be valid, binding and fully perfected from and after the date of issuance of the revenue bonds secured thereby and the revenues pledged shall be immediately subject to the lien of such pledge without the physical delivery thereof, the filing of any notice or any further act. The lien of any such pledge shall be valid, binding and fully perfected against all persons having claims of any kind against the district whether in tort, contract or otherwise, irrespective of whether such persons have notice thereof. [1977 c.95 §10; 1987 c.623 §2]

268.620 Form and content of bonds; redemption. The revenue bonds issued and sold under ORS 268.600 to 268.660:

(1) Shall be deemed to be for all purposes negotiable instruments, subject only to the provisions of the bonds for registration, and need not comply with requirements of the Uniform Commercial Code.

(2) May be issued in one or more series, bear such date or dates, mature at such times and in such amounts, be in such denomination or denominations, be payable at a designated place or places within or without the State of Oregon or at the fiscal agency of the State of Oregon, be equally and ratably secured without priority or be entitled or subject to such priorities on all or any portion of the revenues of the district and, notwithstanding any other provision of law to the contrary, bear such rate or rates of interest, including a variable rate of interest to be determined at such times, in such manner and by such agent appointed for such purpose or according to such formula as the governing body may determine, and contain such other terms, conditions and covenants, all as the governing body may determine.

(3) Shall contain a recital that principal of and interest on and premium, if any, on the revenue bonds are payable solely out of revenues and property of the district pledged to the payment thereof by the ordinance of the governing body authorizing the issue of which the bonds are a part.

(4) May be in coupon form with or without privilege of registration or may be in registered form, or both, with the privilege of converting and reconverting from one form to another.

(5) May contain covenants of the district to protect and safeguard the security and rights of holders of any such bonds and such other terms and conditions, in conforming with ORS 268.600 to 268.660 which the governing body in its discretion determines are necessary or desirable to protect the district or increase the marketability of the bonds. ORS 268.600 to 268.660 and any such ordinance which constitutes a contract with the holders of the bonds and the provisions thereof shall be enforceable by any holder or any number of holders of the bonds, as the governing body may determine.

(6) Shall be in the form prescribed by the governing body and the bonds and the coupons, if any, attached to the bonds shall be signed by the presiding officer of the governing body and by the executive officer of the district, either manually or by means of their printed, engraved or lithographed signature, with the seal of the district or a facsimile thereof printed, engraved or lithographed thereon or affixed thereto. However, in the event the bonds are to be signed by means of the printed, engraved or lithographed facsimile signatures of both the presiding officer of the governing body and the executive officer of the district, the ordinance authorizing the issuance of such bonds shall provide that no bond shall be valid or obligatory for any purpose or be entitled to the benefits of or security provided by the ordinance unless and until such bond has been authenticated by means of the manual signature of a duly authorized officer of the bond trustee, paying agent, registrar or other agent appointed for such purpose. Pending the preparation and delivery of definitive bonds, a district may issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. Such interim certificates or temporary bonds may contain such terms and conditions as the governing body may determine.

(7) May be issued with the right reserved to the governing body to redeem the bonds at par or at par plus a premium, in such order, and at such time or times prior to the final maturity date or dates of the bonds, as the ordinance may provide or as otherwise determined by the governing body, upon publication, at least 30 days before the redemption date, of at least one notice of the intended redemption in one issue of a newspaper specializing in financial matters published in any of the cities of New York, New

York; Chicago, Illinois; or San Francisco, California; as the governing body may provide in the ordinance, and of one such notice in one issue of a newspaper of general circulation published within the corporate boundaries of the district; provided that if a bond to be redeemed is then registered, notice of the intended redemption of such bond may be given by the mailing, at least 40 days before the redemption date, of at least one such notice to the registered owner, in lieu of the publication thereof. However, failure to so mail such notice shall not affect the proceedings for such redemption. [1977 c.95 §11, 1987 c.623 §3]

268.630 Borrowing in anticipation of bond sale; bond anticipation notes; content; sale of notes. (1) A district shall have the power, at any time and from time to time after the issuance of bonds under ORS 268.600 to 268.660 have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and within the authorized maximum amount of such bond issue.

(2) Bond anticipation notes shall be issued for all moneys so borrowed under the provisions of this section. Such notes may be issued for a period not to exceed three years and may be renewed or refunded from time to time for periods of not exceeding three years, but each such note, including renewals, shall mature and be paid not later than the fifth anniversary of the date the original note was issued. Such notes shall be authorized by ordinance of the governing body and shall be in such denomination or denominations, shall bear interest at such rate or rates approved by the governing body, shall be in such form and shall be executed in such manner, all as the governing body shall prescribe. Such notes may be sold at public or private sale in the manner and at such price or prices as the governing body shall determine, provided that if such notes be renewal notes, they may be exchanged for notes then outstanding on such terms as the governing body shall determine. [1977 c.95 §12; 1987 c.623 §4]

268.640 Sale of revenue bonds. The governing body may from time to time sell revenue bonds authorized to be issued and sold pursuant to ORS 268.600 to 268.660 at public or private sale, in the manner and at such price or prices as it shall determine. [1977 c.95 §13]

268.650 Bonds as obligation of a political subdivision. Revenue bonds, including refunding revenue bonds and bond anticipation notes issued under ORS 268.600 to 268.660, shall be considered to be bonds or obligations of a political subdivision of the

State of Oregon for the purposes of all laws of the state. [1977 c.95 §14; 1987 c.623 §5]

268.660 Effect of ORS 268.600 to 268.660. ORS 268.600 to 268.660 are additional, alternative and supplemental authority for a district and shall not abrogate any power, right or authority otherwise granted by law to a district. [1977 c.95 §15]

268.700 [1969 c.700 §29; repealed by 1971 c.727 §203]

PENALTIES

268.990 Penalties; jurisdiction. (1) Violation of any ordinance, rule or regulation adopted by a district shall be punishable by

a fine of not more than \$500 or by imprisonment in a county jail for not more than 30 days or by both.

(2) Any penalty for such a violation may be imposed or enforced by the district in the district or circuit court of the state for the county where the violation takes place. [1969 c.700 §25]

CHAPTERS 269 AND 270

[Reserved for expansion]