Chapter 838

1993 EDITION

Airport Districts

838.005 Definitions

838.010 Establishing district; election; tax base; prerequisite for inclusion of county; prerequisite for inclusion of airport owned by city

838.015 Establishing tax base

838.020 Governing body of district; first terms and meeting

838.025 Election laws apply

838.030 Officers of board; vacancies; procedures

838.035 District as municipal corporation

838.040 Powers of district

838.045 Regulations

838.050 Employees

838.055 Contracting to carry out functions

838.060 Ad valorem taxation; special tax; collection

838.065 General obligation bonds; amount; maturity; revenue bonds; sale

838.070 General obligation bond election

838.075 Refunding bonds

CROSS REFERENCES

838.065

Information on bond issues to Municipal Debt Advisory Commission, 287.040, 287.042

838.075

Advance refunding bonds, state regulation, 288.605 to 288.695

838.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "District" means an airport district established under this chapter.

(2) "District board" means the governing body of the district. [Formerly 494.010]

838.010 Establishing district; election; tax base; prerequisite for inclusion of county; prerequisite for inclusion of airport owned by city. (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 county in the proposed district and filed with the governing body of the principal county in the proposed district, petitioning that body to call the election; or

(b) A resolution adopted by the governing body of any city owning an airport within the proposed district and filed with the governing body of the principal county in the proposed district, petitioning that body to call an 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.

(3) After initiatory action has been taken pursuant to this section, airport district formation shall be conducted and completed as provided by ORS 198.705 to 198.955 except that where areas from more than one county are proposed to be included in the district, the election for district board members may be held at a date later than the election for formation, if successful. The later election for board members may also propose establishment of a district tax base, in which case the election shall be held on a date permitted by section 11, Article XI of the Oregon Constitution.

(4) No county or portion thereof shall be included within a district unless a majority of the electors in such county approve the inclusion of such county or portion thereof within such district.

(5) No district shall include an airport owned by a city unless the governing body of such city has adopted a resolution approving the inclusion of the airport within such district or a majority of the electors within the city voting on the proposal approve the inclusion of the airport. [Formerly 494.020]

838.015 Establishing 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 or at the first election of district board members, where that election is held after district establishment. If the petition or resolution for initiating proceedings to establish the district contains both requests authorized by ORS 838.010 (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. [Formerly 494.030]

838.020 Governing body of district; first terms and meeting. (1) The governing body of a district shall be a district board consisting of five or seven members elected from the district at large. Except as provided in subsection (2) of this section, the term of district board member is four years. Candidates for the first district board shall be nominated as provided in ORS 255.235 and elected as provided in ORS 198.705 to 198.955 and 838.010.

(2) Not later than the 40th day after the first board members are elected, the district board members shall meet and organize as a board, first making and subscribing to an oath of office. Notwithstanding the term of office specified in subsection (1) of this section, the term of each board member shall be determined by lot at the first meeting of the board as follows:

(a) Of the members first elected to a seven-member board:

(A) The terms of four members shall expire June 30 next following the first regular district election; and

(B) The terms of three members shall expire June 30 next following the second regular district election.

(b) Of the members first elected to a five-member board:

(A) The terms of three members shall expire June 30 next following the first regular district election; and

(B) The terms of two members shall expire June 30 next following the second regular district election.

(3) The chairman of the county governing body that calls the election on establishing the district shall convene the first meeting of the district board and shall serve as chairman of the first meeting until the members choose a permanent chairman. [Formerly 494.040]

838.025 Election laws apply. (1) ORS chapter 255 governs the following:

(a) The nomination and election of district board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [Formerly 494.043]

838.030 Officers of board; vacancies; procedures. (1) At its first meeting after July 1 each year the district board shall choose a chairman for the ensuing year. The chairman shall be the presiding officer of the board and have whatever additional functions the board prescribes.

(2) Vacancies shall be filled as provided in ORS 198.320.

(3) The district board may adopt and enforce rules of procedure governing its proceedings. [Formerly 494.046]

838.035 District as municipal corporation. (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) Except as this chapter provides to the contrary, the powers of the district shall be vested in the district board of the district.

(3) An airport district formed under this chapter shall be considered a district for all purposes in ORS chapter 198. [Formerly 494.050]

838.040 Powers of district. A district may establish, construct, expand or lease, control, equip, improve, maintain, operate, police and regulate airports and air navigation facilities, and to this end may exercise all the functions and powers provided in ORS 836.200 to 836.250 and may acquire by lease, purchase, gift, devise, condemnation proceedings or otherwise such real and personal property and rights of way, either within or without the limits of the district as, in the judgment of the board, are necessary or proper. [Formerly 494.060]

838.045 Regulations. The district board in accordance with ORS 198.510 to 198.600 may by ordinance make, modify or abolish regulations as convenient or necessary to provide for policing or regulating the use of airports, and any facilities located at or in conjunction with airports, owned, operated, leased, maintained or controlled by the district. [Formerly 494.070]

838.050 Employees. The district board may employ whatever administrative, clerical, technical and other assistance is necessary for the proper functioning of the district, on whatever terms the board considers in the best interests of the district. [Formerly 494.080]

838.055 Contracting to carry out functions. 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. [Formerly 494.090]

838.060 Ad valorem taxation; special tax; collection. (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 real market value of all taxable property within the boundaries of the 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 as provided in ORS 310.060. 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 corpo-

ration 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. [Formerly 494.110; 1991 c.459 §444]

838.065 General obligation bonds; amount; maturity; revenue bonds; 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 real market 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 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, in like manner as bonds issued under the authority of ORS 287.008.

(2) For the purpose of performing any of the powers conferred by this chapter a district, without the necessity of an election held for such purpose, shall have the power to borrow money by the issuance and sale also of revenue bonds and to pledge as security therefor, all or any part of the unobligated net income or revenue of the district. The revenue bonds shall be issued in the same manner and form as are general obligation bonds of the district but they shall be payable both as to principal and interest from revenues only. The revenue bonds shall not be subject to the percentage limitation applicable to general obligation bonds and shall not be a lien on any of the taxable property within the limits of the district and shall be payable solely from such part of revenues of the district as remains after the payment of obligations having a priority and of all expenses of operation and maintenance of the district. All revenue bonds shall contain a provision that both the principal and interest are payable solely from the operating revenues of the district remaining after paying such obligations and expenses.

(3) All general obligation bonds and revenue 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. [Formerly 494.120; 1991 c.459 §445]

838.070 General obligation bond election. 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 district board. [Formerly 494.130]

838.075 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 board without submitting to the electors the question of authorizing the issuance of the bonds. [Formerly 494.140]

CHAPTER 839 to _____

[Reserved for expansion]