

Enrolled
Senate Bill 615

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

CHAPTER

AN ACT

Relating to boundary changes within metropolitan service districts; creating new provisions; and amending ORS 268.320, 268.347, 268.351 and 268.354.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 268.347 is amended to read:

268.347. (1) Notwithstanding **contrary provisions regarding jurisdiction under** ORS chapters 198, 221 and 222, a metropolitan service district *[may]* **shall** exercise jurisdiction *[over boundary changes under ORS 268.351 and 268.354]*, **as provided in this section and ORS 268.351 and 268.354, over a boundary change** within the boundaries of the district and within all territory designated as urban reserves by the district in an ordinance adopted by the district council prior to June 30, 1997.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

SECTION 2. ORS 268.351 is amended to read:

268.351. As used in ORS **268.347 and** 268.354, *[unless the context requires otherwise:]*

[(1) "boundary change" means a major boundary change or a minor boundary change, as those terms are defined in ORS 199.415.

[(2) "Contested case" means a boundary change decision that is contested or otherwise challenged by a city, county or special district.]

SECTION 3. ORS 268.354 is amended to read:

268.354. (1) In addition to the requirements established by ORS chapters 198, 221 and 222 for a boundary *[changes, boundary changes within a metropolitan service district are subject to the requirements established by the district. The requirements established by a metropolitan service district shall be developed in consultation with the Metro Policy Advisory Committee and the district council. The requirements established by a district shall include the following:]*

[(a) Boundary changes shall be subject to a uniform hearing and notification process adopted by the district.]

[(b) The district shall establish an expedited process for uncontested boundary changes.]

[(c) Contested cases shall be subject to appeal to a three-person commission established by the district with further appeals as provided by law. The district council shall appoint the members of the commission from a list of nominees provided by Clackamas, Multnomah and Washington Counties, with one member appointed from the nominees provided by each county.] **change, a metropolitan service district, in consultation with the Metro Policy Advisory Committee, may establish requirements for a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347.**

(2) For a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347, the district shall:

(a) Establish a uniform hearing and notification process.

(b) Establish an expedited process for uncontested boundary changes.

[(d)] (c) [All boundary change decisions shall be subject to] Establish clear and objective criteria [established by the district including, but not limited to, compliance with the adopted regional urban growth goals and objectives, functional plans, cooperative] for a boundary change.

(d) Ensure that a boundary change is in compliance with the Metro regional framework plan, as defined in ORS 197.015, and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195 [and the regional framework plan of the district].

[(2)] (3) [Except for contested cases,] The role of a metropolitan service district in the boundary determination process shall be ministerial only.

[(3)] (4) Except as provided in this section and ORS 268.347 and 268.351, [within the area in which] for a boundary change subject to the jurisdiction of the metropolitan service district [may exercise jurisdiction over boundary changes]:

(a) Proceedings for annexation of territory to a city and for all other changes in city boundaries shall be conducted as provided in ORS chapter 222;

(b) Proceedings for annexation of territory to a district, including the metropolitan service district, and for all other changes [in] to the boundaries of a district [boundaries], including the boundaries of [a] the metropolitan service district, shall be conducted as provided in ORS chapter 198; and

(c) Notwithstanding [any provision of] contrary provisions regarding the party responsible for conducting hearings under ORS chapter 198, the metropolitan service district [shall be] is the governing body responsible for conducting proceedings for a minor boundary [changes] change to the metropolitan service district. Proceedings for a minor [changes] boundary change to the boundaries of a metropolitan service district shall be conducted as provided in ORS chapter 198.

SECTION 4. ORS 268.320 is amended to read:

268.320. *[(1)] Subject to the provisions of a district charter, 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.*

[(2) When authorized to implement the results of a study of a boundary commission formed within the metropolitan area under ORS 199.410 to 199.519, a district may, subject to the provisions of ORS 268.351 and 268.354, adopt an ordinance exercising jurisdiction over a boundary change, as defined in ORS 268.351, otherwise authorized under ORS chapters 198, 221 and 222.]

SECTION 5. The amendments to ORS 268.320, 268.347, 268.351 and 268.354 by sections 1 to 4 of this 2007 Act apply to boundary changes that are approved by metropolitan service districts on or after the effective date of this 2007 Act.

Passed by Senate April 3, 2007

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Secretary of Senate

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President of Senate

Passed by House May 10, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State