

Senate Bill 615

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates requirement that metropolitan service district create process for boundary change appeals by cities, counties and special districts to three-person commission established by district.
Clarifies language and conforms language to form and style requirements.

A BILL FOR AN ACT

1
2 Relating to boundary changes within metropolitan service districts; creating new provisions; and
3 amending ORS 268.320, 268.347, 268.351 and 268.354.

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

5 **SECTION 1.** ORS 268.347 is amended to read:

6 268.347. (1) Notwithstanding **contrary provisions regarding jurisdiction under** ORS chapters
7 198, 221 and 222, a metropolitan service district [*may*] **shall** exercise jurisdiction [*over boundary*
8 *changes under ORS 268.351 and 268.354*], **as provided in this section and ORS 268.351 and 268.354,**
9 **over a boundary change** within the boundaries of the district and within all territory designated
10 as urban reserves by the district in an ordinance adopted by the district council prior to June 30,
11 1997.

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

14 **SECTION 2.** ORS 268.351 is amended to read:

15 268.351. As used in ORS **268.347 and** 268.354, [*unless the context requires otherwise:*]

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

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

20 **SECTION 3.** ORS 268.354 is amended to read:

21 268.354. (1) In addition to the requirements established by ORS chapters 198, 221 and 222 for a
22 boundary [*changes, boundary changes within a metropolitan service district are subject to the require-*
23 *ments established by the district. The requirements established by a metropolitan service district shall*
24 *be developed in consultation with the Metro Policy Advisory Committee and the district council. The*
25 *requirements established by a district shall include the following:*]

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

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

29 [(c)] *Contested cases shall be subject to appeal to a three-person commission established by the dis-*
30 *trict with further appeals as provided by law. The district council shall appoint the members of the*
31 *commission from a list of nominees provided by Clackamas, Multnomah and Washington Counties, with*

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 *one member appointed from the nominees provided by each county.]* **change, a metropolitan service**
 2 **district, in consultation with the Metro Policy Advisory Committee, may establish require-**
 3 **ments for a boundary change that is subject to the jurisdiction of the district pursuant to**
 4 **ORS 268.347.**

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

7 **(a) Establish a uniform hearing and notification process.**

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

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

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

15 *[(2)]* **(3) [Except for contested cases,]** The role of a metropolitan service district in the boundary
 16 determination process shall be ministerial only.

17 *[(3)]* **(4) Except as provided in this section and ORS 268.347 and 268.351, [within the area in**
 18 *which]* **for a boundary change subject to the jurisdiction of the metropolitan service district**
 19 *[may exercise jurisdiction over boundary changes]:*

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

22 (b) Proceedings for annexation of territory to a district, including the metropolitan service dis-
 23 trict, and for all other changes *[in]* **to the boundaries of a** district *[boundaries]*, including the
 24 boundaries of *[a]* **the** metropolitan service district, shall be conducted as provided in ORS chapter
 25 198; and

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

31 **SECTION 4.** ORS 268.320 is amended to read:

32 268.320. *[(1)]* Subject to the provisions of a district charter, the electors of a district may, from
 33 time to time, and in exercise of their power of the initiative, or by approving a proposition referred
 34 to them by the governing body of the district, authorize the district to assume additional functions.

35 *[(2) When authorized to implement the results of a study of a boundary commission formed within*
 36 *the metropolitan area under ORS 199.410 to 199.519, a district may, subject to the provisions of ORS*
 37 *268.351 and 268.354, adopt an ordinance exercising jurisdiction over a boundary change, as defined in*
 38 *ORS 268.351, otherwise authorized under ORS chapters 198, 221 and 222.]*

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