

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	6 - 1 - 1
<b>Yeas:</b>	Boone, Jenson, Johnson, Sprenger, Clem, Esquivel
<b>Nays:</b>	Schaufler
<b>Exc.:</b>	Cowan
<b>Prepared By:</b>	Beth Herzog, Administrator
<b>Meeting Dates:</b>	2/9, 2/14

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**WHAT THE MEASURE DOES:** Authorizes owner of real property that is located within urban growth boundary (UGB) of metropolitan service district and, due to certain impediments, not provided with sanitary sewer or water services to cause public or private provider of sanitary sewer and water services to connect service facilities and serve property. Authorizes service provider to charge owner all costs incurred to connect and deliver services. Stipulates process if owner is unable to make arrangements with service provider through direct negotiations. Stipulates that for purpose of annexation by service provider of sanitary sewer or water service the governing body of district may declare annexation approved by resolution or ordinance without submitting annexation plan to electors of district or electors of territory proposed to be annexed. Stipulates that if portion of district becomes incorporated or annexed (incorporated) to a city and the city will provide services previously provided by the district, the portion being incorporated will continue to receive service from district until that portion is withdrawn. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Property owner would bear cost of connecting services
- Impact of cost recovery on urban services
- Who receives funds from system development charges
- Historical background on annexation statutes (ORS 198.866)
- Services provided by Marion County Fire District #1 and Keizer Fire District

**EFFECT OF COMMITTEE AMENDMENT:** Establishes owner of real property must be located within urban growth boundary of metropolitan service district. Stipulates that for purpose of annexation by service provider of sanitary sewer or water service, the governing body of district may declare annexation approved by resolution or ordinance without submitting annexation plan to electors of district or electors of territory proposed to be annexed. Stipulates that if portion of district becomes incorporated or annexed (incorporated) to a city and the city will provide services previously provided by the district, the portion being incorporated will continue to receive service from district until the portion is withdrawn.

**BACKGROUND:** ORS 190.003 to 190.130 authorizes a unit of local government to enter into a written agreement with any other unit of local government to perform functions that a party to the agreement has the authority to perform. These statutes are generally known as Oregon’s Intergovernmental Cooperation Statutes. Urban service agreements, including those to provide water and sewer service, are one type of an intergovernmental agreement.

House Bill 4090A authorizes an owner of property located within the metropolitan service district’s UGB and, due to certain impediments, not provided with sanitary sewer or water services to cause a public or private provider of sanitary sewer and water services to connect service and serve the property. The Act authorizes the service provider to charge the owner all costs incurred to connect and deliver the services. House Bill 4090A establishes that for the purpose of annexation by a service provider providing sanitary sewer or water service that the governing body of a district may declare the annexation approved by resolution or ordinance without submitting the annexation plan to electors of the district or territory proposed to be annexed. The Act requires that if a portion of district becomes incorporated to a city that the city must provide the services previously provided by the district.

2/16/2012 8:51:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*