

5/26/2015

**Steve Jansen, Coos County Assessor**  
**Concerns about HB 3188**

**Section 2 (1)(a)** brings up ORS 198.705 to 198.955. I assume the “notwithstanding” refers only to 198.720 regarding having more than one such district in the county performing the same service. Do all the other provisions of ORS 198.705 to 198.955 apply?

For a landowner like the CB/NB Water Board –a landowner but not elector- which owns land within the city limits of CB, would they be excluded from participation?

**Section 2 (2)(a)** lists the criteria of “more than 50% of the eligible petitioners who cumulatively own more than 50% by area of the eligible land within the proposed district”. Consider the hypothetical:

- **Landowner A** (500 acres),
- **Landowner B** (250 acres), and
- **Landowner C** (200 acres) petition to form a district.

Acreages are non-contiguous within the landowners’ holdings, and the landowners themselves are non-contiguous. So far, the qualifications of HB 3188 are all satisfied. Assume all three of three petitioners are in favor the first year.

What if **Landowner B and C** opt out after the first year? The district still has more than 50% of the acreage requirement, but less than 50% of the necessary landowners. Does the district continue to exist?

Similarly, if **Landowner A** opts out after the first year, more than 50% of the owners are still there, but less than 50% of the total acreage requirement. Does the district continue to exist?

What if **Landowner A** is part of several other non-contiguous predator control districts throughout the county? That owner may be a major %-holder in one district, but owns ‘just enough’ acreage in several others to put them over the 50% acreage requirement. If **Landowner A** withdraws from all of the districts, all could possibly collapse due to no longer meeting the acreage percentage requirements.

**Section 2(3)(c)(A)** instructs the Assessor to “compare the signatures of the petitioners...” Per ORS 198.765(2), we’d only be comparing “the number of signatures”; not the signatures themselves. As far as legitimacy of signatures, it would make no difference to the Assessor.

Since landowners may opt in or out annually, must this petitioning procedure be re-accomplished annually?

What about land sales from year to year? A new owner means a new name (and decision to opt in or out) for the following year.

**Section 5(2)** final sentence directs submission to “the County”. Specifically whom at the county? The Board of Commissioners? Clerk? Treasurer? Tax Collector? County Counsel? Preferred date for us is July 15<sup>th</sup>.

**Section 7(1)**; same question. Again, the preferred date for us is July 15<sup>th</sup>, just as for all the other special districts.