

Comparison of Current Law with HB 3099A

1. Who is authorized to file a petition to withdraw from a special district? ORS 198.870(1)

Currently	HB 3099A
(a) Property owner (b) 100 (or more) district voters <i>(no provision for a city to file a withdraw petition)</i>	(a) Property owner (b) 100 (or more) district voters (c) The city council of a city that annexed into a county service district under ORS 198.866.

Note – Under HB 3099A, only a city that annexed into a county service district under ORS 198 may petition the county board to withdraw. HB 3099A thus has no impact on service districts that were created over a city nor does it impact any service district other than a county service district under CH. 451. The number of districts potentially impacted is estimated to be fewer than a dozen.

2. What can the County Board do with the withdrawal petition? ORS 198.870(4)

Currently	HB 3099A
The County Board “ shall ” deny a petition if it is “feasible” for the district to provide service to the area. The county has no choice.	The County Board “ may ” deny a petition if it is “feasible” for the district to provide service to the area. The County’s decision to approve or deny is final unless referred to the ballot by 100+ voters. See #3.

Note – HB 3099A gives the County more discretion. Currently, the County is **required** to deny a petition if it is “feasible” for the district to serve the area.

3. The County’s decision to approve or deny the withdrawal petition may be referred to the voters. ORS 198.875(2)

Currently	HB 3099A
The County’s decision is referred to “district” voters.	The County’s decision is referred to same voters who approved City joining district.

Note – If the County’s decision is referred to the ballot, the same voters who approved a city joining the district must approve the city leaving the district. This makes the procedures for joining and leaving a district the same, and the voters most impacted by the decision would make the decision. If the voters decide to withdraw from a district, HB 3099A requires an equitable distribution of assets to protect the remaining district. This equitable distribution of assets requirement is the same as currently in the county service district statutes under CH. 451.