

House Bill 3515

Sponsored by Representative NELSON

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**.

Provides that city with population greater than 600,000 may refer ballot measure to electors to form park and recreation district and have entirety of governing body of city serve as entirety of membership of board of district so formed. Requires approval of county in which majority of territory of city lies if ballot measure includes permanent rate limit for operating taxes for district.

A BILL FOR AN ACT

1
2 Relating to park and recreation districts; creating new provisions; and amending ORS 266.040,
3 266.340 and 266.370.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 266.**

6 **SECTION 2. (1)(a) Notwithstanding ORS 266.110, and unless expressly prohibited by the**
7 **city charter, the governing body of a city with a population greater than 600,000 may refer**
8 **a ballot measure to the electors of the city to:**

9 (A) **Form a district under this chapter to provide park and recreation services and fa-**
10 **ilities for territory that lies entirely within the boundaries of the city; and**

11 (B) **Notwithstanding ORS 266.310, 266.320, 266.325, 266.330, 266.335, 266.375, 266.380 and**
12 **266.385, have the entirety of the membership of the governing body of the city serve as the**
13 **entirety of the membership of the board of the district so formed.**

14 (b) **Notwithstanding paragraph (a) of this subsection, if the ballot measure includes a**
15 **permanent rate limit for operating taxes for the proposed district, the city must receive the**
16 **approval, by ordinance or resolution, of the governing body of the county in which the ma-**
17 **jority of the territory of the city lies before referring the question of the formation of the**
18 **district to the electors.**

19 (2) **The governing body of the city may adopt rules of procedure for meetings of the board**
20 **of a district formed pursuant to subsection (1) of this section or provide that the rules of**
21 **procedure of the governing body shall be used for meetings of the district board.**

22 (3) **ORS 198.705 to 198.955 shall apply to a district formed by a city under subsection (1)**
23 **of this section to the extent that the provisions of ORS 198.705 to 198.955 do not conflict with**
24 **provisions of this section.**

25 (4)(a) **The formation of a district pursuant to this section shall, notwithstanding ORS**
26 **198.870 and 198.875, cause the withdrawal from an existing park and recreation district of any**
27 **territory of the district formed by the city that is located within the boundaries of the ex-**
28 **isting district.**

29 (b) **ORS 198.880 and 198.882 shall apply to the withdrawal of the territory.**

30 (5) **For purposes of this chapter and ORS chapter 198, for a district formed pursuant to**

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 subsection (1) of this section:

2 (a) The governing body of the city shall have all applicable powers and duties otherwise
3 conferred on the governing body of a county;

4 (b) The governing body of the city may substitute one or more city officers to perform
5 actions otherwise delegated to county officers; and

6 (c) The city's election procedures shall be used in place of county election procedures.

7 **SECTION 3.** ORS 266.040 is amended to read:

8 266.040. (1) ORS chapter 255 governs the following:

9 (a) The nomination and election of board members **other than the members of the governing**
10 **body of a city serving as the district board members as described in section 2 (1)(a)(B) of this**
11 **2023 Act.**

12 (b) The conduct of all elections in the district, **unless the district was formed pursuant to**
13 **section 2 (1) of this 2023 Act.**

14 (2) The electors of a district may exercise the powers of the initiative and referendum regarding
15 a district measure[.];

16 (a) In accordance with ORS 255.135 to 255.205[.]; or

17 (b) **For a district formed pursuant to section 2 (1) of this 2023 Act, pursuant to the ini-**
18 **tiative and referendum process of the city that formed the district.**

19 **SECTION 4.** ORS 266.340 is amended to read:

20 266.340. (1) [A] **An elected** district board member [*when elected*] shall take the oath of office
21 within 10 days after receiving the certificate of election.

22 (2)(a) **Except as otherwise provided under paragraph (b) of this subsection, a member of**
23 **the governing body of a city serving as a district board member as described in section 2**
24 **(1)(a)(B) of this 2023 Act, shall take the oath of office within 10 days following the later of:**

25 (A) Election to the governing body of the city; or

26 (B) Formation of the district by the governing body of the city.

27 (b) **The governing body of the city may provide for such other schedules of oathtaking**
28 **as the governing body deems the circumstances warrant.**

29 **SECTION 5.** ORS 266.370 is amended to read:

30 266.370. (1) The park and recreation board is the governing power of the district and shall ex-
31 ercise all powers of the district.

32 (2)(a) At its first meeting or as soon [*thereafter as may be*] **afterwards as** practicable, the board
33 shall choose one of its members as president and shall appoint a secretary who need not be a
34 member of the board.

35 (b) In case of the absence, or inability to act, of the president or secretary, the board shall, by
36 order entered upon the minutes, choose a president pro tempore, or secretary pro tempore, or both,
37 as [*the case may be*] **necessary.**

38 (3) The board shall hold meetings either in the day or evening, as [*may be*] necessary.

39 (4)(a) The board shall fill any vacancy on the board as provided in ORS 198.320.

40 (b) **Paragraph (a) of this subsection does not apply to a vacancy on a district board con-**
41 **sisting of the members of the governing body of a city serving as described in section 2**
42 **(1)(a)(B) of this 2023 Act.**