

DRAFT

SUMMARY

Authorizes formation of children's special districts. Authorizes children's special districts to levy property taxes to fund programs that offer children's services. Defines "children's services" as services provided outside of school hours to students in kindergarten through grade 12, including, without limitation, services related to education, civics, culture, arts and music, physical recreation, health and well-being, technology and development of skills.

A BILL FOR AN ACT

Relating to children's special districts; creating new provisions; and amending ORS 198.010.

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

SECTION 1. ORS 198.010 is amended to read:

198.010. As used in this chapter, except as otherwise specifically provided, "district" means any one of the following:

- (1) A people's utility district organized under ORS chapter 261.
- (2) A domestic water supply district organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A mass transit district organized under ORS 267.010 to 267.390.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A special road district organized under ORS 371.305 to 371.360.
- (8) A road assessment district organized under ORS 371.405 to 371.535.
- (9) A highway lighting district organized under ORS chapter 372.
- (10) A health district organized under ORS 440.305 to 440.410.
- (11) A sanitary district organized under ORS 450.005 to 450.245.

(12) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.

(13) A vector control district organized under ORS 452.020 to 452.170.

(14) A rural fire protection district organized under ORS chapter 478.

(15) An irrigation district organized under ORS chapter 545.

(16) A drainage district organized under ORS chapter 547.

(17) A water improvement district organized under ORS chapter 552.

(18) A water control district organized under ORS chapter 553.

(19) A weather modification district organized under ORS 558.200 to 558.440.

(20) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

(21) A geothermal heating district organized under ORS chapter 523.

(22) A transportation district organized under ORS 267.510 to 267.650.

(23) A library district organized under ORS 357.216 to 357.286.

(24) A 9-1-1 communications district organized under ORS 403.300 to 403.380.

(25) A heritage district organized under ORS 358.442 to 358.474.

(26) A radio and data district organized under ORS 403.500 to 403.542.

(27) A sand control district organized under ORS 555.500 to 555.535.

(28) A children's special district organized under sections 2 to 8 of this 2016 Act.

SECTION 2. (1) As used in sections 2 to 8 of this 2016 Act, "children's services" means services provided outside of school hours to students in kindergarten through grade 12 and includes, but is not limited to, services related to education, civics, culture, arts and music, physical recreation, health and well-being, technology and the development of skills.

(2) Children's special districts may be formed to provide funding for programs that offer children's services.

(3)(a) ORS 198.705 to 198.955 apply to children's special districts.

(b) Notwithstanding paragraph (a) of this subsection, the petition

1 for formation of a children's special district must be signed by not less
2 than 15 percent of the electors or 100 electors, whichever is greater,
3 registered in the territory subject to the petition.

4 **SECTION 3.** (1)(a) The directors of a children's special district shall
5 be a district board of five members serving four-year terms.

6 (b) A district board member must be an elector residing within the
7 children's special district.

8 (c) The district board members shall be elected as provided in ORS
9 198.815 and this section.

10 (2) Five district board members shall be elected at the election for
11 district formation and shall serve for the following terms:

12 (a) If the effective date of the formation of the district occurs in
13 an odd-numbered year, two district board members shall be elected for
14 four-year terms and the other three district board members shall be
15 elected for two-year terms.

16 (b) If the effective date of the formation of the district occurs in
17 an even-numbered year, two district board members shall be elected
18 for three-year terms and the other three district board members shall
19 be elected for one-year terms.

20 (3) Each district board member shall hold office until election and
21 qualification of a successor.

22 **SECTION 4.** (1) The district board shall be the governing body of a
23 children's special district and shall exercise all powers of the district.

24 (2) At the first meeting of the district board, or as soon as practi-
25 cable, the board shall choose one of the members of the board as
26 president.

27 **SECTION 5.** A children's special district has the power:

28 (1) To have and use a common seal.

29 (2) To sue and be sued in the name of the district.

30 (3) To make and accept any and all contracts, deeds, leases, releases
31 and documents of any kind that, in the judgment of the district board,

1 are necessary and proper to the exercise of any power of the district,
2 and to direct the payment of all lawful claims or demands.

3 (4) To assess, levy and collect taxes to pay the cost of children's
4 services within the boundaries of the district, any lawful claims
5 against the district and the operating expenses of the district.

6 (5) To employ all necessary agents and assistants.

7 (6) To select the children's services programs that, after a compet-
8 itive process conducted by the district, are to receive funding from the
9 district.

10 (7) To call elections for the district after the formation of the dis-
11 trict.

12 (8) To enlarge the boundaries of the district as provided by ORS
13 198.705 to 198.955.

14 (9) Generally to do and perform any and all acts necessary and
15 proper to the complete exercise and effect of any of the powers of the
16 district or the purposes for which the district was formed.

17 SECTION 6. (1) The district board of a children's special district
18 may call upon the county attorney or the district attorney of the
19 county in which the district is located for advice as to any district
20 business. The county attorney or the district attorney shall give advice
21 when called on for advice by the district board.

22 (2) The district board may at any time employ special counsel for
23 any purpose.

24 SECTION 7. Each year, the district board of a children's special
25 district shall determine and fix the amount of moneys to be levied and
26 raised by taxation for the purposes of the district.

27 SECTION 8. (1) Moneys received by a children's special district shall
28 be deposited with the county treasurer of the county.

29 (2) The county treasurer shall place and keep in a fund called the
30 operation fund of the children's special district (naming it) the moneys
31 levied or otherwise received by the district board for that fund.

1 **(3)(a) The county treasurer shall pay out moneys from a fund only**
2 **upon the written order of the district board of the children's special**
3 **district to which the fund belongs, signed by the president and**
4 **countersigned by the secretary of the district board. The order shall**
5 **specify the name of the person to whom the moneys are to be paid and**
6 **the fund from which the moneys are to be paid, and shall state gen-**
7 **erally the purpose for which the payment is made. The order shall be**
8 **entered in the minutes of the district board.**

9 **(b) The county treasurer shall keep each order required under par-**
10 **agraph (a) of this subsection as a voucher, and shall keep a specific**
11 **account of the county treasurer's receipts and disbursements of money**
12 **for each children's special district.**

13 **(4) Expenses for administering the fund of a children's special dis-**
14 **trict, including the employment of agents and assistants, may not ex-**
15 **ceed five percent of the taxes collected by the district.**