Chapter 268

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Metropolitan Service Districts

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GENERAL PROVISIONS

268.010 Short title. This chapter may be referred to as the Metropolitan Service District Act of 1997. [1969 c.700 §1; 1997 c.833 §3]

268.015 [1977 c.665 §1; repealed by 1997 c.833 §27]

268.020 Definitions. As used in this chapter:

(1) "District" means a metropolitan service district established under this chapter.

(2) "District charter" means a home rule charter enacted by the electors of a district under section 14, Article XI, Oregon Constitution.

(3) "Metropolitan area" means that area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties.

(4) "Improvement" means the facilities and other property constructed, erected or acquired by and to be used in the performance of services authorized to be performed by a district.

(5) "Metropolitan significance" means having major or significant district-wide impact.

(6) "Person" means a public body as defined in ORS 174.109, individual, corporation, partnership, association, firm, trust, estate or any other legal entity.

(7) "Regional framework plan" means the Metro regional framework plan defined in ORS 197.015 and any district ordinances that implement the plan. [1969 c.700 §2; 1977 c.665 §2; 1979 c.531 §3; 1987 c.349 §1; 1997 c.833 §4; 2003 c.802 §97]

268.030 Purpose of chapter; limitation on number of districts; purpose of districts. (1) This chapter is enacted in order to provide a method of making available in metropolitan areas public services not adequately available through previously authorized governmental agencies.

(2) To this end not more than one district may be established under this chapter in any metropolitan area.

(3) Subject to the provisions of a district charter, a district, where formed, shall provide for those aspects of land use planning having metropolitan significance. [1969 c.700 §3; 1975 c.510 §1; 1977 c.95 §16; 1977 c.665 §3; 1977 c.782 §3; 1997 c.833 §5]

268.040 Exemption from public utility regulation. Transportation facilities operated by a district, including the rates and charges made by the district and the equipment operated by the district, and transportation facilities operated for a district by a private operator pursuant to a contract between the operator and the district, including the rates and charges made by the operator pursuant to the contract, and the equipment operated pursuant to the contract, shall not be subject to the laws of this state regulating public utilities, including those laws administered by the Public Utility Commission of Oregon. [1969 c.700 §31]

268.050 [1969 c.700 §28; 1981 c.173 §40; 1983 c.350 §129; 1989 c.328 §2; repealed by 1997 c.833 §27]

268.060 Costs of elections. (1) The cost of elections to nominate or elect elected officials of the district shall be paid by the district.

(2) When a district election is held on a district measure, the election shall be conducted under ORS chapter 255. [1977 c.665 §6a (enacted in lieu of 268.200); 1997 c.833 §6]

268.070 [1989 c.321 §7; repealed by 1997 c.833 §27]

268.100 [1969 c.700 §4; 1971 c.727 §97; repealed by 1997 c.833 §27]

268.110 [1969 c.700 §5(1), (2); repealed by 1971 c.727 §203]

268.115 [1969 c.700 §5(3), (4); repealed by 1971 c.727 §191]

268.120 [1969 c.700 §6; 1971 c.727 §99; repealed by 1997 c.833 §27]

268.125 [1977 c.665 §14; repealed by 1991 c.15 §8]

268.130 [1969 c.700 §7; repealed by 1971 c.727 §191]

268.150 [1977 c.665 §5 (enacted in lieu of 268.200); 1979 c.804 §7; 1981 c.353 §3a; 1981 c.375 §3; 1983 c.350 §130; 1985 c.808 §78; 1989 c.10 §1; 1989 c.321 §1; 1995 c.712 §101; repealed by 1997 c.833 §27]

268.160 [1977 c.665 §6 (enacted in lieu of 268.200); 1979 c.804 §8; repealed by 1997 c.833 §27]

268.170 [1977 c.665 §20; repealed by 1997 c.833 §27]

268.180 [1977 c.665 §7 (enacted in lieu of 268.200); 1979 c.804 §9; 1981 c.375 §4; 1983 c.350 §131; 1987 c.349 §2; 1995 c.658 §100; repealed by 1997 c.833 §27]

268.190 [1977 c.665 §8 (enacted in lieu of 268.200); 1987 c.349 §5; repealed by 1997 c.833 §27]

268.200 [1969 c.700 §9; repealed by 1977 c.665 §4 (268.060, 268.150, 268.160, 268.180, 268.190 and 268.312 enacted in lieu of 268.200)]

268.210 [1969 c.700 §27; 1987 c.349 §6; repealed by 1997 c.833 §27]

268.215 [1987 c.349 §4; repealed by 1997 c.833 §27]

EMPLOYEE RIGHTS AND BENEFITS

268.220 Employees' rights when district assumes a function of another public corporation, city or county. Except as otherwise provided by ORS 268.230, a district shall offer to employ every person who, on the date the district takes over a function of a public corporation, city or county in the district, is employed by the corporation, city or county to carry on the function. Where the district employs such a person, the employee shall remain an employee of the corporation, city or county for purposes of any pension or retirement plan the employee has been included in by the corporation, city or county and shall continue to have rights and benefits thereunder as if the person had remained an employee of the corporation, city or county, until the district provides a simi-

lar plan for its employees and the employee is included in the plan. Until the employee is so included, the district shall deduct from the compensation of the employee the amount the employee is required to pay under the plan of the corporation, city or county; shall pay that amount to the corporation, city or county, which shall credit the amount to the employee under the plan; and shall make whatever payments the plan calls for the employer to make. [1969 c.700 §30]

268.225 [1979 c.804 §2; repealed by 1997 c.833 §27]

268.230 District to protect employees' rights when an operating public transportation system is acquired. When the district acquires an operating public transportation system, it shall make fair and equitable arrangements to protect the interests of employees and retired employees of the system. Such protective arrangements shall include, but shall not be limited to:

(1) Preservation of rights, privileges and benefits, including continuation of pension rights and payment of benefits, existing under collective bargaining agreements, or otherwise;

(2) Continuation of collective bargaining rights;

(3) Protection of individual employees against a worsening of their positions with respect to their employment; and

(4) Assurance of employment to persons employed by the mass transportation system acquired and priority of reemployment to persons previously employed. [1969 c.700 §29a]

268.240 PERS membership for specified classes of district employees; conditions. (1) A district that is not participating in the Public Employees Retirement System may, by application to the board, include any class of employees of the district in the system established by ORS chapters 238 and 238A without entering into a contract of integration with the board under ORS 238.680.

(2) The board shall consider an application received under this section to be an application to become a participating employer under ORS chapters 238 and 238A but only to the extent of providing membership for the class of employees described in the application.

(3) The board, upon such terms as are set forth in a contract between the board and the employer, shall allow every employee in the specified class to become members of the Public Employees Retirement System in accordance with ORS chapters 238 and 238A.

(4) When a district enters into a contract with the board under subsection (3) of this section, the district shall agree to eventually extend coverage under ORS chapters 238 and 238A to all eligible district employees through successive contracts with the board.

(5) All employees who have completed the period of service with the public employer that is required under ORS 238.015, 238A.100 or 238A.300 shall become members of the system on a date specified by the board. All other employees in the described class shall become members upon completion of the required period of service.

(6) As used in this section, "board" means the Public Employees Retirement Board established under ORS 238.630. [1989 c.879 §2; 2003 c.733 §72]

POWERS

268.300 Existence, status and general powers of district. (1) A metropolitan service district has full power to carry out the objectives of its formation and the functions authorized pursuant to its charter and to that end may have and use a seal, have perpetual succession, sue and be sued in its own name, and enter into contracts.

(2) For purposes of its authorized functions, a district may enter into intergovernmental agreements under ORS chapter 190. [1969 c.700 §§8,26; 1977 c.95 §1; 1997 c.833 §7; 2003 c.802 §98]

268.310 Powers of district. Subject to the provisions of a district charter, a district may, to carry out the purposes of this chapter:

(1) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.385, 459.992 (1) and (2) and 466.995 (1), dispose, and provide facilities for disposal, of solid and liquid wastes.

(2) Provide public transportation and terminal facilities for public transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

(3) Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

(4) Acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities. However, unless the electors of the district first approve the financing of the facilities, the district shall not:

(a) Construct new facilities; or

(b) Except for facilities acquired by means of an intergovernmental agreement, acquire existing facilities.

(5) Acquire, develop, maintain and operate a system of parks, open space and recreational facilities of metropolitan significance.

(6) Exercise jurisdiction over other matters of metropolitan concern as authorized by a district charter. [1969 c.700 §10; 1971 c.648 §22; 1975 c.510 §2; 1977 c.95 §17; 1977 c.665 §10; 1977 c.782 §5; 1979 c.804 §4; 1987 c.844 §1; 1997 c.833 §8]

268.312 [1977 c.665 §10a (enacted in lieu of 268.200); 1977 c.782 §6; 1985 c.204 §1; repealed by 1997 c.833 §27]

268.315 Authority of district to levy ad valorem tax. For the purpose of performing the functions set forth in ORS 268.310 (3), the district, when authorized at any properly called election held for such purpose, shall have the power to levy an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half of one percent (0.005) of the real market value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. [1975 c.510 §3; 1991 c.459 §368; 1997 c.833 §9]

Note: 268.315 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.317 Solid and liquid waste disposal powers. For purposes of solid and liquid waste disposal, a district may:

(1) Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the district's facilities.

(3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

(4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

(5) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the district. Licenses or franchises granted by the district may be exclusive. Existing landfills authorized to accept food wastes which, on March 1, 1979, are either franchised by a county or owned by a city are exempt from the district's franchising and rate regulation.

(6) Prescribe a procedure for the issuance, administration, renewal or denial of contracts, licenses or franchises granted under subsection (5) of this section.

(7) Regulate the service or services provided by contract, license or franchise and order modifications, additions or extensions to the equipment, facilities, plan or services as shall be in the public interest.

(8) Receive, accept, process, recycle, reuse and transport solid and liquid wastes. [1977 c.95 §3; 1979 c.531 §4]

268.318 District approval required for disposal, transfer or resource recovery site or facility; criteria. (1) No public or private disposal, transfer or resource recovery site or facility in the district shall be established, modified or extended without the prior approval of the district. The district may deny an application for the establishment, modification or extension of a site or facility if pursuant to its solid waste management plan the district has either:

(a) Entered into contracts obligating the district to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that those sites or facilities will operate economically and generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of those sites or facilities; or

(b) Adopted a franchise system for the disposal of solid or liquid wastes.

(2) In considering an application for the establishment, modification or extension of a site or facility, the district may take into account the location and number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the district's solid waste management plan and whether the applicant has complied with all other applicable regulatory requirements. [1979 c.531 §2; 1997 c.833 §24]

268.319 Reuse and recycling of electronic products. Any metropolitan service district serving a population of more than 500,000 persons shall develop and implement a program pertaining to electronic product reuse and recycling. Under the program, the metropolitan service district shall prepare

educational materials relating to the collection, recycling and reuse of used consumer electronic products and develop and implement an outreach and education program. [2003 c.706 §4]

Note: 268.319 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.320 Elector approval of district actions; assumption of local aspects of functions. (1) Subject to the provisions of a district charter, the electors of a district may, from time to time, and in exercise of their power of the initiative, or by approving a proposition referred to them by the governing body of the district, authorize the district to assume additional functions.

(2) When authorized to implement the results of a study of a boundary commission formed within the metropolitan area under ORS 199.410 to 199.519, a district may, subject to the provisions of ORS 268.351 and 268.354, adopt an ordinance exercising jurisdiction over a boundary change, as defined in ORS 268.351, otherwise authorized under ORS chapters 198, 221 and 222. [1969 c.700 §11; 1977 c.95 §18; 1977 c.665 §11; 1997 c.516 §7; 1997 c.833 §10; 2005 c.22 §192]

268.330 Powers when providing local aspects of service; powers for public transportation; tax refunds. Subject to the provisions of a district charter:

(1) A district, to provide a local aspect of a public service, may take over facilities and functions of another public corporation, city or county, and may exercise powers of the corporation, city or county, in accordance with the agreement by which the district assumes the functions of the other corporation, city or county.

(2) For purposes of public transportation, a district may:

(a) Contract with the United States or with any county, city or state, or any of their departments or agencies, for the construction, preservation, improvement, operation or maintenance of any mass transit system.

(b) Build, construct, purchase, improve, operate and maintain, subject to other applicable provisions of law, all improvements, facilities or equipment necessary or desirable for the mass transit system of the district.

(c) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.

(d) Fix and collect charges for the use of the transit system and other district facilities.

(e) Construct, acquire, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with the mass transit system within or outside the district.

(f) Use a public thoroughfare in a manner mutually agreed to by the governing bodies of the district and of the thoroughfare or, if they cannot so agree upon how the district may use the thoroughfare, in a manner determined by an arbitrator appointed by the Governor.

(g) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by this chapter.

(3) A district shall be entitled to tax refunds under ORS 319.831, as if the district were a city. [1969 c.700 §12; 1979 c.344 §3; 1983 c.740 §69; 1997 c.833 §11]

268.335 [1977 c.665 §21; repealed by 1997 c.833 §27]

268.340 Acquisition of property; condemnation procedure; authority to lease and dispose of property; right of entry to survey lands. (1) To the extent necessary to provide a metropolitan aspect of a public service, a district may acquire by purchase, condemnation, devise, gift or grant real and personal property or any interest therein within and without the district, including property of other public corporations. In so doing the district may proceed under ORS chapter 35.

(2) A district may lease and dispose of property in accordance with ORS 271.300 to 271.360.

(3) For purposes of surveys necessary for its proper functioning, a district may enter upon land, after giving the owner thereof reasonable advance notice of the entry. [1969 c.700 §§13,14,15; 1979 c.804 §5; 1985 c.443 §3]

268.342 [1977 c.665 §23; repealed by 1997 c.833 §27]

268.343 Validation of certain easements acquired by district. Conservation easements and highway scenic preservation easements acquired by a metropolitan service district prior to May 28, 1999, are validated. [1999 c.208 §5]

Note: 268.343 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.345 Limitation on condemnation power for certain facilities. Notwithstanding any power of condemnation, the district shall not acquire existent major cultural, convention, exhibition, sports or entertainment facilities owned by a public or municipal corporation without the consent of the governing body of that corporation. [1977 c.782 §2]

268.347 Boundary change within district and certain urban reserves; jurisdiction; filing boundary change with county assessor and Department of Revenue. (1) Notwithstanding ORS chapters 198, 221 and 222, a metropolitan service district may exercise jurisdiction over boundary changes under ORS 268.351 and 268.354 within the boundaries of the district and within all territory designated as urban reserves by the district in an ordinance adopted by the district council prior to June 30, 1997.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [1997 c.516 §13; 2001 c.138 §14; 2005 c.22 §193]

268.350 [1969 c.700 §23; repealed by 1997 c.833 §27]

268.351 Definitions for ORS 268.354. As used in ORS 268.354, unless the context requires otherwise:

(1) "Boundary change" means a major boundary change or a minor boundary change, as those terms are defined in ORS 199.415.

(2) "Contested case" means a boundary change decision that is contested or otherwise challenged by a city, county or special district. [1997 c.516 §9; 2005 c.22 §194]

268.354 Boundary change procedures; standards; appeals. (1) In addition to the requirements established by ORS chapters 198, 221 and 222 for boundary changes, boundary changes within a metropolitan service district are subject to the requirements established by the district. The requirements established by a metropolitan service district shall be developed in consultation with the Metro Policy Advisory Committee and the district council. The requirements established by a district shall include the following:

(a) Boundary changes shall be subject to a uniform hearing and notification process adopted by the district.

(b) The district shall establish an expedited process for uncontested boundary changes.

(c) Contested cases shall be subject to appeal to a three-person commission established by the district with further appeals as provided by law. The district council shall appoint the members of the commission from a list of nominees provided by Clackamas, Multnomah and Washington Counties, with one member appointed from the nominees provided by each county.

(d) All boundary change decisions shall be subject to clear and objective criteria established by the district including, but not limited to, compliance with the adopted regional urban growth goals and objectives, functional plans, cooperative and urban service agreements adopted pursuant to ORS chapter 195 and the regional framework plan of the district.

(2) Except for contested cases, the role of a metropolitan service district in the boundary determination process shall be ministerial only.

(3) Except as provided in this section and ORS 268.351, within the area in which the metropolitan service district may exercise jurisdiction over boundary changes:

(a) Proceedings for annexation of territory to a city and for all other changes in city boundaries shall be conducted as provided in ORS chapter 222;

(b) Proceedings for annexation of territory to a district, including the metropolitan service district, and for all other changes in district boundaries, including the boundaries of a metropolitan service district, shall be conducted as provided in ORS chapter 198; and

(c) Notwithstanding any provision of ORS chapter 198, the metropolitan service district shall be the governing body responsible for conducting proceedings for minor boundary changes to the metropolitan service district. Proceedings for minor changes to the boundaries of a metropolitan service district shall be conducted as provided in ORS chapter 198. [1997 c.516 §10; 1999 c.282 §1; 2005 c.22 §195]

268.355 [1979 c.804 §3; repealed by 1997 c.833 §27]

268.357 Authority to sell certain information; marketing agreements; confidentiality. Subject to the provisions of a district charter, a district may impose and collect reasonable fees based on market prices or competitive bids for geographic data that have commercial value and are an entire formula, pattern, compilation, program, device, method, technique, process, database or system developed with a significant expenditure of public funds. A district may enter into agreements with private persons or entities to assist with marketing such products. Notwithstanding any other provision of law, district software product programming source codes, object codes and geographic databases or systems are confidential and exempt from public disclosure under ORS 192.502. Nothing in this section authorizes a district to restrict access to public records through inclusion of such records in a geographic database or system. [1989 c.476 §2; 1997 c.833 §12]

268.360 Authority to exercise police power; ordinances; effective dates; enforcement. Subject to the provisions of a district charter:

(1) For purposes of its authorized functions a district may exercise police power and in so doing adopt the ordinances that a majority of the members of its council considers necessary for the proper functioning of the district. All legislative acts shall be by ordinance.

(2) Unless otherwise specified by the district in the ordinance, an ordinance shall become effective on the 90th day after its adoption. If the district refers an ordinance to the electors, the ordinance shall become effective on the 30th day after its approval by a majority of the electors voting on the measure or on a later date specified in the ordinance. If a referendum petition, other than a petition referring an ordinance declaring an emergency, is filed with the filing officer not later than the 90th day after the adoption of the ordinance and before the ordinance takes effect, the effective date of the ordinance shall be suspended. An ordinance referred by a proper referendum petition shall become inoperative and shall not take effect if a majority of the electors voting on the measure reject the ordinance.

(3) In addition to the provisions of ORS 268.990, violation of the district's ordinances may be enjoined by the district in an action in a court of competent jurisdiction.

(4) In addition to any other penalty provided by law, any person who violates any ordinances or order of the district pertaining to one or more of its authorized functions shall incur a civil penalty not to exceed $500 a day for each day of violation.

(5) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record. [1969 c.700 §24; 1977 c.95 §4; 1977 c.665 §12; 1981 c.173 §41; 1981 c.353 §4; 1983 c.350 §132; 1991 c.15 §4; 1991 c.734 §16; 1997 c.833 §13; 2003 c.561 §1]

268.370 Authority to take over transit system of mass transit district; effect of transfer order. Subject to the provisions of a district charter, when a metropolitan service district organized under this chapter functions in a mass transit district organized under ORS 267.010 to 267.390, the governing body of the metropolitan district may at any time order transfer of the transit system of the transit district to the metropolitan district, whereupon:

(1) The governing body of the transit district shall transfer title to, and possession of, the transit system and of all books, records, files, documents, and other property of the district to the metropolitan district.

(2) The metropolitan district shall be responsible for all the liabilities and obligations imposed upon or assumed by the transit district.

(3) For purposes of mass transit the metropolitan district shall have all the rights, powers, privileges, and immunities, and be subject to all the duties and obligations, of a mass transit district under ORS 267.010 to 267.390, insofar as those rights, powers, privileges, immunities, duties, and obligations are consistent with this chapter.

(4) The boundaries of the metropolitan district shall, for purposes of mass transit, be extended to encompass all the territory of the transit district.

(5) The transit district shall be dissolved and the offices of its directors terminated. [1969 c.700 §32; 1997 c.833 §14]

268.380 Land-use planning goals and activities; coordination; review of local plans. (1) A district may:

(a) Adopt land-use planning goals and objectives for the district consistent with goals adopted under ORS chapters 195, 196 and 197;

(b) Review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district and recommend that cities and counties, as the district considers necessary, make changes in any plan to ensure that the plan conforms to the district's metropolitan area goals and objectives and the statewide goals;

(c) Coordinate the land-use planning activities of that portion of the cities and counties within the district; and

(d) Coordinate its activities and the related activities of the cities and counties within the district with the land-use planning development activities of the federal government, other local governmental bodies situated within this state or within any other state and any agency of this state or another state.

(2) When a district is required by a district charter to adopt a regional framework plan, the regional framework plan shall include and be consistent with land use planning goals and objectives adopted by the district. [1977 c.665 §17; 1979 c.804 §11; 1997 c.833 §15; 2001 c.672 §8]

268.385 District as regional planning coordinator. (1) For the purposes of ORS 195.025, the district formed under this chapter shall exercise within the district the review, advisory and coordinative functions

assigned under ORS 195.025 (1) to each county and city that is within the district.

(2) ORS 195.025 (3) and (4) shall not apply to a district formed under this chapter. [1977 c.665 §19]

268.390 Planning for activities and areas with metropolitan impact; review of local plans; urban growth boundary; regional framework plans. (1) A district may define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:

(a) Air quality;

(b) Water quality; and

(c) Transportation.

(2) A district may prepare and adopt functional plans for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the district may identify.

(3) A district shall adopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS chapters 195, 196 and 197.

(4) A district may review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district which affect areas designated by the district under subsection (1) of this section or the urban growth boundary adopted under subsection (3) of this section and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plans adopted under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this section.

(5) Pursuant to a regional framework plan, a district may adopt implementing ordinances that:

(a) Require local comprehensive plans and implementing regulations to comply with the regional framework plan within two years after compliance acknowledgment.

(b) Require adjudication and determination by the district of the consistency of local comprehensive plans with the regional framework plan.

(c) Require each city and county within the jurisdiction of the district and making land use decisions concerning lands within the land use jurisdiction of the district to make those decisions consistent with the regional framework plan. The obligation to apply the regional framework plan to land use decisions shall not begin until one year after the regional framework plan is acknowledged as complying with the statewide planning goals adopted under ORS chapters 195, 196 and 197.

(d) Require changes in local land use standards and procedures if the district determines that changes are necessary to remedy a pattern or practice of decision-making inconsistent with the regional framework plan.

(6) The regional framework plan, ordinances that implement the regional framework plan and any determination by the district of consistency with the regional framework plan are subject to review under ORS 197.274. [1977 c.665 §18; 1979 c.402 §1; 1983 c.827 §53; 1985 c.565 §40; 1997 c.833 §16]

268.393 Land use planning ordinance; notice to local governments and landowners. (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) At least 45 days prior to the final public hearing on a proposed new or amended land use planning ordinance of a metropolitan service district, the district shall cause written notice of the proposed ordinance to be mailed to every owner of real property that will be rezoned as a result of the proposed ordinance.

(3) The notice required in subsection (2) of this section must:

(a) Contain substantially the following language in boldfaced text extending across the top of the face page from the left margin to the right margin:

This is to notify you that the metropolitan service district has proposed a land use planning ordinance that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), the metropolitan service district will hold a public hearing regarding the adoption of ordinance (number). The district has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance (number) is available for inspection at the metropolitan service district offices located at (address). A copy of the ordinance (number) is available for purchase at a cost of $_____.

For additional information, contact the metropolitan service district at (telephone number).

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(4) If real property of an owner will be rezoned as a result of the adoption of the land use planning ordinance and the owner was not notified pursuant to subsection (2) of this section, at least 30 days prior to the effective date of a new or amended land use planning ordinance of a metropolitan service district, the district shall cause written notice of the new or amended ordinance to be mailed to the owner of the real property that will be rezoned.

(5) The notice required in subsection (4) of this section must:

(a) Contain substantially the following language in boldfaced text across the top of the face page extending from the left margin to the right margin:

This is to notify you that the metropolitan service district has adopted a land use planning ordinance that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of ordinance adoption), the metropolitan service district adopted ordinance (number). The district has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance (number) is available for inspection at the metropolitan service district offices located at (address). A copy of the ordinance (number) is available for purchase at a cost of $_____.

For additional information, contact the metropolitan service district at (telephone number).

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(6) For purposes of this section, property is rezoned by a land use planning ordinance adopted by a metropolitan service district if the ordinance directly or indirectly requires a local government to:

(a) Change the base zoning classification of the property; or

(b) Modify land use regulations applicable to the property in a manner that would limit or prohibit land uses previously allowed. [1999 c.1 §7; 2003 c.668 §4a; 2003 c.802 §99]

268.395 [1985 c.785 §2; repealed by 1997 c.516 §15 and 1997 c.833 §27]

268.400 [1985 c.785 §3; repealed by 1997 c.516 §15 and 1997 c.833 §27]

268.460 [1981 c.641 §2; repealed by 1997 c.833 §27]

268.465 [1981 c.641 §3; repealed by 1997 c.833 §27]

268.470 [1981 c.641 §4; repealed by 1997 c.833 §27]

268.475 [1981 c.641 §5; repealed by 1997 c.833 §27]

268.480 [1981 c.641 §6; repealed by 1997 c.833 §27]

268.485 [1981 c.641 §7; repealed by 1997 c.833 §27]

268.490 [1981 c.641 §8; repealed by 1997 c.833 §27]

268.495 [1981 c.353 §2; 1983 c.740 §70; repealed by 1995 c.333 §37]

FINANCES

268.500 Levy, collection, enforcement of ad valorem taxes; limitation; classification of property. (1) A district may levy annually an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half percent (0.005) of the real market value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. The district may also annually assess, levy and collect a special tax upon all such property in an amount sufficient to pay the yearly interest on bonds previously issued by the district and then outstanding, together with any portion of the principal of such bonds maturing within the year. The special tax shall be applied only in payment of the interest and principal of bonds issued by the corporation, but the corporation may apply any funds it may have towards the payment of principal and interest of any such bonds.

(2) Such taxes shall be levied in each year and returned to the county officer whose duty it is to extend the tax levy by the time required by law for city taxes to be levied and returned. All taxes levied by the district shall become payable at the same time and be collected by the same officer who collects county taxes and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district in the same manner as city taxes are extended. Property shall be subject to sale for nonpayment of taxes levied by the corporation in like manner and with like effect as in the case of county and state taxes.

(3) In taxation a district may classify property on the basis of services received

from the district and prescribe different tax rates for the different classes of property. [1969 c.700 §17; 1987 c.816 §1; 1991 c.459 §369; 1993 c.18 §48; 1997 c.833 §25; 1999 c.21 §5]

268.503 Vehicle registration fees. Subject to ORS 801.040 to 801.042, 801.237 and 803.445, for the purpose of providing any service that the district, as defined in ORS 801.237, has power to provide, the district may impose registration fees on vehicles under ORS 803.445. [1989 c.864 §13]

268.505 Income tax; rate limitation; elector approval required. (1) Subject to the provisions of a district charter, to carry out the purposes of this chapter, a district may by ordinance impose a tax:

(a) Upon the entire taxable income of every resident of the district subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316; and

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office within or having income derived from sources within the district which income is subject to tax under ORS chapter 317 or 318.

(2) The rate of the tax imposed by ordinance adopted under authority of subsection (1) of this section shall not exceed one percent. The tax may be imposed and collected as a surtax upon the state income or excise tax.

(3) Any ordinance adopted pursuant to subsection (1) of this section may require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net income to the district in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(4) If a district adopts an ordinance under this section, the ordinance shall be consistent with any state law relating to the same subject, and with rules and regulations of the Department of Revenue prescribed under ORS 305.620.

(5) Any ordinance adopted by the district under subsection (1) of this section shall receive the approval of the electors of the district before taking effect. [1977 c.665 §22; 1997 c.833 §17]

268.507 Excise taxes. Subject to the provisions of a district charter, a district may by ordinance impose excise taxes on any person using the facilities, equipment, systems, functions, services or improvements owned, operated, franchised or provided by the district. [1989 c.332 §§3,4; 1997 c.833 §18]

268.509 [1989 c.332 §2; repealed by 1997 c.833 §27]

268.510 [1969 c.700 §18; repealed by 1981 c.641 §9]

268.512 [1977 c.665 §23a; repealed by 1997 c.833 §27]

268.513 [1977 c.665 §16; 1979 c.804 §10; 1981 c.353 §5; 1985 c.210 §1; 1989 c.327 §2; repealed by 1997 c.833 §27]

268.514 [1989 c.327 §1; repealed by 1997 c.833 §27]

268.515 [Formerly 268.540; repealed by 1997 c.833 §27]

268.517 [1977 c.665 §15; repealed by 1997 c.833 §27]

GENERAL OBLIGATION BONDS

268.520 Authority to issue bonds; limitation; conditions; advertisement and sale. (1) For the purpose of performing any service that the district has power to perform, the district, when authorized at any properly called election held for such purpose, shall have the power to borrow money by the issuance and sale of general obligation bonds. Such bonds shall never exceed in the aggregate 10 percent of the real market value of all taxable property within the district computed in accordance with ORS 308.207. The bonds shall be so conditioned that the district shall promise and agree therein to pay the bearer at a place named therein, the principal sum with interest at a rate named therein payable semiannually in accordance with the tenor and terms of the interest coupons attached. The bonds shall mature serially not to exceed 30 years from the date of issue.

(2) All general obligation bonds shall be advertised for sale and sold in the manner prescribed in ORS 287.014 to 287.022 for the sale of bonds of cities. [1969 c.700 §19; 1977 c.782 §7; 1983 c.347 §21; 1991 c.459 §370]

268.525 Refunding bonds. Refunding bonds of the same character and tenor as those replaced thereby may be issued pursuant to a resolution adopted by the district governing body without submitting to the electors the question of authorizing the issuance of the bonds. [1969 c.700 §19a]

268.530 Bond elections. Elections for the purpose of voting on the question of borrowing funds by issuance and sale of general obligation bonds shall be called by the governing body. [1969 c.700 §20; 1971 c.647 §63a; 1977 c.782 §8]

268.540 [1969 c.700 §§16,21,22; 1977 c.95 §5; renumbered 268.515]

REVENUE BONDS

268.590 Credit enhancement of district bonds and other obligations. (1) As used in ORS 268.600 to 268.660:

(a) "Credit enhancement agreement" means the agreement pursuant to which a credit enhancement device is provided, given or issued.

(b) "Credit enhancement device" means any letter of credit, line of credit, municipal bond insurance or other device given or provided as security for the payment of the principal of, premium, if any, or interest on revenue bonds or bond anticipation notes issued under ORS 268.600 to 268.660 or as security for the payment or performance of any of the district's obligations under or with respect to such revenue bonds or bond anticipation notes.

(c) "Credit enhancement provider" means the person or entity providing or issuing a credit enhancement device.

(2) In connection with the issuance of revenue bonds or bond anticipation notes under ORS 268.600 to 268.660, a district may arrange for a credit enhancement device to be given, issued or provided as security for the payment of the principal of, premium, if any, or interest on such revenue bonds or bond anticipation notes or as security for the payment or performance of the district's obligations under or with respect thereto.

(3) A district may enter into a credit enhancement agreement with a credit enhancement provider setting forth the respective rights, duties and obligations of the district and the credit enhancement provider under or with respect to such credit enhancement device, which agreement may contain such terms, covenants and conditions as shall be approved by the governing body of the district and which are not inconsistent with the provisions of ORS 268.600 to 268.660.

(4) The obligations of the district under or with respect to any credit enhancement device or credit enhancement agreement shall not in any manner or to any extent be general obligations of the district nor a charge upon any other revenues or property of the district not specifically pledged thereto.

(5) In the ordinance authorizing the issuance of revenue bonds or bond anticipation notes under ORS 268.600 to 268.660, the governing body may pledge as security for the payment or performance of the district's obligations under or with respect to the related credit enhancement device or credit enhancement agreement all or any portion of the district's revenues, regardless of the source from which derived, then existing or which thereafter come into existence. In addition, in such ordinance the governing body may pledge or mortgage as security for the payment or performance of its obligations under or with respect to such credit enhancement device or credit enhancement agreement any property of the district. Any such pledge or mortgage of revenues or other property may be on such terms as the governing body shall determine, including but not limited to a pledge or mortgage on a parity basis with the pledge or mortgage of such revenues or other property as security for revenue bonds or bond anticipation notes issued under ORS 268.600 to 268.660 or on a subordinated basis. In the ordinance creating such pledge or mortgage, the district may reserve the right to pledge or mortgage from time to time on a parity or subordinated basis all or any part of such pledged or mortgaged revenues or other property as security for the payment or performance of the district's obligations under or with respect to any one or more series of revenue bonds or bond anticipation notes or credit enhancement device or credit enhancement agreement thereafter issued, given, provided or entered into by the district. [1987 c.623 §7]

268.600 Issuance of revenue bonds; use of proceeds; status of bonds. For the purpose of carrying into effect all or any of the powers granted to metropolitan service districts, a district may from time to time issue and sell revenue bonds without the necessity of the electors of a district authorizing the bonds. Proceeds from the sale of such bonds may be used to cover the costs incurred in issuing such bonds, and preliminary work incident to carrying out such purposes and powers, including but not limited to planning, engineering, inspection, accounting, fiscal, legal and trustee expenses, the costs of issuance of bonds, engraving, printing, advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for such period thereafter as a district may determine, and to establish, maintain or increase any reserves for debt service on the bonds. Such revenue bonds shall not in any manner or to any extent be a general obligation of a district nor a charge upon any other revenues or property of a district not specifically pledged thereto. A district may issue revenue bonds pursuant to ORS 268.600 to 268.660 for the purpose of financing landfills, transfer facilities, resource recovery facilities and other improvements, facilities and equipment necessary or desirable for the solid and liquid waste disposal system of the district regardless of whether such improvements, facilities or equipment are to be owned by the district or any other public or private agency or person and regardless of whether such improve-

ments, facilities or equipment are to be located within or without the district. In connection with the issuance of revenue bonds to finance any such improvements, facilities or equipment which are to be owned by any other public or private agency or person, the district shall enter into a lease-purchase, installment sale or loan agreement with such public or private agency or person providing for lease-purchase, installment sale or loan payments which, together with other revenues pledged for the payment of such revenue bonds as provided in ORS 268.610, shall be sufficient to pay when due the principal of, premium, if any, and interest on such revenue bonds. [1977 c.95 §9; 1987 c.623 §1]

268.610 Ordinance authorizing revenue bonds; content; special trust funds; trustees; enforcement. (1) Revenue bonds issued under ORS 268.600 to 268.660 shall be authorized at a meeting by ordinance of the governing body. The ordinance may provide for the creation of special trust funds and may authorize the appointment of a trustee to administer the funds, and may obligate a district to set aside and pay into a special trust fund for the purpose of securing revenue bonds, all or any portion of its revenues, regardless of the source from which derived, then existing or which thereafter come into existence. The governing body may, in addition thereto, pledge or mortgage for the payment of the principal of and interest on and premium, if any, of any issue of such bonds any property of a district. Notice that action upon the bond ordinance will be taken at the designated meeting of the governing body, shall be given for a period of not less than two consecutive weeks, prior to such meeting, by publication thereof once each week in a newspaper of general circulation, published within the corporate boundaries of the district or, if there be no such newspaper, by posting such notice for a period of not less than two weeks in three public places in the district.

(2) The money in a special trust fund created by an ordinance authorizing an issue of revenue bonds shall be used solely for the purposes provided therefor by the ordinance.

(3) The ordinance may obligate the district, and the district shall have power to fix, levy and collect such rates, rentals, fees and other charges for the use and services of all or any of its facilities, which revenues may be pledged to the payment of the principal of and interest on and premium, if any, of the revenue bonds or any of them and if so pledged shall be sufficient to produce revenues, along with other lawfully available funds, adequate to pay the costs of the operation, maintenance and repair of any or all district properties; to pay or provide for the payment of the principal of and interest on, and premium, if any, of such revenue bonds or any of them, including any reserves for such payment; and to produce such additional amount of revenues therefrom as the district may covenant with the holders of such revenue bonds.

(4) The ordinance may provide that in the event the money in a special trust fund is insufficient to pay the revenue bonds to be paid out of the fund, such revenue bonds shall be payable out of any part or all of other nonpledged revenues of the district. Whenever all bonds and expenses thereof have been paid so that no charge remains upon such special fund, the governing body may, by ordinance, transfer any balance remaining in such fund to its general fund, discharge the trustee, if any, and dissolve the special fund. Any trustee authorized to administer the fund may, subject to approval of the governing body, invest and reinvest moneys in the special fund in any security or securities in which the State of Oregon may by law invest.

(5) If the governing body fails to set aside and pay revenues into a special trust fund as required by the ordinance authorizing the issuance and sale of the bonds secured by the fund, a holder of any of such bonds may bring suit against the district to compel compliance with the provisions of the ordinance in the circuit court of the county in which the district has its principal office.

(6) In the ordinance authorizing the issuance of revenue bonds under ORS 268.600 to 268.660 and pledging all or any portion of the district's revenues to the payment of such revenue bonds:

(a) The district may reserve the right to pledge from time to time on a parity basis all or any part of such pledged revenues as security for any one or more series of revenue bonds thereafter issued by the district, and in the event the right so reserved by the district is exercised all revenue bonds secured by such pledged revenues shall be equally and ratably secured thereby without preference or priority of any kind of any bond or series of bonds secured thereby over any other bond or series of bonds secured thereby; and

(b) The district may reserve the right to pledge from time to time on a subordinated basis all or any part of such pledged revenues as security for any one or more series of revenue bonds thereafter issued by the district.

(7) Any pledge of revenues by a district made pursuant to this section or ORS 268.590 shall be valid, binding and fully perfected from and after the date of issuance of the revenue bonds secured thereby and the re-

venues pledged shall be immediately subject to the lien of such pledge without the physical delivery thereof, the filing of any notice or any further act. The lien of any such pledge shall be valid, binding and fully perfected against all persons having claims of any kind against the district whether in tort, contract or otherwise, irrespective of whether such persons have notice thereof. [1977 c.95 §10; 1987 c.623 §2]

268.620 Form and content of bonds; redemption. The revenue bonds issued and sold under ORS 268.600 to 268.660:

(1) Shall be deemed to be for all purposes negotiable instruments, subject only to the provisions of the bonds for registration, and need not comply with requirements of the Uniform Commercial Code.

(2) May be issued in one or more series, bear such date or dates, mature at such times and in such amounts, be in such denomination or denominations, be payable at a designated place or places within or without the State of Oregon or at the fiscal agency of the State of Oregon, be equally and ratably secured without priority or be entitled or subject to such priorities on all or any portion of the revenues of the district and, notwithstanding any other provision of law to the contrary, bear such rate or rates of interest, including a variable rate of interest to be determined at such times, in such manner and by such agent appointed for such purpose or according to such formula as the governing body may determine, and contain such other terms, conditions and covenants, all as the governing body may determine.

(3) Shall contain a recital that principal of and interest on and premium, if any, on the revenue bonds are payable solely out of revenues and property of the district pledged to the payment thereof by the ordinance of the governing body authorizing the issue of which the bonds are a part.

(4) May be in coupon form with or without privilege of registration or may be in registered form, or both, with the privilege of converting and reconverting from one form to another.

(5) May contain covenants of the district to protect and safeguard the security and rights of holders of any such bonds and such other terms and conditions, in conforming with ORS 268.600 to 268.660 which the governing body in its discretion determines are necessary or desirable to protect the district or increase the marketability of the bonds. ORS 268.600 to 268.660 and any such ordinance which constitutes a contract with the holders of the bonds and the provisions thereof shall be enforceable by any holder or any number of holders of the bonds, as the governing body may determine.

(6) Shall be in the form prescribed by the governing body and the bonds and the coupons, if any, attached to the bonds shall be signed by the presiding officer of the governing body and by the executive officer of the district, either manually or by means of their printed, engraved or lithographed signature, with the seal of the district or a facsimile thereof printed, engraved or lithographed thereon or affixed thereto. However, in the event the bonds are to be signed by means of the printed, engraved or lithographed facsimile signatures of both the presiding officer of the governing body and the executive officer of the district, the ordinance authorizing the issuance of such bonds shall provide that no bond shall be valid or obligatory for any purpose or be entitled to the benefits of or security provided by the ordinance unless and until such bond has been authenticated by means of the manual signature of a duly authorized officer of the bond trustee, paying agent, registrar or other agent appointed for such purpose. Pending the preparation and delivery of definitive bonds, a district may issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. Such interim certificates or temporary bonds may contain such terms and conditions as the governing body may determine.

(7) May be issued with the right reserved to the governing body to redeem the bonds at par or at par plus a premium, in such order, and at such time or times prior to the final maturity date or dates of the bonds, as the ordinance may provide or as otherwise determined by the governing body. Notice of redemption shall be given in the manner specified in the bonds, as provided in ORS 288.520. Newspaper publication of notice of redemption is not required for bonds that are in registered form. [1977 c.95 §11; 1987 c.623 §3; 1997 c.171 §6]

268.630 Borrowing in anticipation of bond sale; bond anticipation notes; content; sale of notes. (1) A district shall have the power, at any time and from time to time after the issuance of bonds under ORS 268.600 to 268.660 have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and within the authorized maximum amount of such bond issue.

(2) Bond anticipation notes shall be issued for all moneys so borrowed under the provisions of this section. Such notes may be issued for a period not to exceed three years and may be renewed or refunded from time

to time for periods of not exceeding three years, but each such note, including renewals, shall mature and be paid not later than the fifth anniversary of the date the original note was issued. Such notes shall be authorized by ordinance of the governing body and shall be in such denomination or denominations, shall bear interest at such rate or rates approved by the governing body, shall be in such form and shall be executed in such manner, all as the governing body shall prescribe. Such notes may be sold at public or private sale in the manner and at such price or prices as the governing body shall determine, provided that if such notes be renewal notes, they may be exchanged for notes then outstanding on such terms as the governing body shall determine. [1977 c.95 §12; 1987 c.623 §4]

268.640 Sale of revenue bonds. The governing body may from time to time sell revenue bonds authorized to be issued and sold pursuant to ORS 268.600 to 268.660 at public or private sale, in the manner and at such price or prices as it shall determine. [1977 c.95 §13]

268.650 Bonds as obligation of a political subdivision. Revenue bonds, including refunding revenue bonds and bond anticipation notes issued under ORS 268.600 to 268.660, shall be considered to be bonds or obligations of a political subdivision of the State of Oregon for the purposes of all laws of the state. [1977 c.95 §14; 1987 c.623 §5]

268.660 Effect of ORS 268.600 to 268.660. ORS 268.600 to 268.660 are additional, alternative and supplemental authority for a district and shall not abrogate any power, right or authority otherwise granted by law to a district. [1977 c.95 §15]

268.700 [1969 c.700 §29; repealed by 1971 c.727 §203]

DISTRICT CHARTER

268.710 Electors of county may adopt, amend, revise or repeal district charter; limitation on certain actions. (1) The electors of any metropolitan service district, by majority vote of such electors voting thereon at any legally called election, may adopt, amend, revise or repeal a charter for the district. The charter, or legislation passed by the district pursuant thereto, shall provide a method whereby the electors of the district, by majority vote of such electors voting thereon at any legally called election, may amend, revise or repeal the charter.

(2) Provisions of a district charter and district legislation that relate to the amendment, revision or repeal of a district charter are matters of metropolitan concern and shall prevail over conflicting provisions of state law that are first effective after January 1, 1999, unless such law specifically provides otherwise. After January 1, 1997, no person may commence or maintain an action to challenge the validity of a district charter existing and effective on January 1, 1997, on the basis of inconsistency or conflict between the district charter and ORS 268.030, 268.300, 268.310, 268.317, 268.318, 268.320, 268.330, 268.340, 268.345, 268.357, 268.360, 268.370, 268.500, 268.505, 268.507, 268.520, 268.525, 268.530, 268.590, 268.600 to 268.660 and 268.990. To the extent that provisions of a district charter limit the exercise of a power granted by the statutes listed in this subsection, the provisions of the district charter shall be given full force and effect. In addition to any authority expressly granted to a metropolitan service district by the Legislative Assembly, a district charter is an independent grant of authority by the affected electorate pursuant to section 1 (5), Article IV and section 2, Article XI of the Oregon Constitution.

(3) A charter of a metropolitan service district shall prescribe the organization of the district government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the powers and perform all the duties, as granted to, imposed upon or distributed among district officers by the Constitution or laws of this state, by the district charter or by its authority.

(4) Any reference to the executive officer of a metropolitan service district in statutes of this state relating to elections or government ethics shall be construed to include any district officer who serves in an elective office and performs executive functions. Any reference in a district charter to a district court judge may be construed as referring to a judge of the circuit court.

(5) As used in this section, "legally called election" means an election held on the same date as a primary election or general election held throughout this state.

(6) Consistent with ORS 197.013, the land use planning authority granted to a district under ORS chapter 268 is a matter of statewide concern. Provisions of a district charter and implementing ordinances adopted and effective on January 1, 1997, that establish procedural requirements relating to the exercise of land use planning authority of the district, including but not limited to requirements for local government advisory committees, are supplementary to ORS 268.380, 268.385, 268.390 and ORS chapter 197. After January 1, 1997, no person may commence or maintain an action to challenge the validity of such district charter provisions or im-

plementing ordinances on the basis of inconsistency or conflict with the procedural requirements of ORS 268.380, 268.385 or 268.390 or the procedural requirements of ORS chapter 197 existing on January 1, 1997.

(7) If a district charter is repealed, the provisions of the charter providing for district officers, their powers and duties and the election of such officers shall continue in effect until the Legislative Assembly provides by law for the restructuring or dissolution of the district. [1991 c.72 §1; 1995 c.712 §102; 1997 c.833 §19]

Note: 268.710 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.715 [1991 c.72 §2; repealed by 1997 c.833 §27]

268.720 [1991 c.72 §3; repealed by 1997 c.833 §27]

268.725 [1991 c.72 §4; repealed by 1997 c.833 §27]

268.730 [1991 c.72 §5; repealed by 1997 c.833 §27]

268.735 [1991 c.72 §8; repealed by 1997 c.833 §27]

268.740 [1991 c.72 §7; repealed by 1997 c.833 §27]

PENALTIES

268.990 Penalties; jurisdiction. (1) Violation of any ordinance, rule or regulation adopted by a district shall be punishable by a fine of not more than $500 or by imprisonment in a county jail for not more than 30 days or by both.

(2) Any penalty for such a violation may be imposed or enforced by the district in the circuit court of the state for the county where the violation takes place. [1969 c.700 §25]

CHAPTER 269

[Reserved for expansion]