

Chapter 198

Special Districts Generally

198.120

ATTY. GEN. OPINIONS: Contract between domestic water supply district and member of district board, 1958-60, p 54; authority of district attorney to prosecute persons violating irrigation district law, 1964-66, p 418; eligibility of a person who has an interest in an insurance contract with a hospital district to become a director, 1966-68, p 185.

198.430

ATTY. GEN. OPINIONS: Commencement of constitutional 20-day period for ordering a recall election, 1966-68, p 228.

198.720

NOTES OF DECISIONS

1. Under former similar statute

An owner of land already supplied with water would not be heard to complain of its inclusion in a domestic water supply district, if he failed to file any proper objection with the county court before it announced that the district had been formed. *Smith v. Hurlburt*, (1923) 108 Or 690, 217 P 1093.

The former statute was intended to exclude areas that would not benefit from inclusion within the domestic water supply district. *Hamilton v. Rudeen*, (1924) 112 Or 268, 224 P 92.

A statute which would compel land owners already having an adequate water supply of their own to become part of a district would be clearly violative of the due process clause of the United States Constitution. *Id.*

ATTY. GEN. OPINIONS: Assets and liabilities following merger of rural fire protection districts, 1948-50, p 174; special road district in an uninhabited area, 1960-62, p 332.

198.750

NOTES OF DECISIONS

Description in petition and notice of election, following the exterior boundaries of the proposed district, was sufficiently definite and certain. *Hamilton v. Rudeen*, (1924) 112 Or 268, 224 P 92.

198.775

ATTY. GEN. OPINIONS: Procedure by county clerk when expenses exceed the deposit for an election to form a rural fire protection district, 1952-54, p 250.

198.785

CASE CITATIONS: *Smith v. Hurlburt*, (1923) 108 Or 690, 217 P 1093; *Hamilton v. Rudeen*, (1924) 112 Or 268, 224 P 92; *In re Rockaway Water Dist.*, (1936) 153 Or 382, 55 P2d 1107; *State v. Port of Cascade Locks*, (1942) 169 Or 197, 127 P2d 351.

198.800 to 198.845

NOTES OF DECISIONS

Under former similar statute it was immaterial who posted the notices if they emanated from the proper authority. *State v. Sengstacken*, (1912) 61 Or 455, 122 P 292, *Ann Cas* 1914B, 230; *State v. Johnson*, (1915) 76 Or 85, 144 P 1148, 147 P 926.

Under former similar statute an order calling an election was subject to review, if it was made without jurisdiction. *Priest v. James*, (1928) 125 Or 72, 265 P 1092.

198.800

ATTY. GEN. OPINIONS: Effect of defective boundary description upon organization of rural fire protection district, 1948-50, p 193; effect of 13-day notice on the validity of a rural fire protection district, 1954-56, p 60; duty to publish facsimile ballot prior to rural fire protection district formation election, 1966-68, p 35; hearing requirements on domestic water supply district consent annexation, (1968) Vol 34, p 387.

198.805

ATTY. GEN. OPINIONS: Reorganization of a rural fire protection district by readvertising the petition, 1948-50, p 193; duty to publish facsimile ballot prior to rural fire protection district election, 1966-68, p 35; hearing requirements on domestic water supply district consent annexation, (1968) Vol 34, p 387.

198.815

ATTY. GEN. OPINIONS: Date for first publication of order calling a sanitary district formation election, 1966-68, p 139; effect of subdistricting on election of board members, (1968) Vol 34, p 263.

198.820

NOTES OF DECISIONS

1. Under former similar statute

Making and entry of the finding of legal incorporation was a final adjudication of the existence of all facts necessary to the formation of a valid port. *State v. Port of Bay City*, (1913) 64 Or 139, 129 P 496; *Southern Ore. Co. v. Port of Bandon*, (1919) 91 Or 308, 178 P 215; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

The proclamation of incorporation was *res judicata*. *State v. Port of Bay City*, (1913) 64 Or 139, 129 P 496; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

Delegation to the county court of the power to declare a port incorporated as a municipal corporation was not beyond the power of the Legislature. *Straw v. Harris*, (1909) 54 Or 424, 103 P 777.

The court's proclamation of the result of the formation election was not subject to collateral attack. *Bennett Trust Co. v. Sengstacken*, (1911) 58 Or 333, 113 P 863.

The validity of an attempted reorganization of a port could be tested by the statutory proceeding in the nature of quo warranto. *State v. Port of Tillamook*, (1912) 62 Or 332, 124 P 637, Ann Cas 1914C, 483.

ATTY. GEN. OPINIONS: Eligibility of a person who has an interest in an insurance contract with a hospital district to become a director, 1966-68, p 185.

198.825

ATTY. GEN. OPINIONS: Election of board when rural fire protection district organized without directors, 1952-54, p 249.

198.850 to 198.865

NOTES OF DECISIONS

1. Under former similar statute

Annexation of territory was not a local or special matter within the meaning of the constitution, and proceedings therefor could not be maintained in the absence of statutory authorization. *State v. Port of Tillamook*, (1912) 62 Or 332, 124 P 637, Ann Cas 1914C, 483.

Annexation proceedings initiated prior to the enactment of an enabling statute were a nullity. *Id.*

The question had to be submitted in such manner that the inhabitants of the territory proposed to be annexed could vote separately from the inhabitants of the port. *Id.*

There could be no annexation of additional territory without the consent of a majority of the inhabitants thereof. *Id.*

FURTHER CITATIONS: *Priest v. James*, (1928) 125 Or 72, 265 P 1092.

198.850

ATTY. GEN. OPINIONS: Assets and liabilities following merger of rural fire protection districts, 1948-50, p 174; "contiguous territory" as connoting compactness, 1948-50, p 328; determining elector's right to vote in district, 1954-56, p 155; number of signatures required on petition, 1956-58, p 228; defining "contiguous territory," 1960-62, p 372.

198.855

ATTY. GEN. OPINIONS: Hearing requirements on consent annexation, (1968) Vol 34, p 387.

198.865

LAW REVIEW CITATIONS: 45 OLR 281; 4 WLJ 482.

198.870

CASE CITATIONS: *Priest v. James*, (1928) 125 Or 72, 265 P 1092.

ATTY. GEN. OPINIONS: "Contiguous territory" as connoting compactness, 1948-50, p 328.

LAW REVIEW CITATIONS: 37 OLR 20.

198.890

ATTY. GEN. OPINIONS: Tax base of consolidated rural fire protection district, 1964-66, p 86.

198.910

ATTY. GEN. OPINIONS: Handling of funds following a consolidation of two existing districts from separate counties, 1948-50, p 174; consolidated rural fire protection district as regularly organized rural fire protection district, 1958-60, p 346; result of unfavorable vote in one district, 1964-66, p 86.

198.920 to 198.955

ATTY. GEN. OPINIONS: Payment of costs of dissolution election, 1954-56, p 187; limitation as to number of elections for dissolution, 1954-56, p 187.

LAW REVIEW CITATIONS: 3 WLJ 298; 4 WLJ 490.

198.920

ATTY. GEN. OPINIONS: Procedure to dissolve district when part had been withdrawn by annexation to a city and the remainder has no residents, 1964-66, p 380.

198.935

ATTY. GEN. OPINIONS: Procedure to dissolve district when part had been withdrawn by annexation to a city and the remainder has no residents, 1964-66, p 380.

198.945

ATTY. GEN. OPINIONS: Procedure to dissolve district when part had been withdrawn by annexation to a city and the remainder has no residents, 1964-66, p 380.

198.955

ATTY. GEN. OPINIONS: Authority to accomplish merger of sanitary districts, (1970) Vol 34, p 1105.