

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

RELATING TO LOCAL IMPROVEMENT )  
DISTRICT PROCEDURES, AND AMENDING )  
ORDINANCE NO. 79-78 )

ORDINANCE NO. 80-93

Introduced by the  
Regional Services Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 9 (a) of Ordinance No. 79-78 is hereby  
amended to read as follows:

"(a) No sooner than twenty (20) days after the  
first publication of the resolution notice  
required by Section 7 the Council shall hold a  
public hearing on the proposed improvement. At  
such hearing, persons wishing to object and  
persons favoring the improvement shall be  
entitled to be heard."

Section 2. Section 9 (f) of Ordinance No. 79-78 is hereby  
amended to read as follows:

"(f) The Council may, if a combined hearing as  
provided in Section 9(b) is held, adopt an  
Ordinance apportioning and levying the assess-  
ment with the Ordinance creating the Local  
Improvement District and adopting the total  
proposed assessment. The apportionment and levy  
Ordinance shall specify the method of collection  
of the assessment as provided for in Section  
13(e), herein."

Section 3. Section 11 (a) (1) of Ordinance No. 79-78 is hereby  
amended to read as follows:

"(1) Assessments may be levied against benefited  
property for the purpose of defraying the costs  
of public improvements within the Local Improve-  
ment District including but not limited to  
administration, assessment, bonding costs,  
planning, engineering, purchase, construction,  
supervision, reconstruction and repair."

Section 4. Section 13 (e) of Ordinance No. 79-78 is hereby  
amended to read as follows:

"(e) The Council may pass an Ordinance apportioning and levying assessments against the affected properties. Said Ordinance shall specify the method of collection to be used, either by directing the recording of assessment liens and lien docket as provided by Section 13 (f) through (h), below, or by directing the certification of assessments to the appropriate county tax assessor as provided by Section 17 (a), below. An assessment Ordinance may be amended by subsequent Ordinance specifying an alternative method of collection, consistent with this subsection."

Section 5. Section 12 (a) of Ordinance No. 79-78 is hereby amended to read as follows:

"(a) Promptly after passage of the Ordinance levying the assessment, the Executive Officer shall cause to be published, in a newspaper of general circulation within the district, a notice that such an Ordinance has been passed specifying the whole cost or estimated cost of the improvement, a general description of the boundaries of the district assessed, or an illustration thereof, the number and title of the assessment Ordinance, and that the assessments are due and payable, the time when the same shall be delinquent and the charges and penalties related thereto."

Section 6. Section 14 (b) of Ordinance No. 79-78 is hereby amended to read as follows:

(b) The Executive Officer shall also mail notice to each affected landowner of the assessment upon the property, and landowner's right to deferred payment under Section 18 of this Ordinance and all of the information specified in paragraph (a) above. The notice shall specify that the assessments are due and payable, to whom they are payable, the time when the same shall be delinquent and the charges and penalties related thereto."

Section 7. Section 17 of Ordinance No. 79-78 is hereby amended to read as follows:

"(a) Consistent with the requirements of Section 13 (e) and notwithstanding the provisions of Section 13 (f) through (h), the Council may

direct the Executive Officer to certify the assessments for a Local Improvement District to the county assessor of the county in which the assessed lands are located. Said certification shall be accomplished by written contract, agreement or other lawful means with the county assessor(s) to provide that any assessments certified shall be placed on the tax rolls, collected, and paid over by the county assessor or tax collector, whoever has possession of the roll, as other taxes and assessments are certified, assessed, collected, and paid over."

"(b) The Executive Officer, in his discretion, may contract with local public or private agencies to provide the district with services to meet the requirements of this Ordinance."

"(c) Such services may include engineering, surveying, recording of assessments, billing and collection of assessments, the keeping of a Lien docket, notice to property owners and other related assessment functions."

Section 8. Section 19 of Ordinance No. 79-78 is hereby amended to read as follows:

"A property owner who qualifies for an elderly homestead deferral under ORS 311.666 through ORS 311.700, or ORS 311.706 through ORS 311.735, may claim the deferral by submitting the form required by ORS 311.668, or ORS 311.708."

Section 9. The following Sections are hereby amended in part as follows:

Section 5 (c) is amended to read in part, "...as provided in Section 9 (b)...."

Section 7 (b) is amended to read in part, "...indicated in Section 6,...."

Section 9 (b) is amended to read in part, "...under Section 9 and the assessment and apportionment hearing under Section 13."

Section 10 (b) is amended to read in part, "...adopted

under Section 9 of this Ordinance...."

Section 10 (c) is amended to read in part, "...adopted under Section 9 of this Ordinance...."

Section 18 (d) (2) is amended to read in part, "...with interest as set by ORS 288.510 on all assessments...."

ADOPTED by the Council of the Metropolitan Service District  
this 5th day of June , 1980.

  
Presiding Officer

ATTEST:

  
Clerk of the Council

TM/gl  
8061/118

THIS 5<sup>th</sup> DAY OF June 1980Cynthia M. Wickman  
CLERK OF THE COUNCIL

## A G E N D A   M A N A G E M E N T   S U M M A R Y

TO: Metro Council  
 FROM: Executive Officer  
 SUBJECT: Amendment of Ordinance No. 79-78, Procedures Relating to  
 Local Improvement Districts (LID)

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adopt **Ordinance No. 80-93** relating to Local Improvement District Procedures, and amending Ordinance No. 79-78.
- B. POLICY IMPACT: There is no change in the policies established in Ordinance No. 79-78. This is primarily a housekeeping exercise. The proposed amendments clarify sections of the initial ordinance and simplify the procedures for establishing an LID and making assessments.
- C. BUDGET IMPACT: There is no direct budget impact. Amending Section 17 of Ordinance No. 79-78 will allow Metro to contract with County Assessors for collection of LID assessments and eliminate the need to establish duplicate procedures.

II. ANALYSIS:

- A. BACKGROUND: Metro adopted Ordinance No. 79-78 in November, 1979, as a first step in addressing the Johnson Creek Drainage Problems. This Ordinance was modeled after a Washington County ordinance and revised to fit Metro requirements with input from the Johnson Creek Task Force and the Water Resource Policy Alternatives Committee (WRPAC).

In applying Ordinance No. 79-78 several ambiguous sections were found. It is the purpose of the proposed amendments to clarify these problems.

- B. ALTERNATIVES CONSIDERED: None
- C. CONCLUSION: The amendments proposed are not extensive and will simplify the procedures for forming and assessing local improvement districts. Regional Services Committee will review the proposed Ordinance on May 13, and report a recommendation to the Council on May 22. Staff recommends adoption of the attached Ordinance.



**METROPOLITAN SERVICE DISTRICT**  
527 SW. HALL ST., PORTLAND, OR. 97201. 503/221-1646

**Rick Gustafson**  
EXECUTIVE OFFICER

**June 6, 1980**

**Metro Council**  
**Marge Kafoury**  
PRESIDING OFFICER  
DISTRICT 11

**Jack Deines**  
DEPUTY PRESIDING  
OFFICER  
DISTRICT 5

**Donna Stuhr**  
DISTRICT 1

**Charles Williamson**  
DISTRICT 2

**Craig Berkman**  
DISTRICT 3

**Corky Kirkpatrick**  
DISTRICT 4

**Jane Rhodes**  
DISTRICT 6

**Betty Schedeen**  
DISTRICT 7

**Ernie Bonner**  
DISTRICT 8

**Cindy Banzer**  
DISTRICT 9

**Gene Peterson**  
DISTRICT 10

**Mike Burton**  
DISTRICT 12

**Mr. Daniel O. Potter**  
County Administrator  
Administration Building  
150 North 1st  
Hillsboro, Oregon 97123

**Dear Mr. Potter:**

Enclosed are true copies of Ordinance No. 80-93 and Ordinance No. 80-94 adopted by the Council of the Metropolitan Service District on June 5, 1980.

Please file these copies in the Metro ordinance files.

Sincerely,

**Cynthia M. Wichmann**  
Clerk of the Council

: CW



ORDINANCE NO. 80-93

TITLE RELATING TO LOCAL IMPROVEMENT  
DISTRICT PROCEDURES, AND AMENDING  
ORDINANCE NO. 79-78

DATE INTRODUCED May 22, 1980  
FIRST READING May 22, 1980  
SECOND READING June 5, 1980  
DATE ADOPTED June 5, 1980  
DATE EFFECTIVE June 5, 1980

ROLLCALL

	Yes	No	Abst.
Burton	X		
Stuhr	X		
Williams	X		
Berkman			X
Kirkpatrick	X		
Deines	X		
Rhodes	X		
Schedeen	X		
Bonner <del>Miller</del>	X		
Banzer	X		
Peterson	X		
Kafoury	X		