

**Enrolled**  
**Senate Bill 298**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Government Operations)

CHAPTER .....

AN ACT

Relating to metropolitan service districts; and declaring an emergency.

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

**SECTION 1.** (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) 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.

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

**SECTION 2.** (1) A district charter for a metropolitan service district may be proposed by a committee of 16 members appointed as provided in this subsection. The members shall be selected so that not fewer than four residents from each county situated wholly or partly within the boundaries of the district are appointed to the committee. Of the members of a district charter committee:

(a) One member shall be a state Senator appointed by the President of the Senate. The member appointed under this paragraph must be a resident of the metropolitan service district.

(b) One member shall be a state Representative appointed by the Speaker of the House of Representatives. The member appointed under this paragraph must be a resident of the metropolitan service district.

(c) One member shall be appointed by the board of county commissioners of each county that is situated wholly or partly within the boundaries of the district. A member appointed under this paragraph must be a resident of the same county governed by the board of county commissioners making the appointment.

(d) One member shall be appointed jointly by the governing bodies of all of the cities located within the district and within the same county. A member appointed under this paragraph must be a resident of the same county in which are situated the cities whose governing bodies make the appointment.

(e) One member shall be appointed by each pair of district councilors designated by the council as provided in this paragraph. The council of the metropolitan service district shall divide the entire

council into pairs of councilors, designate the councilors in each pair by subdistrict number and require each pair of councilors to appoint one member of the district charter committee. When the council contains an odd number of councilors, the council shall be divided into pairs and one group of three councilors for the purpose of appointing members under this paragraph. A member appointed under this paragraph must be a resident within one of the subdistricts from which the councilors making the appointment are elected.

(1) Two members shall be appointed by the executive officer of the metropolitan service district. The members appointed under this paragraph must be residents of the metropolitan service district. The executive officer shall not make the appointments required under this paragraph until all the other appointing authorities have appointed committee members under this subsection. If the other appointing authorities fail to appoint at least four residents from each county in the district to the district charter committee, the executive officer shall make appointments so as to satisfy that requirement of this subsection. Unless appointment of two members who are residents of the same county is necessary to have at least four residents from each county on the district charter committee, the executive officer shall not appoint two members who are residents of the same county. The executive officer shall designate one of the members appointed under this section as chairperson of the district charter committee.

(2) When an appointing authority described in subsection (1) of this section consists of two or more individuals, a majority of the members of the appointing authority shall make the appointments to the district charter committee.

(3) A member of an appointing authority or any individual who is an elected or appointed officer or employee of a city, county or district described in ORS 198.010 shall not be eligible to serve as a member of a district charter committee.

(4) Only one district charter committee appointed under this section is to be in existence at any given period of time.

(5) Any vacancy occurring on a district charter committee, in a position for which an initial appointment has been made, shall be filled by appointment for the unexpired term by the appointing authority that was entitled to make the initial appointment of the member whose position is vacant.

(6) An initial appointment, or an appointment to fill a vacancy, is made by delivering to the election officer of the metropolitan service district written notice of the name and address of the person appointed, signed by the person duly authorized to act for the appointing authority.

**SECTION 3.** (1) All members of the district charter committee appointed under section 2 of this Act must be electors of the metropolitan service district. No member of the district charter committee shall be engaged, directly or indirectly, in any business with the metropolitan service district which is inconsistent with the conscientious performance of duties as a member of the committee.

(2) The terms of district charter committee members run from the date on which the written notice of the appointment is delivered to the election officer of the metropolitan service district under section 2 of this Act. The terms expire on the day of the election at which the committee's proposed charter is voted upon or within two years from the date the terms began, whichever is the sooner, unless, in the case where a proposed charter is not submitted at an election held within such two-year period, the council of the metropolitan service district by resolution filed with the election officer of the metropolitan service district before the expiration of the terms extends them until the day of the election on the proposed charter or for another two years, whichever is the sooner.

(3) Not later than 30 days after the terms of committee members begin to run as provided in subsection (2) of this section, the members of the district charter committee shall meet and organize. The member appointed by the executive officer of the metropolitan service district and designated as chairperson shall serve as chairperson of the committee. A majority of the committee constitutes a quorum for the transaction of business. The committee may adopt such rules as it deems necessary for its operation. However, the committee may not prohibit the public from attending any of its meetings.

**SECTION 4.** (1) Notwithstanding ORS 294.305 to 294.520, 294.555 and 294.565, the metropolitan service district, acting through the council, shall cause to be made available from funds of the dis-

trict an amount equal at least to \$100,000 for the purpose of paying the expenses of the committee in the preparation of the charter. Members of the committee shall serve without pay. The committee, within the limit of funds available to it, may employ such persons, or contract for their services, as it may deem necessary to aid it in the performance of its functions. Persons employed by the committee are exempt from civil service. The metropolitan service district, acting through the council, shall cause to be furnished free of charge to the committee adequate office space and, notwithstanding ORS 294.305 to 294.520, 294.555 and 294.565, may cause money, in addition to the required minimum amount, to be appropriated for the committee. The committee shall submit to the metropolitan service district a budget covering estimates of its expenditures. With respect to expenditures in excess of the minimum amount of money required to be made available, the budget as approved or revised and approved by the council shall represent the authorized limits of the committee's expenditures. Any balance remaining unexpended shall be transferred to the general fund of the metropolitan service district unless other provisions were made at the time of the appropriation to the committee. The metropolitan service district is authorized to disburse funds of the committee on its order.

(2) The district charter committee may conduct interviews and make investigations which to it seem necessary in order to draft a charter. To the fullest extent practicable, metropolitan service district officials and employees shall cooperate with the committee and provide it with information, advice and assistance.

**SECTION 5.** (1) A district charter committee shall submit its proposed charter to the election officer of the metropolitan service district not later than the 90th day before the election at which the proposed charter is to be voted upon. Before the proposed charter is submitted to the election officer, the committee shall conduct at least one public hearing on the proposed charter in each county that is situated wholly or partly within the boundaries of the district. Notice of each public hearing shall be published in newspapers of general distribution in the county in which the hearing takes place. After the proposed charter is submitted to the election officer, the election officer shall submit the proposed charter to the district attorney of the county in which the administrative office of the metropolitan service district is located for a ballot title as provided in ORS 255.145 (2). The ballot title is subject to judicial review as provided in ORS 255.155.

(2) The charter proposed by the committee shall take effect on the day fixed therein if approved by majority vote of the electors of the metropolitan service district voting thereon.

(3) If two or more conflicting district charters are approved at the same election, the one receiving the greatest number of affirmative votes shall be adopted.

**SECTION 6.** (1) Notwithstanding section 3 (3) of this Act:

(a) The first district charter committee appointed to prepare a charter for the metropolitan service district organized and existing under ORS chapter 268 on the effective date of this Act shall hold its first meeting not later than the 30th day after the effective date of this Act.

(b) The second meeting of such district charter committee shall be held not later than the 45th day after the effective date of this Act.

(2) The appointing authorities for such district charter committee shall deliver written notices of their appointments to the election officer of the metropolitan service district under section 2 of this Act not later than the 25th day after the effective date of this Act.

(3) Notwithstanding section 2 (1)(e) of this Act, for the purpose of appointing members to the first district charter committee appointed to prepare a charter for the metropolitan service district organized and existing under ORS chapter 268 on the effective date of this Act, the council of the metropolitan service district shall be divided into pairs consisting of the councilors from subdistricts 1 and 2, 3 and 4, 5 and 6, 7 and 10, 8 and 9 and 11 and 12.

**SECTION 7.** When preparing a charter for a metropolitan service district, a district charter committee appointed under this Act shall draft the charter so as to declare the intent that, if any part of the charter is held unconstitutional by any court, the remaining parts shall remain in force.

**SECTION 8.** (1) If the charter proposed by the district charter committee appointed under this Act is rejected by the electors of the district and if no other district charter has been approved by

the electors of the district, a district charter may be proposed by a committee appointed in the manner described in section 2 of this Act after the filing with the election officer of the metropolitan service district of:

(a) A resolution requesting appointment of the committee, adopted by a majority of the council of the metropolitan service district; or

(b) A petition requesting appointment of the committee, signed by such number of the electors of the metropolitan service district as is equal to at least four percent of the whole number of votes cast within the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. The petition shall be substantially in such form as the election officer of the metropolitan service district may prescribe.

(2) The election officer of the metropolitan service district, not later than the fifth day after the filing of the resolution of the council of the metropolitan service district, shall give written notice thereof to those persons entitled to participate in the appointment of a member of the district charter committee.

(3) Upon the filing with the election officer of the metropolitan service district of a petition requesting the appointment of a committee, the election officer, not later than the 15th day after the filing of the petition, shall verify the signatures and certify to the council of the metropolitan service district the findings as to the sufficiency of the petition. If the petition is found to be sufficient, the election officer immediately shall give written notice thereof to those persons entitled to participate in the appointment of a member of the district charter committee.

**SECTION 9.** This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

Passed by Senate January 31, 1991

Repassed by Senate March 12, 1991

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Secretary of Senate

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President of Senate

Passed by House March 7, 1991

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Speaker of House

Received by Governor:

.....M.,....., 1991

Approved:

.....M.,....., 1991

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Governor

Filed by Office of Secretary of State:

.....M.,....., 1991

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Secretary of State

Listing of Legislative Records in Oregon State Archives pertaining to:  
**Senate Bill 298, 1991** relating to: metropolitan service districts.

**SENATE GOVERNMENT OPERATIONS COMMITTEE MINUTES:**

Jan 23: p. 1 - 4

Also on tapes: 6, side A and 7, side A.

**EXHIBIT FILE CONTAINS:**

1. EXH A of 1/23: Map of Metro Council Districts submitted by Weast. 1 page.
2. EXH B of 1/23: Hand-engrossed version of SB 298 submitted by staff. 5 pages.
3. EXH C of 1/23: Proposed amendments to SB 298 submitted by staff. 2 pages.
4. EXH D of 1/23: Fiscal impact statement submitted by staff. 1 page.

**HOUSE INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES:**

Feb 14: p. 1 - 8

Also on tapes: 14, side A; 15, side A; 14, side B; 15, side B; and 16, side A.

Feb 21: p. 1 - 18

Also on tapes: 18, side A; 19, side A; 18, side B; 19, side B; 20, side A

Feb 26: p. 12 - 13

Also on tapes: 22, side B and 23, side A

**EXHIBIT FILE CONTAINS:**

1. EXH C of 2/14: Testimony submitted by Hammerstad. 3 pages.
2. EXH C of 2/26: Amendments submitted by Whitfield. 3 pages.

Minutes: 32 pages

Exhibits: 15 pages

**Total pages: 47**

Compiled September 6, 2006 by: David Wendell, Reference Archivist

- 2-15 Work Session held.  
Taken from the table.
- 2-20 Work Session held.
- 2-27 Recommendation: Do pass with amendments. (Printed A-Eng.)  
Referred to Ways and Means by prior reference.
- 4-15 Public Hearing and Work Session held.
- 4-30 Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
- 5-1 Second reading.
- 5-2 Carried over to 05-03 by unanimous consent.
- 5-3 Third reading. Carried by Fawbush. Passed.  
Ayes, 27 --Attending Legislative Business, 3--Cohen, Shoemaker, Springer.
- 5-6(H) First reading. Referred to Speaker's desk.
- 5-9 Referred to Legislative Rules and Reapportionment.
- 5-22 Public Hearing held.
- 5-24 Public Hearing and Work Session held.
- 5-28 Recommendation: Do pass.
- 5-29 Second reading.
- 5-30 Third reading. Carried by Cease. Passed.  
Ayes, 58 --Excused, 2--Dominy, Parkinson.
- 6-10(S) President signed.
- 6-11(H) Speaker signed.
- 6-18(S) Governor signed.  
Chapter 272, 1991 Laws.  
Effective date, September 29, 1991.
- Modifies law relating to Oregon Government Ethics Commission. Establishes phases of proceedings pursuant to complaint filed with commission. Requires commission chairperson's signature on advisory opinions. Requires advisory opinions have precedential effect. Appropriates money.
- SB 297 Printed pursuant to Senate Interim Rule 213.28. (at the request of Senate Interim Committee on Government Operations) -- Relating to the Oregon Government Ethics Commission.**
- 1-17(S) Introduction and first reading. Referred to President's desk.  
Referred to Government Operations, then Ways and Means.
- 1-21 Public Hearing held.
- 1-28 Public Hearing and Work Session held.
- 2-1 Work Session held.
- 2-15 Work Session held.  
Tabled in committee.
- Requires Oregon Government Ethics Commission to take sworn testimony under penalty of perjury.  
Applies preponderance of evidence standard to commission findings. Defines "probable cause" for purposes of commission investigations.  
Adds "knowing" use of public office for personal gain to description of offense.
- SB 298 Printed pursuant to Senate Interim Rule 213.28. (at the request of Senate Interim Committee on Government Operations) -- Relating to metropolitan service districts; declaring an emergency.**
- 1-16(S) Introduction and first reading. Referred to President's desk.
- 1-17 Referred to Government Operations.
- 1-23 Public Hearing and Work Session held.
- 1-29 Recommendation: Do pass with amendments. (Printed A-Eng.)
- 1-30 Second reading.
- 1-31 Third reading. Carried by Cease. Passed.  
Ayes, 24 --Nays, 4, Cohen, Dukes, Hamby, Kennemer, Excused, 2--Hannon, Otto.  
Kennemer entered vote explanation(s) into Journal.
- 2-1(H) First reading. Referred to Speaker's desk.
- 2-5 Referred to Intergovernmental Affairs.
- 2-14 Public Hearing held.
- 2-21 Work Session held.
- 2-26 Work Session held.
- 3-4 Recommendation: Do pass with amendments and be printed B-Engrossed.
- 3-6 Second reading.
- 3-7 Third reading. Carried by Meek. Passed.  
Ayes, 45 --Nays, 14, Baum, Brian, Calouri, Clark, Dwyer, Hayden, Johnson, R., Jones, D.E., Markham, McTeague, Miller, Parkinson, Roberts, Sowa, Excused, 1--Novick.
- 3-12(S) Senate concurred in House amendments and repassed bill.  
Ayes, 25 --Nays, 1, Cohen, Attending Legislative Business, 4--Bradbury, Kennemer, Kerans, President Kitzhaber.
- 4-8 President signed.
- 4-9(H) Speaker signed.
- 4-10(S) Governor signed.  
Chapter 72, 1991 Laws.  
Effective date, April 10, 1991.
- Provides method by which electors of metropolitan service district may adopt district charter.  
Requires creation of district charter committee to draft proposed district charter and submit proposal to electors of district.  
Provides for appointment, qualifications and terms of committee members.  
Requires appointment and first organizational meeting of charter committee not later than 30th day after terms of members begin.  
Provides procedure for submission of proposed charter to electors.  
Requires metropolitan service district to pay committee expenses.  
Requires, for existing metropolitan service district, appointment and first organizational meeting of 16-member charter committee not later than 30th day after effective date of this Act.  
Provides for proposal of charter by committee when previous proposal rejected by electors and no other charter approved.  
Declares emergency, effective on passage.
- SB 299 Printed pursuant to Senate Interim Rule 213.28. (at the request of Senate Interim Committee on Government Operations for Metropolitan Service District) -- Relating to metropolitan service districts; declaring an emergency.**
- 1-16(S) Introduction and first reading. Referred to President's desk.
- 1-17 Referred to Government Operations.
- 1-23 Public Hearing and Work Session held.
- 1-29 Recommendation: Do pass.  
Second reading.
- 1-30 Third reading. Carried by Cease. Passed.  
Ayes, 25 --Nays, 2, Bunn, Kintigh, Excused, 2--Brockman, Phillips, Attending Legislative Business, 1--Roberts.
- 1-31(H) First reading. Referred to Speaker's desk.
- 2-1 Referred to Intergovernmental Affairs.
- 2-14 Public Hearing and Work Session held.
- 2-19 Public Hearing and Work Session held.
- 2-25 Recommendation: Do pass with amendments and be printed A-Engrossed.
- 2-27 Second reading.
- 2-28 Third reading. Carried by Cease. Passed.  
Ayes, 47 --Nays, 11, Bell, Derfler, Dwyer, Johnson, E., Meek, Miller, Repine, Roberts, Schoon, Sowa, Sunseri, Excused, 2--Brian, Edmunson.
- 3-4(S) Senate concurred in House amendments and repassed bill.  
Ayes, 27 --Nays, 2, Bunn, Kintigh, Excused, 1--Phillips.
- 3-28 President signed.
- 3-29(H) Speaker signed.
- 4-2(S) Governor signed.  
Chapter 15, 1991 Laws.  
Effective date, July 1, 1991.
- Continues beyond July 1, 1991, process for selection of members of boundary commission in Portland metropolitan area by executive officer of metropolitan service district.