

**Enrolled**  
**Senate Bill 258**

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 Task Force on Regional Metropolitan Government)

CHAPTER .....

**AN ACT**

Relating to metropolitan service districts; creating new provisions; amending ORS 199.440 and 268.150; and prescribing an effective date.

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

**SECTION 1.** ORS 268.150, as amended by section 1, chapter 10, Oregon Laws 1989 (Enrolled Senate Bill 257), is further amended to read:

268.150. (1) The governing body of a district shall be a council consisting of [12] 13 part-time councilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body. Each councilor shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. Councilors shall be divided into two classes so that one-half, as nearly as possible, of the number of councilors shall be elected biennially. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsection (6) of this section.

(2) The council shall by legislative enactment reapportion the subdistricts after the data of each United States decennial census are compiled and released. The reapportionment shall provide for substantially equal population in each subdistrict. Area within each subdistrict shall be contiguous. In apportioning subdistricts the council shall give consideration to existent precincts, maintaining historic and traditional communities and counties as opposed to following existent city or special district boundaries or the political boundaries of state representative or state senate election districts except when these political boundaries coincide with natural boundaries. Any councilor whose term continues through the primary election following reapportionment shall be specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority of the members of the council and shall be effective upon its enactment. The reapportionment shall become operative on the 250th day before the date of the next primary election.

(3) Upon the petition of any elector of the district filed with the Supreme Court not later than the 45th day after the enactment date of reapportionment, original jurisdiction is vested in the Supreme Court to review the reapportionment and the record made by the council. If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (2) of this section, it shall dismiss the petition. If the Supreme Court determines that the reapportionment does

not comply with subsection (2) of this section, the reapportionment shall be void. The Supreme Court shall return the reapportionment to the council accompanied by a written opinion specifying with particularity how the reapportionment fails to comply. The opinion shall further direct the council to correct the reapportionment in those particulars, and in no others, and file the corrected reapportionment with the Supreme Court. The Supreme Court shall review the corrected reapportionment when received to assure its compliance with subsection (2) of this section and may further correct the reapportionment if the court considers correction to be necessary. When the Supreme Court requires correction of a reapportionment under this subsection, the corrected reapportionment shall become operative on the 250th day before the date of the next primary election.

(4) For the purposes of section 18, Article II, Oregon Constitution, a councilor whose term continues through the next primary election following a reapportionment is subject to recall by the electors of the subdistrict to which the councilor is assigned and not by the electors of the subdistrict existing before the latest reapportionment.

(5) For the purposes of filling a vacancy in office under subsection (1) of this section, the vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a vacancy in office occurring after the primary election next following a reapportionment and before a person has been elected and qualified to fill the vacancy.

(6) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candidates for office, apply to the nomination and election of councilors except as provided in subsection (1) of this section and except that a candidate shall be nominated from the subdistrict in which the candidate resides. The number of signatures within the subdistrict required for a nomination is that required under ORS 249.072 (2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply.

**SECTION 2.** (1) Not later than January 1, 1992, the Secretary of State shall describe the 13 subdistricts into which the district will be divided on January 1, 1993. When describing the 13 subdistricts under this section, the Secretary of State shall satisfy the requirements of ORS 268.150 (2).

(2) Candidates for the office of councilor at the first regular primary election after the effective date of this Act shall be nominated from the subdistricts described under subsection (1) of this section and shall be elected from such subdistricts.

(3) Notwithstanding subsections (1) and (2) of this section, a person serving as councilor of a metropolitan service district on the effective date of this Act shall continue to reside in and represent the subdistrict to which the person was elected until the first Monday in January 1993.

(4) Not later than February 1, 1992, each councilor of a metropolitan service district whose term continues beyond the first Monday in January 1993, shall be specifically assigned to a subdistrict described by the Secretary of State under subsection (1) of this section for that portion of the councilor's term that extends beyond the first Monday in January 1993. The council of the metropolitan service district shall make the assignments to subdistricts required by this subsection.

(5) Each candidate for the office of councilor who is elected to that office at the regular general election in 1992 shall hold office for a term of four years beginning on the first Monday in January 1993.

(6) On January 1, 1993, the district shall be divided into the 13 subdistricts described by the Secretary of State under subsection (1) of this section.

**SECTION 3.** The amendments to ORS 268.150 made by section 1 of this Act first become operative on January 1, 1993.

**SECTION 4.** ORS 199.440 is amended to read:

199.440. (1) A boundary commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have [11 members] a number of members that is equal to the number of councilors of the metropolitan service district. The Governor shall appoint all members from a list of names obtained from cities, counties and districts within the area of juris-

diction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

(2) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer, agent or employe of a city, county, district or other political subdivision of this state may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employes of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(3) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(4) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor by appointment for the unexpired term. If the Governor has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

**SECTION 5.** The amendments to ORS 199.440 by section 4 of this Act are not intended to affect the provisions of sections 1 and 14, chapter 882, Oregon Laws 1987.

**SECTION 6.** Section 7 of this Act is added to and made a part of ORS chapter 268.

**SECTION 7.** (1) Subject to subsection (2) of this section, the council or the electors of the district may by ordinance prescribe the organization of the district government. However, an ordinance prescribing the organization of the district government that is enacted by the council shall receive the approval of the electors of the district before taking effect. An ordinance prescribing the organization of district government may provide 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 district's powers and perform all the district's duties as required by the laws of this state.

(2) The council or the electors of the district may supersede ORS 268.150, 268.160, 268.170, 268.180, 268.190, 268.210 and 268.215 by enacting an ordinance authorized by this section. Until superseded by a district ordinance, such provisions shall remain in effect in the district.

**SECTION 8.** This Act takes effect on July 1, 1991.

Passed by Senate February 9, 1989

Repassed by Senate May 25, 1989

.....  
Secretary of Senate

.....  
President of Senate

Passed by House May 16, 1989

.....  
Speaker of House

Received by Governor:

.....M....., 1989

Approved:

.....M....., 1989

.....  
Governor

Filed by Office of Secretary of State:

.....M....., 1989

.....  
Secretary of State