

## INTERGOVERNMENTAL AGREEMENTS

12/19

At the December 12 Charter Committee meeting there was discussion as to whether Metro is allowed to follow the conditions of intergovernmental agreements described in ORS Chapter 190.

ORS 190.010 says that "A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform." A copy of the statute is attached.

ORS 190.003 defines "unit of local government" to include a "county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter."

ORS 198.010 (concerning special districts) definitions for "district" include a "metropolitan service district organized under ORS chapter 268." A copy of that statute is also attached.

### INTERGOVERNMENTAL COOPERATION

**190.003 Definitions for ORS 190.003 to 190.110.** As used in ORS 190.003 to 190.110, "unit of local government" includes a county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter. [1967 c.550 §2]

**190.007 Policy; construction.** In the interest of furthering economy and efficiency in local government, intergovernmental cooperation is declared a matter of statewide concern. The provisions of ORS 190.003 to 190.110 shall be liberally construed. [1967 c.550 §3]

**190.010 Authority of local governments to make intergovernmental agreement.** A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform. The agreement may provide for the performance of a function or activity:

- (1) By a consolidated department;
- (2) By jointly providing for administrative officers;
- (3) By means of facilities or equipment jointly constructed, owned, leased or operated;
- (4) By one of the parties for any other party;
- (5) By an intergovernmental entity created by the agreement and governed by a board or commission appointed by, responsible to and acting on behalf of the units of local government that are parties to the agreement; or

(6) By a combination of the methods described in this section. [Amended by 1953 c.161 §2; 1963 c.189 §1; 1967 c.550 §4; 1991 c.583 §1]

**190.020 Contents of agreement.** (1) An agreement under ORS 190.010 shall specify the functions or activities to be performed and by what means they shall be performed. Where applicable, the agreement shall provide for:

(a) The apportionment among the parties to the agreement of the responsibility for providing funds to pay for expenses incurred in the performance of the functions or activities.

(b) The apportionment of fees or other revenue derived from the functions or activities and the manner in which such revenue shall be accounted for.

(c) The transfer of personnel and the preservation of their employment benefits.

(d) The transfer of possession of or title to real or personal property.

(e) The term or duration of the agreement, which may be perpetual.

(f) The rights of the parties to terminate the agreement.

(2) When the parties to an agreement are unable, upon termination of the agreement, to agree on the transfer of personnel or the division of assets and liabilities between the parties, the circuit court has jurisdiction to determine that transfer or division. [Amended by 1967 c.550 §5]

**190.030 Effect of agreement.** (1) When an agreement under ORS 190.010 has been entered into, the unit of local government, consolidated department, intergovernmental entity or administrative officer designated therein to perform specified functions or activities is vested with all powers, rights and duties relating to those functions and activities that are vested by law in each separate party to the agreement, its officers and agencies.

(2) An officer designated in an agreement to perform specified duties, functions or activities of two or more public officers shall be considered to be holding only one office.

(3) An elective office may not be terminated by an agreement under ORS 190.010. [Amended by 1967 c.550 §6; 1991 c.583 §2]

**190.040** [Amended by 1953 c.182 §2; 1957 c.428 §1; repealed by 1963 c.189 §3]

### 190.050 Fees for geographic data; uses.

(1) An intergovernmental group 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, data base or system developed with a significant expenditure of public funds. An intergovernmental group may enter into agreements with private persons or entities to assist with marketing such products. Notwithstanding any other provision of law, intergovernmental group software product programming source codes, object codes and geographic data bases or systems are confidential and exempt from public disclosure under ORS 192.502. Nothing in this section authorizes an intergovernmental group to restrict access to public records through inclusion of such records in a geographic data base or system.

(2) Fees collected under subsection (1) of this section shall be used:

(a) For maintenance of the formula, pattern, compilation, program, device, method, technique, process, data base or system; and

## DEFINITIONS

**198.010 Definitions.** As used in this chapter, except as otherwise specifically provided, "district" means any one of the following:

- (1) A people's utility district organized under ORS chapter 261.
- (2) A domestic water supply district organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A mass transit district organized under ORS 267.010 to 267.390.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A special road district organized under ORS 371.305 to 371.360.
- (8) A road assessment district organized under ORS 371.405 to 371.535.
- (9) A highway lighting district organized under ORS chapter 372.
- (10) A health district organized under ORS 440.305 to 440.410.
- (11) A sanitary district organized under ORS 450.005 to 450.245.
- (12) A sanitary authority or water supply authority organized under ORS 450.675 to 450.989.
- (13) A vector control district organized under ORS 452.020 to 452.170.
- (14) A rural fire protection district organized under ORS chapter 478.
- (15) An irrigation district organized under ORS chapter 545.
- (16) A drainage district organized under ORS chapter 547.
- (17) A water improvement district organized under ORS chapter 552.
- (18) A water control district organized under ORS chapter 553.
- (19) A weather modification district organized under ORS 558.200 to 558.440.
- (20) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- (21) A geothermal heating district organized under ORS chapter 523.
- (22) A transportation district organized under ORS 267.510 to 267.650.
- (23) A library district organized under ORS 357.216 to 357.286.
- (24) A 9-1-1 communications district organized under ORS 401.807 to 401.857. [1971 c.23 §2; 1975 c.782 §48; 1977 c.756 §1; 1981 c.226 §18; 1987 c.671 §10; 1987 c.863 §10; 1989 c.793 §19]

**198.110 Definitions for ORS 198.335.** As used in ORS 198.335 in addition to the meaning given the term by ORS 198.010, "district" means any one of the following:

- (1) A diking district organized under ORS chapter 551.
- (2) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.
- (3) A soil and water conservation district organized under ORS 568.210 to 568.805. [1969 c.344 §1; 1971 c.23 §3; 1983 c.740 §52]  
198.120 [1969 c.344 §2; repealed by 1975 c.771 §33]

## COMPENSATION AND EXPENSES

**198.180 "District" defined for ORS 198.190.** As used in ORS 198.190, unless the context requires otherwise, "district" has the meaning given that term by ORS 198.010 (2) to (5) and (7) to (23). In addition, "district" means any one of the following:

- (1) A county service district organized under ORS chapter 451.
- (2) A diking district organized under ORS chapter 551.
- (3) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.
- (4) A soil and water conservation district organized under ORS 568.210 to 568.805.
- (5) The Port of Portland created by ORS 778.010. [1971 c.403 §1; 1975 c.782 §48a; 1977 c.756 §2; 1981 c.226 §19; 1983 c.740 §53]

**198.190 Compensation and expenses of members of certain boards.** A member of the governing body of a district may receive not to exceed \$50 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties. [1971 c.403 §2; 1983 c.327 §2; 1983 c.740 §53a; 1989 c.517 §1]

## BONDS

**198.210 Definitions for ORS 198.220.** As used in ORS 198.220, in addition to the meaning given the term by ORS 198.010, "district" means any one of the following:

- (1) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.
- (2) A soil and water conservation district organized under ORS 568.210 to 568.805.
- (3) A weed control district organized under ORS 570.505 to 570.575.