

PROPOSED AMENDMENTS TO SB 299

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After line 22, add:

(6) The term of six members appointed by the executive officer of a metropolitan service district, on or before January 1, 1991, shall be extended for one additional year so that the terms of three of the members originally appointed to serve four-year terms commencing prior to January 1, 1991, shall terminate each year commencing in 1992. The district shall provide by ordinance the procedure for determining which members shall serve extended terms pursuant to this subsection.

In line 23, delete [(6)] and add (7).

On page 5, after line 38 add:

SECTION 8. ORS 268.160 is amended to read:

268.160 Rules of procedure; officers; compensation and expenses. The Council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter. At its first meeting after January 1 of each year, one Councilor shall be elected by the Council to serve as its

presiding officer for the ensuing year. The Council shall meet upon the request of the presiding officer or that of a majority of the Council. Notwithstanding the provisions of ORS 198.190, Councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the Council. In addition the Council may provide medical and dental benefits for Councilors in the same manner as employees of the District.

In line 39, delete [8] and add 9.

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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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

- 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 11-member charter committee not later than 30th day after effective date of this Act.
- Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to metropolitan service districts; and declaring an emergency.

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

3 **SECTION 1.** (1) The electors of any metropolitan service district, by majority vote of such
4 electors voting thereon at any legally called election, may adopt, amend, revise or repeal a charter
5 for the district. The charter, or legislation passed by the district pursuant thereto, shall provide a
6 method whereby the electors of the district, by majority vote of such electors voting thereon at any
7 legally called election, may amend, revise or repeal the charter.

8 (2) A charter of a metropolitan service district shall prescribe the organization of the district
9 government and shall provide directly, or by its authority, for the number, election or appointment,
10 qualifications, tenure, compensation, powers and duties of such officers as the district considers
11 necessary. Such officers shall among them exercise all the powers and perform all the duties, as
12 granted to, imposed upon or distributed among district officers by the Constitution or laws of this
13 state, by the district charter or by its authority.

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

16 **SECTION 2.** (1) A district charter for a metropolitan service district may be proposed by a
17 committee appointed as provided in this subsection. Of the members of a district charter committee:

18 (a) One member shall be appointed by the board of county commissioners of each county that
19 is situated wholly or partly within the boundaries of the district.

20 (b) One member shall be appointed jointly by the governing bodies of all of the cities located
21 within the district and within the same county.

22 (c) One member shall be appointed by each group of district councilors who are elected from
23 subdistricts located within the same county. For the purposes of this paragraph, a councilor's sub-
24 district is located within that county in which a majority of the population of the subdistrict resides.

25 (d) Two members shall be appointed by the executive officer of the metropolitan service district.
26

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1 The executive officer shall designate one of the members appointed under this paragraph as chair-
2 person of the district charter committee.

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

6 (3) No member of an appointing authority and no other individual holding an elective public
7 office may serve as a member of a district charter committee.

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

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

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

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

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

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

35 **SECTION 4.** (1) Notwithstanding ORS 294.305 to 294.520, 294.555 and 294.565, the metropolitan
36 service district, acting through the council, shall cause to be made available from funds of the dis-
37 trict an amount equal at least to ___ cent per elector of the district or \$___, whichever amount is
38 greater, for the purpose of paying the expenses of the committee in the preparation of the charter.
39 Members of the committee shall serve without pay. The committee, within the limit of funds avail-
40 able to it, may employ such persons, or contract for their services, as it may deem necessary to aid
41 it in the performance of its functions. Persons employed by the committee are exempt from civil
42 service. The metropolitan service district, acting through the council, shall cause to be furnished
43 free of charge to the committee adequate office space and, notwithstanding ORS 294.305 to 294.520,
44 294.555 and 294.565, may cause money, in addition to the required minimum amount, to be appro-

1 priated for the committee. The committee shall submit to the metropolitan service district a budget
2 covering estimates of its expenditures. With respect to expenditures in excess of the minimum
3 amount of money required to be made available, the budget as approved or revised and approved
4 by the council shall represent the authorized limits of the committee's expenditures. Any balance
5 remaining unexpended shall be transferred to the general fund of the metropolitan service district
6 unless other provisions were made at the time of the appropriation to the committee. The metro-
7 politan service district is authorized to disburse funds of the committee on its order.

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

12 **SECTION 5.** (1) A district charter committee shall submit its proposed charter to the election
13 officer of the metropolitan service district not later than the 90th day before the election at which
14 the proposed charter is to be voted upon. Before the proposed charter is submitted to the election
15 officer, the committee shall conduct at least one public hearing thereon. After the proposed charter
16 is submitted to the election officer, the election officer shall submit the proposed charter to the
17 district attorney of the county in which the administrative office of the metropolitan service district
18 is located for a ballot title as provided in ORS 255.145 (2). The ballot title is subject to judicial re-
19 view as provided in ORS 255.155.

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

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

24 **SECTION 6.** (1) Notwithstanding section 3 (3) of this Act, the district charter committee ap-
25 pointed to prepare a charter for the metropolitan service district organized and existing under ORS
26 chapter 268 on the effective date of this Act shall hold its first meeting not later than the 30th day
27 after the effective date of this Act.

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

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

33 **SECTION 7.** This Act being necessary for the immediate preservation of the public peace,
34 health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

35

Senate Bill 299

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Continues beyond July 1, 1991, process for selection of members of boundary commission in Portland metropolitan area by executive officer of metropolitan service district.

Provides that judicial review of ballot title or explanatory statement to be printed in voters' pamphlet for metropolitan service district measures shall be in circuit court for county in which district has its administrative office.

Provides that ordinances enacted by council of metropolitan service district take effect on 90th day after adoption except when other effective date is specified by majority vote of council.

Requires majority of council to declare emergency and provide for earlier effective date.

Allows majority of council to delay effective date of ordinance for more than 90 days.

Provides that district ordinance referred to voters either takes effect 30 days after voter approval or on later date specified in ordinance or becomes inoperative after voter rejection.

Allows council of metropolitan service district instead of Secretary of State to reapportion and describe 13 subdistricts into which the district will be divided on January 1, 1993.

Repeals statutory legal description of boundaries of metropolitan service district.

Declares emergency, effective July 1, 1991.

A BILL FOR AN ACT

1
2 Relating to metropolitan service districts; creating new provisions; amending ORS 199.440, 251.285,
3 268.360, 815.300 and section 2, chapter 321, Oregon Laws 1989; repealing ORS 268.125; and de-
4 claring an emergency.

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

6 **SECTION 1.** ORS 199.440, as amended by section 12b, chapter 92, Oregon Laws 1989, and sec-
7 tion 4, chapter 321, Oregon Laws 1989, is further amended to read:

8 199.440. (1) A boundary commission shall have seven members. However, if the population of
9 the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its
10 jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the
11 commission shall have a number of members that is equal to the number of councilors of the met-
12 ropolitan service district.

13 (2) **Except as provided in subsection (3) of this section, the Governor [shall] may appoint**
14 **all members of a commission from a list of names obtained from cities, counties and districts within**
15 **the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually**
16 **and keep it current so timely appointments will be made as vacancies occur. The Governor shall**
17 **endeavor to appoint members from the various cities, counties and districts so as to provide ge-**
18 **ographical diversity of representation on the commission.**

19 (3) **When the area subject to the jurisdiction of a boundary commission is wholly or**
20 **partly situated within the boundaries of a metropolitan service district organized under ORS**
21 **chapter 268, the members of that boundary commission shall be appointed by the executive**
22 **officer of the metropolitan service district. The executive officer shall appoint members of**
23 **a boundary commission from a list of individuals nominated by the councilors of the district.**

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1 Each councilor shall nominate no fewer than three nor more than five individuals for ap-
 2 pointment to the boundary commission. When first appointing all the members of a boundary
 3 commission, the executive officer shall appoint one individual from among those nominated
 4 by each councilor. Thereafter, as the term of a member of a boundary commission expires
 5 or as a vacancy occurs, the executive officer shall appoint an individual nominated by the
 6 councilor or a successor who nominated the boundary commission member whose term has
 7 expired or who vacated the office. The executive officer shall endeavor to appoint members
 8 from various cities, counties and districts so as to provide geographical diversity of repre-
 9 sentation on the boundary commission.

10 [(2)] (4) To be qualified to serve as a member of a commission, a person must be a resident of
 11 the area subject to the jurisdiction of the commission. A person who is an elected or appointed of-
 12 ficer or employee of a city, county or district may not serve as a member of a commission. No more
 13 than two members of a commission shall be engaged principally in the buying, selling or developing
 14 of real estate for profit as individuals, or receive more than half of their gross income as or be
 15 principally occupied as members of any partnership, or as officers or employees of any corporation,
 16 that is engaged principally in the buying, selling or developing of real estate for profit. No more
 17 than two members of a commission shall be engaged in the same kind of business, trade, occupation
 18 or profession.

19 [(3)] (5) A member shall be appointed to serve for a term of four years. A person shall not be
 20 eligible to serve for more than two consecutive terms, exclusive of:

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

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

23 [(4)] (6) A commission may declare the office of a member vacant for any cause set out by ORS
 24 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission.
 25 A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service
 26 district, by appointment for the unexpired term. If the Governor or the executive officer has not
 27 filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy
 28 is filled, the remaining members of a commission shall comprise and act as the full membership of
 29 the commission for purposes of ORS 199.445.

30 **SECTION 2.** The amendments to ORS 199.440 by section 1 of this Act are not intended to affect
 31 the provisions of sections 1 and 14, chapter 882, Oregon Laws 1987.

32 **SECTION 3.** ORS 251.285 is amended to read:

33 251.285. (1) The Secretary of State shall have printed in the voters' pamphlet prepared for a
 34 general or special election any county measure or any measure of a metropolitan service district
 35 organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating
 36 to the measure, if the requirements of this section are satisfied.

37 (2) The county or district measure, ballot title, explanatory statement and arguments shall not
 38 be printed in the voters' pamphlet unless:

39 (a) The ballot title is a concise and impartial statement of the purpose of the measure;

40 (b) The explanatory statement is an impartial, simple and understandable statement explaining
 41 the measure and its effect;

42 (c) The county or metropolitan service district adopts and complies with an ordinance that
 43 provides a review procedure for a ballot title or explanatory statement which is contested because
 44 it does not comply with the requirements of paragraph (a) or (b) of this subsection;

1 (d) The county or metropolitan service district adopts and complies with an ordinance that
 2 provides for acceptance of typewritten arguments relating to the measure to be printed on 29.8
 3 square inches of the voters' pamphlet; and

4 (e) The county or metropolitan service district does not require of a person filing an argument
 5 a payment of more than \$300, or a petition containing more than a number of signatures equal to
 6 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever
 7 is less.

8 (3) Any judicial review of a determination made under the review procedures adopted under
 9 paragraph (c) of subsection (2) of this section shall be first and finally in the circuit court of the
 10 judicial district in which the county is located or, for a district measure, in the circuit court *[for the*
 11 *most populous county situated within]* of the judicial district in which the administrative office
 12 of the metropolitan service district is located.

13 (4) If the county or metropolitan service district has adopted and complied with ordinances
 14 prescribed in subsection (2) of this section, the decision to include the county or district measure,
 15 ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

16 (a) The county governing body with regard to any county measure or the council of the metro-
 17 politan service district with regard to any district measure;

18 (b) The chief petitioners of the initiative or referendum with regard to a county or district
 19 measure initiated or referred by the people. The chief petitioners shall indicate their decision in a
 20 statement signed by all of the chief petitioners and filed with the county clerk or, for a district
 21 measure, with the executive officer of the metropolitan service district; or

22 (c) A political committee, as defined in ORS 260.005, that opposes the county or district measure.
 23 The committee shall indicate its decision in a statement signed by every committee director, as de-
 24 fined in ORS 260.005, and filed with the county clerk or, for a district measure, with the executive
 25 officer of the metropolitan service district.

26 (5) The county or metropolitan service district shall file the measure, ballot title, explanatory
 27 statement and arguments with the Secretary of State not later than the 70th day before the election.
 28 The county or district shall pay to the Secretary of State the cost of including the county or district
 29 material in the pamphlet as determined by the secretary. The Secretary of State shall not have this
 30 material printed in the pamphlet unless:

31 (a) The time for filing a petition for judicial review of a determination made under paragraph
 32 (c) of subsection (2) of this section has passed; and

33 (b) The measure, title, statement and arguments properly filed with the county or metropolitan
 34 service district, are delivered to the secretary.

35 **SECTION 4. ORS 268.360 is amended to read:**

36 268.360. (1) For purposes of its authorized functions a district may exercise police power and in
 37 so doing adopt such ordinances as a majority of the members of its *[governing body]* council con-
 38 siders necessary for the proper functioning of the district. All legislative acts shall be by ordinance
 39 and all such ordinances shall be adopted in the manner provided in ORS chapter 198, except where
 40 in conflict with this section.

41 (2) Unless otherwise specified by the *[governing body]* council in the ordinance, an ordinance
 42 shall become effective *[upon its adoption. If the council refers an ordinance to the electors or if a*
 43 *proper referral petition containing the appropriate number of valid signatures is filed, except ordi-*
 44 *nances making appropriations or effecting an annual tax levy, the ordinance shall become inoperative*

1 and the effective date shall be suspended. An ordinance referred by the council or by action of the
 2 electors shall become effective when approved by a majority of the electors voting on the question] on
 3 the 90th day after its adoption. If an ordinance is vetoed by the executive officer and the veto
 4 is overridden by the council, the date of adoption shall be the date on which the veto is
 5 overridden. Except as provided in ORS 268.465 and 268.507, the council by a majority vote of
 6 its members may declare that an emergency exists in which case an ordinance may take
 7 effect immediately or in less than 90 days. The council by a majority vote of its members
 8 may prescribe that an ordinance take effect later than the 90th day after its adoption. If the
 9 council refers an ordinance to the electors, the ordinance shall become effective on the 30th
 10 day after its approval by a majority of the electors voting on the measure or on a later date
 11 specified in the ordinance. If a referendum petition, other than a petition referring an ordi-
 12 nance declaring an emergency, is filed with the filing officer not later than the 90th day after
 13 the adoption of the ordinance and before the ordinance takes effect, the effective date of the
 14 ordinance shall be suspended. An ordinance referred by a proper referendum petition shall
 15 become inoperative and shall not take effect if a majority of the electors voting on the
 16 measure reject the ordinance.

17 (3) In addition to the provisions of ORS 268.990, violation of the district's ordinances may be
 18 enjoined by the district upon suit in a court of competent jurisdiction.

19 (4) In addition to any other penalty provided by law, any person who violates any ordinances
 20 or order of the district pertaining to one or more of its authorized functions shall incur a civil
 21 penalty not to exceed \$500 a day for each day of violation.

22 (5) The civil penalty authorized by subsection (4) of this section shall be established, imposed
 23 and collected in the same manner as civil penalties are established, imposed and collected under
 24 ORS chapter 468.

25 **SECTION 5.** Section 2, chapter 321, Oregon Laws 1989, is amended to read:

26 **Sec. 2. (1)** Notwithstanding ORS 268.150 (2), the council of the metropolitan service district
 27 shall not reapportion the 12 subdistricts of the metropolitan service district following the
 28 1990 federal decennial census. In lieu of such reapportionment, not later than [January 1,] the
 29 250th day before the date of the regular primary election in 1992, the [Secretary of State]
 30 council shall describe the 13 subdistricts into which the district will be divided on [January 1,] the
 31 first Monday in January 1993. When describing the 13 subdistricts under this section, the [Secre-
 32 tary of State] council shall satisfy the requirements of ORS 268.150 (2). The description of 13
 33 subdistricts under this subsection and the assignment of councilors to subdistricts under
 34 subsection (4) of this section shall be accomplished in one legislative enactment by the
 35 council.

36 (2) Candidates for the office of councilor at the first regular primary election after [the effective
 37 date of this Act] July 1, 1991, shall be nominated from the subdistricts described under subsection
 38 (1) of this section and shall be elected from such subdistricts.

39 (3) Notwithstanding subsections (1) and (2) of this section, a person serving as councilor of a
 40 metropolitan service district on [the effective date of this Act] July 1, 1991, shall continue to reside
 41 in and represent the subdistrict to which the person was elected until the first Monday in January
 42 1993.

43 (4) [Not later than February 1, 1992,] Each councilor of a metropolitan service district whose
 44 term continues beyond the first Monday in January 1993, shall be specifically assigned to a subdis-

1 trict described by the [Secretary of State] council under subsection (1) of this section for that portion
 2 of the councilor's term that extends beyond the first Monday in January 1993. [The council of the
 3 metropolitan service district shall make the assignments to subdistricts required by this subsection.]

4 (5) Except for a candidate seeking election for the unexpired term of a councilor who
 5 vacated the office, each candidate for the office of councilor who is elected to that office at the
 6 regular general election in 1992 shall hold office for a term of four years beginning on the first
 7 Monday in January 1993.

8 (6) On [January 1,] the first Monday in January 1993, the district shall be divided into the 13
 9 subdistricts described by the [Secretary of State] council under subsection (1) of this section.

10 **SECTION 6.** ORS 815.300 is amended to read:

11 815.300. This section establishes exemptions from the requirements under ORS 815.295 to be
 12 equipped with a certified pollution control system. Exemptions established by this section are in
 13 addition to any exemptions established by ORS 801.026. The exemptions established in this section
 14 are also applicable to requirements for certification of pollution control equipment before registra-
 15 tion under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements
 16 under ORS 815.295:

17 (1) Any vehicle that is not a motor vehicle.

18 (2) Any vehicle unless the vehicle is registered within:

19 (a) The boundaries [designated in ORS 268.125,] of the metropolitan service district formed under
 20 ORS chapter 268 for the metropolitan area, as defined in ORS 268.020, which includes the City of
 21 Portland, Oregon.

22 (b) Boundaries designated by the Environmental Quality Commission under ORS 468.397.

23 (3) Any new motor vehicle or new motor vehicle engine when the registration results from the
 24 initial retail sale thereof.

25 (4) Any motor vehicle with a model year that predates by more than 20 years the year in which
 26 registration or renewal of registration is required.

27 (5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm
 28 vehicles under ORS 805.300.

29 (6) Special interest vehicles that are maintained as collectors' items and used for exhibitions,
 30 parades, club activities and similar uses but not used primarily for the transportation of persons or
 31 property.

32 (7) Fixed load vehicles.

33 (8) Vehicles that are proportionally registered under ORS 768.007 and 768.009 in accordance
 34 with agreements established under ORS 768.005.

35 (9) Electric motor vehicles.

36 (10) First response rescue units operated by political subdivisions of this state that are not used
 37 to transport persons suffering from illness, injury or disability.

38 **SECTION 7.** ORS 268.125 is repealed.

39 **SECTION 8.** This Act being necessary for the immediate preservation of the public peace,
 40 health and safety, an emergency is declared to exist, and this Act takes effect July 1, 1991.

Senate Bill 300

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Provides that certain vacancies in offices of executive officer and councilor of Metropolitan Service District be filled by election.

A BILL FOR AN ACT

1
2 Relating to metropolitan service districts; creating new provisions; and amending ORS 268.150 and
3 268.180.

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

5 **SECTION 1.** ORS 268.150 is amended to read:

6 268.150. (1) The governing body of a district shall be a council consisting of 12 part-time coun-
7 cilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the
8 metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from
9 which the councilor is elected and shall not be an elected official of any other public body. Each
10 councilor shall be a resident of the subdistrict from which the councilor is elected for not less than
11 one year before taking office. The term of office for a councilor shall be four years beginning on the
12 first Monday in January of the year next following the election. Councilors shall be divided into two
13 classes so that one-half, as nearly as possible, of the number of councilors shall be elected biennially.
14 [*A vacancy in office shall be filled by a majority of the remaining members of the council.*] The coun-
15 cilor, before taking office, shall take an oath to support the Constitution of the United States, and
16 the Constitution and laws of this state. Except as provided in subsection (2) of this section,
17 candidates for councilor positions shall be nominated and elected at the primary and general
18 elections as provided in subsection [(6)] (7) of this section.

19 (2)(a) A vacancy in the office of councilor shall be filled, until an election under this
20 section, by a majority of the remaining members of the council.

21 (b) If a vacancy occurs in the office of councilor not later than _____ days before the
22 date of the general election described in ORS 254.056, the vacancy shall be filled at a special
23 election to be held on the next available election date described in ORS 255.345 that is not
24 less than 34 days after the date that the vacancy occurred.

25 (c) The Secretary of State by rule shall adopt a schedule for filing nominating petitions
26 under this section. The schedule shall specify the period within which nominating petitions
27 must be filed after a vacancy occurs.

28 (d) Notwithstanding ORS 249.088, the person receiving the highest number of votes shall
29 be elected to fill the vacancy until the vacancy is filled at the next general election.

30 (e) A person appointed to the office of councilor under this section shall not be eligible
31 for election to the office at any election to fill the vacancy in the office.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

1 (f) The person elected to fill a vacancy under paragraph (b) of this subsection shall hold
2 office until the vacancy is filled with a permanent successor at the next general election
3 described in ORS 254.056.

4 [(2)] (3) The council shall by legislative enactment reapportion the subdistricts after the data
5 of each United States decennial census are compiled and released. The reapportionment shall pro-
6 vide for substantially equal population in each subdistrict. Area within each subdistrict shall be
7 contiguous. In apportioning subdistricts the council shall give consideration to existent precincts,
8 maintaining historic and traditional communities and counties as opposed to following existent city
9 or special district boundaries or the political boundaries of state representative or state senate
10 election districts except when these political boundaries coincide with natural boundaries. Any
11 councilor whose term continues through the primary election following reapportionment shall be
12 specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority
13 of the members of the council and shall be effective upon its enactment. The reapportionment shall
14 become operative on the 250th day before the date of the next primary election.

15 [(3)] (4) Upon the petition of any elector of the district filed with the Supreme Court not later
16 than the 45th day after the enactment date of reapportionment, original jurisdiction is vested in the
17 Supreme Court to review the reapportionment and the record made by the council. If the Supreme
18 Court determines that the reapportionment thus reviewed complies with subsection [(2)] (3) of this
19 section, it shall dismiss the petition. If the Supreme Court determines that the reapportionment does
20 not comply with subsection [(2)] (3) of this section, the reapportionment shall be void. The Supreme
21 Court shall return the reapportionment to the council accompanied by a written opinion specifying
22 with particularity how the reapportionment fails to comply. The opinion shall further direct the
23 council to correct the reapportionment in those particulars, and in no others, and file the corrected
24 reapportionment with the Supreme Court. The Supreme Court shall review the corrected reappor-
25 tionment when received to assure its compliance with subsection [(2)] (3) of this section and may
26 further correct the reapportionment if the court considers correction to be necessary. When the
27 Supreme Court requires correction of a reapportionment under this subsection, the corrected reap-
28 portionment shall become operative on the 250th day before the date of the next primary election.

29 [(4)] (5) For the purposes of section 18, Article II, Oregon Constitution, a councilor whose term
30 continues through the next primary election following a reapportionment is subject to recall by the
31 electors of the subdistrict to which the councilor is assigned and not by the electors of the subdis-
32 trict existing before the latest reapportionment.

33 [(5)] (6) For the purposes of filling a vacancy in office under [subsection (1) of] this section, the
34 vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and
35 not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a
36 vacancy in office occurring after the primary election next following a reapportionment and before
37 a person has been elected and qualified to fill the vacancy.

38 [(6)] (7) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan can-
39 didates for office, apply to the nomination and election of councilors except as provided in [sub-
40 section] subsections (1) and (2) of this section and except that a candidate shall be nominated from
41 the subdistrict in which the candidate resides. The number of signatures within the subdistrict re-
42 quired for a nomination is that required under ORS 249.072 (2), but the requirement that the petition
43 contain signatures of persons residing in a number of precincts shall not apply.

44 SECTION 2. ORS 268.150, as amended by section 1, chapter 321, Oregon Laws 1989, is further

1 amended to read:

2 268.150. (1) The governing body of a district shall be a council consisting of 13 part-time coun-
 3 cilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the
 4 metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from
 5 which the councilor is elected and shall not be an elected official of any other public body. Each
 6 councilor shall be a resident of the subdistrict from which the councilor is elected for not less than
 7 one-year before taking office. The term of office for a councilor shall be four years beginning on the
 8 first Monday in January of the year next following the election. Councilors shall be divided into two
 9 classes so that one-half, as nearly as possible, of the number of councilors shall be elected biennially.
 10 *[A vacancy in office shall be filled by a majority of the remaining members of the council.]* The coun-
 11 cilor, before taking office, shall take an oath to support the Constitution of the United States, and
 12 the Constitution and laws of this state. Except as provided in subsection (2) of this section,
 13 candidates for councilor positions shall be nominated and elected at the primary and general
 14 elections as provided in subsection ~~[(6)]~~ (7) of this section.

15 (2)(a) A vacancy in the office of councilor shall be filled, until an election under this
 16 section, by a majority of the remaining members of the council.

17 (b) If a vacancy occurs in the office of councilor not later than _____ days before the
 18 date of the general election described in ORS 254.056, the vacancy shall be filled at a special
 19 election to be held on the next available election date described in ORS 255.345 that is not
 20 less than 34 days after the date that the vacancy occurred.

21 (c) The Secretary of State by rule shall adopt a schedule for filing nominating petitions
 22 under this section. The schedule shall specify the period within which nominating petitions
 23 must be filed after a vacancy occurs.

24 (d) Notwithstanding ORS 249.088, the person receiving the highest number of votes shall
 25 be elected to fill the vacancy until the vacancy is filled at the next general election.

26 (e) A person appointed to the office of councilor under this section shall not be eligible
 27 for election to the office at any election to fill the vacancy in the office.

28 (f) The person elected to fill the vacancy under paragraph (b) of this subsection shall hold
 29 office until the vacancy is filled with a permanent successor at the next general election
 30 described in ORS 254.056.

31 ~~[(2)]~~ (3) The council shall by legislative enactment reapportion the subdistricts after the data
 32 of each United States decennial census are compiled and released. The reapportionment shall pro-
 33 vide for substantially equal population in each subdistrict. Area within each subdistrict shall be
 34 contiguous. In apportioning subdistricts the council shall give consideration to existent precincts,
 35 maintaining historic and traditional communities and counties as opposed to following existent city
 36 or special district boundaries or the political boundaries of state representative or state senate
 37 election districts except when these political boundaries coincide with natural boundaries. Any
 38 councilor whose term continues through the primary election following reapportionment shall be
 39 specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority
 40 of the members of the council and shall be effective upon its enactment. The reapportionment shall
 41 become operative on the 250th day before the date of the next primary election.

42 ~~[(3)]~~ (4) Upon the petition of any elector of the district filed with the Supreme Court not later
 43 than the 45th day after the enactment date of reapportionment, original jurisdiction is vested in the
 44 Supreme Court to review the reapportionment and the record made by the council. If the Supreme

1 Court determines that the reapportionment thus reviewed complies with subsection [(2)] (3) of this
2 section, it shall dismiss the petition. If the Supreme Court determines that the reapportionment does
3 not comply with subsection [(2)] (3) of this section, the reapportionment shall be void. The Supreme
4 Court shall return the reapportionment to the council accompanied by a written opinion specifying
5 with particularity how the reapportionment fails to comply. The opinion shall further direct the
6 council to correct the reapportionment in those particulars, and in no others, and file the corrected
7 reapportionment with the Supreme Court. The Supreme Court shall review the corrected reappor-
8 tionment when received to assure its compliance with subsection [(2)] (3) of this section and may
9 further correct the reapportionment if the court considers correction to be necessary. When the
10 Supreme Court requires correction of a reapportionment under this subsection, the corrected reap-
11 portionment shall become operative on the 250th day before the date of the next primary election.

12 [(4)] (5) For the purposes of section 18, Article II, Oregon Constitution, a councilor whose term
13 continues through the next primary election following a reapportionment is subject to recall by the
14 electors of the subdistrict to which the councilor is assigned and not by the electors of the subdis-
15 trict existing before the latest reapportionment.

16 [(5)] (6) For the purposes of filling a vacancy in office under [subsection (1) of] this section, the
17 vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and
18 not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a
19 vacancy in office occurring after the primary election next following a reapportionment and before
20 a person has been elected and qualified to fill the vacancy.

21 [(6)] (7) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candi-
22 dates for office, apply to the nomination and election of councilors except as provided in [sub-
23 section] subsections (1) and (2) of this section and except that a candidate shall be nominated from
24 the subdistrict in which the candidate resides. The number of signatures within the subdistrict re-
25 quired for a nomination is that required under ORS 249.072 (2), but the requirement that the petition
26 contain signatures of persons residing in a number of precincts shall not apply.

27 SECTION 3. ORS 268.180 is amended to read:

28 268.180. (1) District business shall be administered, and district rules and ordinances shall be
29 enforced, by an executive officer.

30 (2) The executive officer shall be elected in the same manner provided under ORS 268.150, but
31 the officer shall be elected from the district-at-large on a nonpartisan basis. The number of signa-
32 tures within the district required for nomination is that required under ORS 249.072 (2), but the
33 requirement that the petition contain signatures of persons residing in a number of precincts shall
34 not apply. The executive officer shall be a resident and elector of the district and shall not be an
35 elected official of any other public body. The executive officer shall be a resident in the district for
36 not less than one year before taking office. The term of office for an executive officer shall be four
37 years beginning on the first Monday in January on the next year following the election. [A vacancy
38 in office shall be filled by appointment by a majority of the council.] The executive officer, before
39 taking office, shall take an oath to support the Constitution of the United States and the Constitu-
40 tion and laws of this state.

41 (3)(a) A vacancy in the office of executive officer shall be filled, until the vacancy is filled
42 by election under this section, by appointment by a majority of the council.

43 (b) If a vacancy occurs in the office of executive officer not later than _____ days be-
44 fore the date of the general election described in ORS 254.056, the vacancy shall be filled at

1 a special election to be held on the next available election date described in ORS 255.345 that
2 is not less than 34 days after the date that the vacancy occurred.

3 (c) The Secretary of State by rule shall adopt a schedule for filing nominating petitions
4 under this section. The schedule shall specify the period within which nominating petitions
5 must be filed after a vacancy occurs.

6 (d) Notwithstanding ORS 249.088, the person receiving the highest number of votes shall
7 be elected to fill the vacancy until the vacancy is filled at the next general election.

8 (e) A person appointed to the office of executive ~~director~~^{officer} under this section shall not be
9 eligible for election to the office at any election to fill the vacancy in the office.

10 (f) The person elected to fill a vacancy under paragraph (b) of this subsection shall hold
11 office until the vacancy is filled with a permanent successor at the next general election
12 described in ORS 254.056.

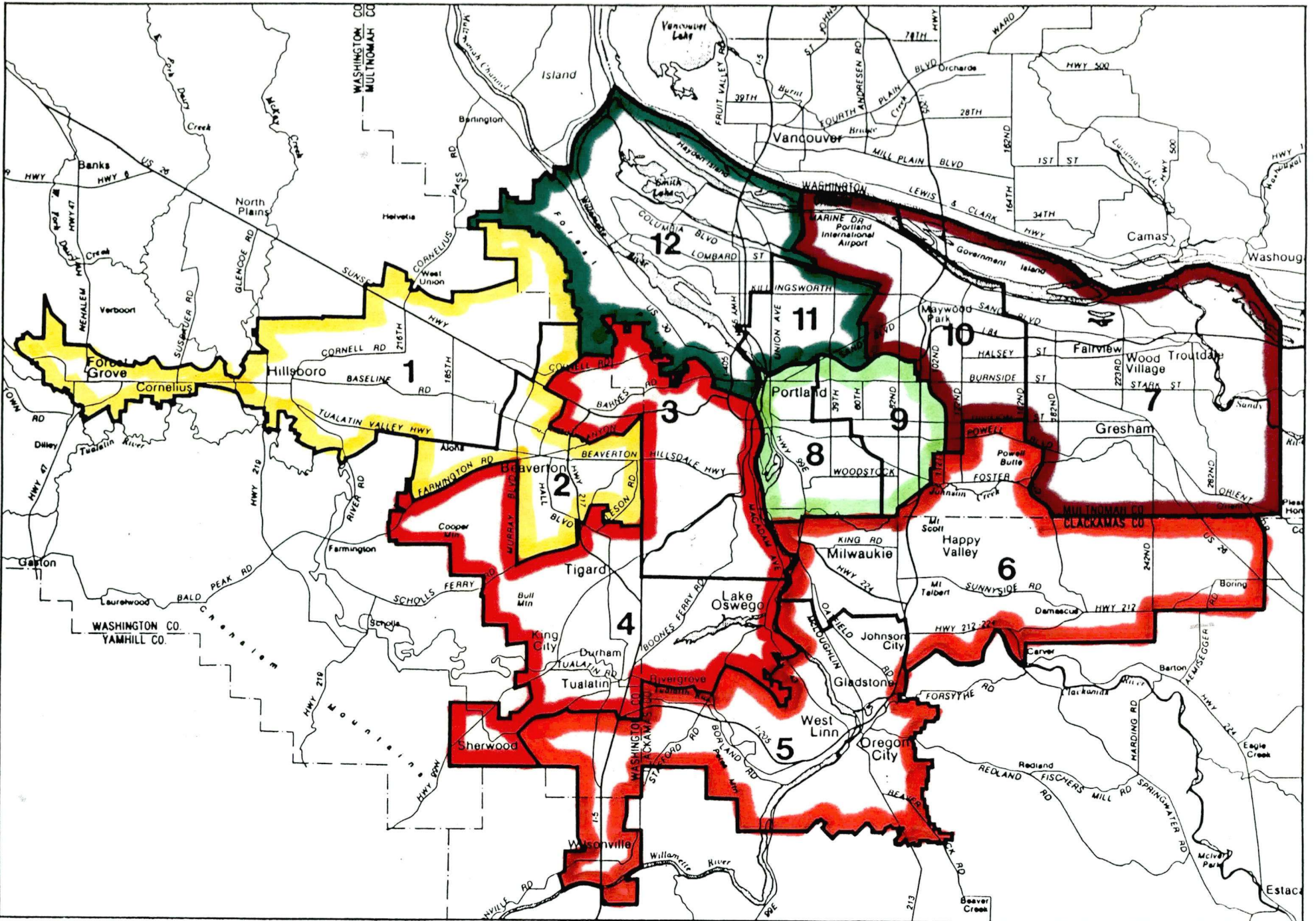
13 [(3)] (4) The executive officer shall serve full time and shall not be employed by any other per-
14 son or governmental body while serving the district. The executive officer shall not serve as a
15 member of the council.

16 [(4)] (5) The salary and employment benefits of the executive officer shall be set by the council
17 upon the recommendation of a salary commission to be appointed by the council, but shall not be
18 less than that of a district court judge of this state.

19 [(5)] (6) The executive officer may employ or dismiss any personnel and contract with any per-
20 son or governmental agency to assist in carrying out the duties and powers of the executive officer,
21 subject to the personnel and contract ordinances adopted by the council.

22 SECTION 4. Nothing in the amendments to ORS 268.150 by section 1 of this Act is intended to
23 affect the provisions of section 3, chapter 321, Oregon Laws 1989.

24



METRO

Council Districts

2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 7-87-02