

From: DALE Alan

Sent: Thursday, May 9, 2019 4:24 PM

To: Sen MonnesAnderson <Sen.LaurieMonnesAnderson@oregonlegislature.gov>

Subject: RE: Another LC Opinion on SB 543?

Senator Monnes Anderson,

You asked whether cities have to consent to be a part of the formation of a special district. The answer is Yes.

Section 1 (28) of Senate Bill 543 (2019) adds a children's service district to the definition of "district" for all sections of ORS chapter 198. More specifically, section 2 (3)(a) provides that a children's service district is subject to ORS 198.705 to 198.955, which, among other things, governs the formation of special districts.

The formation of a special district may begin with a petition signed by a certain number of electors registered in the territory subject to the petition or owners of land within the territory. ORS 198.750, 198.755. ORS 198.720 (1) provides, in relevant part, "If any part of the territory subject to a petition for formation or annexation is within a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petition."

Formation may also be initiated by a county board if the district is entirely located within the county. ORS 198.835. ORS 198.835 (3) provides, "Except as otherwise provided by the principal Act, if any part of the territory subject to formation of a district under this section is within a city, the order shall be accompanied by a certified copy of a resolution of the governing body of the city approving the order." SB 543, the principal Act for children's service districts, does not otherwise provide for inclusion of territory within a city in a children's service district formed by an order of a county board.

Let me know if you have any other questions.

Alan Dale
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