

House Bill 4067

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Management for Representative Paul Evans)

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**.

Amends law governing urban flood safety and water quality district.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the urban flood safety and water quality district; creating new provisions; amending ORS
3 550.160, 550.180, 550.190, 550.200, 550.210, 550.220, 550.230, 550.240, 550.260, 550.270, 550.300,
4 550.310, 550.330 and 550.360; and prescribing an effective date.

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

6 **SECTION 1.** ORS 550.160 is amended to read:

7 550.160. As used in ORS 550.150 to 550.400, unless the context requires otherwise:

8 (1) **“Board of directors” means the nine-member board of directors of the urban flood**
9 **safety and water quality district selected under section 5 of this 2022 Act.**

10 [(1)] (2) “District” means the urban flood safety and water quality district created under ORS
11 550.170.

12 [(2)] *“District board” means the board of directors of the district.*]

13 (3) “Elector” means an individual qualified to vote under Article II, section 2, of the Oregon
14 Constitution, who resides in the district.

15 (4) “File for record” means to file a document for recording with the county clerk.

16 (5) “Green infrastructure” means infrastructure adapted to wet weather management that:

17 (a) Infiltrates, evapotranspires, captures and reuses storm water to maintain or restore natural
18 hydrology;

19 (b) Protects or restores natural landscapes;

20 (c) Uses rain gardens, porous pavements, green roofs, infiltration planters, trees, tree boxes,
21 bioswales or other green infrastructure strategies; or

22 (d) Harvests rain water from an artificial impervious surface for nonpotable uses, including
23 landscape irrigation and toilet flushing.

24 (6) **“Initial district board” means the 17-member appointed board of directors under ORS**
25 **550.190 (1).**

26 [(6)] (7) “Land” or “tract of land” means real property, including improvements on the property.

27 [(7)] (8) “Landscape resilience” means the ability of a landscape to sustain ecological functions,
28 native biodiversity and critical landscape processes over time, under changing conditions and de-
29 spite multiple stressors and uncertainties.

30 [(8)] (9) “Managed floodplain” means the portion of the historic Columbia River floodplain lo-
31 cated in northern Multnomah County that requires or benefits from management to accomplish the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 purposes of the district, as determined by the [*district*] board **of directors**.

2 [(9)] (10) “Public body” has the meaning given that term in ORS 174.109.

3 [(10)] (11) “Works” means dams and storage reservoirs for flood risk reduction, canals, ditches,
4 dikes, levees, revetments, green infrastructure and all other structures, facilities, improvements and
5 property necessary or convenient for conveying and controlling water for the purpose of flood con-
6 trol, environmental benefits or water quality.

7 **SECTION 2.** ORS 550.180 is amended to read:

8 550.180. (1)(a) Any elector or owner of land within the district may bring any proceeding that
9 the board of directors [*of the urban flood safety and water quality district*] is authorized to bring
10 under ORS 33.710.

11 (b) The proceeding shall be governed by ORS 33.720, except as otherwise provided in this sec-
12 tion.

13 (c) For purposes of this section, the district shall be considered a municipal corporation as de-
14 fined in ORS 33.710.

15 (2) The proceeding shall be brought in Multnomah County Circuit Court. The [*district*] board
16 **of directors** shall be named as defendant in the proceeding.

17 (3) Service of summons shall be made on the members of the [*district*] board **of directors** per-
18 sonally if within Multnomah County. For directors not within the county, service may be made by
19 publication of notice for a like time, and in like manner, as provided by ORS 33.720. Jurisdiction
20 shall be complete within 10 days after the date of completing publication of notice.

21 **SECTION 3.** ORS 550.190 is amended to read:

22 550.190. (1) The initial **district** board [*of directors*] of the urban flood safety and water quality
23 district shall consist of 17 directors appointed as follows:

24 (a) One director representing the City of Portland appointed by the Portland city council.

25 (b) One director representing the City of Gresham appointed by the Gresham city council.

26 (c) One director representing the City of Fairview appointed by the Fairview city council.

27 (d) One director representing the City of Troutdale appointed by the Troutdale city council.

28 (e) One director representing the City of Wood Village appointed by the Wood Village city
29 council.

30 (f) One director representing Metro appointed by the Metro Council.

31 (g) One director representing Multnomah County appointed by the Multnomah County board of
32 county commissioners.

33 (h) One director representing the Port of Portland appointed by the board of commissioners of
34 the Port of Portland.

35 (i) One director representing Multnomah County Drainage District No. 1 appointed by the dis-
36 trict board of supervisors.

37 (j) One director representing Peninsula Drainage District No. 1 appointed by the district board
38 of supervisors.

39 (k) One director representing Peninsula Drainage District No. 2 appointed by the district board
40 of supervisors.

41 (L) One director representing Sandy Drainage Improvement Company appointed by the company
42 board of directors.

43 (m) One director who resides in a neighborhood within the boundaries of Multnomah County
44 Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage District No. 2 or
45 Sandy Drainage Improvement Company appointed by the Governor.

1 (n) One director who represents a private sector business located within the boundaries of
 2 Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage
 3 District No. 2 or Sandy Drainage Improvement Company appointed by the Governor.

4 (o) Three directors who represent public interest nonprofit corporations with expertise or in-
 5 terest related to the territory within the boundaries of Multnomah County Drainage District No. 1,
 6 Peninsula Drainage District No. 1, Peninsula Drainage District No. 2 or Sandy Drainage Improve-
 7 ment Company appointed by the Governor, of which:

8 (A) One director must represent an environmental conservation organization; and

9 (B) One director must represent an environmental justice organization.

10 (2) The purpose of the initial district board is to organize the district and to develop, and ap-
 11 prove or seek approval from the electors of, methods of funding the operations of the district. To
 12 accomplish this purpose, **in addition to the duties and powers conferred on the initial district**
 13 **board under ORS 550.150 to 550.400**, the initial district board may exercise all the duties and
 14 powers *[set forth in ORS 550.210]* **conferred on the board of directors under ORS 550.150 to**
 15 **550.400, other than the power to dissolve a drainage district or corporation under ORS 550.230**
 16 **(12).**

17 (3)(a) At the first meeting of the initial district board, the board shall elect a member to serve
 18 as chair. The chair shall preside over board meetings, appoint subcommittees subject to board ap-
 19 proval and set the meeting agenda subject to revisions by the board.

20 **(b) A majority of the directors of the initial district board shall constitute a quorum for**
 21 **the transaction of business.**

22 (4) Any vacancy on the initial district board shall be filled by majority vote of the remaining
 23 directors of the board. The replacement director must qualify for the vacant position as provided in
 24 subsection (1) of this section.

25 (5)(a) The directors of the initial district board shall serve **in place of the board of directors**
 26 until the initial district board adopts a resolution calling for the *[selection of the district board]* **ap-**
 27 **pointment and election of the board of directors and a quorum of the directors of the board**
 28 **of directors, as determined under ORS 550.200 (4), takes office.**

29 **(b) The resolution of the** initial district board shall *[adopt the resolution no later]* **call for the**
 30 **appointment and election of the board of directors to take place not less** than six months *[be-*
 31 *fore the next regular district election that is held]* after the **date on which the** district first begins
 32 to collect revenues under one of the methods set forth in ORS 550.300.

33 **(c)** The initial district board shall file a copy of the resolution with the county elections officer
 34 and the Governor.

35 **(6) Notwithstanding ORS 255.325 and 255.335, the first elected directors of the board of**
 36 **directors may be elected at a special election held in accordance with ORS 255.345.**

37 *[(6) The district board shall consist of nine voting directors selected as follows:]*

38 *[(a) One director shall be elected at large by the electors. A candidate for this position must be*
 39 *an elector.]*

40 *[(b) Four directors shall be elected at large by the electors. A candidate for any of these positions*
 41 *must be an elector who:]*

42 *[(A) Resides within the managed floodplain;]*

43 *[(B) Regardless of whether the elector resides within the managed floodplain, owns real property*
 44 *located within the managed floodplain; or]*

45 *[(C) Regardless of whether the elector resides within the managed floodplain, is the designated*

1 *representative of a business or other for profit or nonprofit corporation that owns real property located*
 2 *within the managed floodplain and is authorized in writing by the owner to be a candidate at the time*
 3 *of filing the declaration of candidacy.]*

4 *[(c)(A) The Governor shall appoint four directors as follows:]*

5 *[(i) One director with expertise or an interest in flood safety;]*

6 *[(ii) One director with expertise or an interest in environmental conservation;]*

7 *[(iii) One director with expertise or an interest in environmental justice; and]*

8 *[(iv) One director representing the Port of Portland from among persons recommended by the board*
 9 *of commissioners of the Port of Portland.]*

10 *[(B) Before making an appointment under subparagraph (A)(i) to (iii) of this paragraph, the Gov-*
 11 *ernor shall provide the district board with an opportunity to recommend individuals who may have*
 12 *specific kinds of expertise that the board believes to be necessary or beneficial to the district.]*

13 *[(7) Each elected director of the district board shall be elected for a term of four years. The first*
 14 *elected directors shall determine their terms by lot so that the terms of two directors expire on June*
 15 *30 next following the first regular district election and the terms of three directors expire on June 30*
 16 *next following the second regular district election.]*

17 *[(8) Each director of the district board appointed by the Governor under subsection (6)(c) of this*
 18 *section shall be appointed for a term of four years. The Governor shall appoint two directors for a term*
 19 *expiring on June 30 next following the first regular district election and two directors for a term ex-*
 20 *piring on June 30 next following the second regular district election.]*

21 *[(9)(a)(A) The district board shall fill any vacancy among the elected directors of the district board*
 22 *as provided in ORS 198.320.]*

23 *[(B) The Governor shall fill any vacancy among the appointed directors of the district board.]*

24 *[(b) A director appointed to the district board under paragraph (a) of this subsection shall serve*
 25 *the remainder of the unexpired term of the director that the newly appointed director replaces.]*

26 **SECTION 4. Sections 5 and 5a of this 2022 Act are added to and made a part of ORS**
 27 **550.150 to 550.400.**

28 **SECTION 5. (1) The board of directors shall consist of nine voting directors selected as**
 29 **follows:**

30 **(a) One director shall be elected at large by the electors. A candidate for this position**
 31 **must be an elector.**

32 **(b) Four directors shall be elected at large by the electors. A candidate for any of these**
 33 **positions must be an elector who:**

34 **(A) Resides within the managed floodplain;**

35 **(B) Regardless of whether the elector resides within the managed floodplain, owns real**
 36 **property located within the managed floodplain; or**

37 **(C) Regardless of whether the elector resides within the managed floodplain, is the des-**
 38 **ignated representative of a business or other for profit or nonprofit corporation that owns**
 39 **real property located within the managed floodplain and is authorized in writing by the owner**
 40 **to be a candidate at the time of filing the declaration of candidacy.**

41 **(c)(A) The Governor shall appoint four directors as follows:**

42 **(i) One director with expertise or an interest in flood safety;**

43 **(ii) One director with expertise or an interest in environmental conservation;**

44 **(iii) One director with expertise or an interest in environmental justice; and**

45 **(iv) One director representing the Port of Portland from among persons recommended**

1 by the board of commissioners of the Port of Portland.

2 (B) Before making an appointment under subparagraph (A)(i) to (iii) of this paragraph,
 3 the Governor shall provide the board of directors with an opportunity to recommend indi-
 4 viduals who may have specific kinds of expertise that the board believes to be necessary or
 5 beneficial to the district.

6 (2) Each elected director of the board of directors shall be elected at a regular district
 7 election for a term of four years as provided in ORS 255.335.

8 (3) Each director of the board of directors appointed by the Governor under subsection
 9 (1)(c) of this section shall be appointed for a term of four years beginning July 1 and ending
 10 June 30.

11 (4)(a)(A) The board of directors shall fill any vacancy among the elected directors of the
 12 board of directors as provided in ORS 198.320.

13 (B) The Governor shall fill any vacancy among the appointed directors of the board of
 14 directors.

15 (b) A director appointed to the board of directors under paragraph (a) of this subsection
 16 shall serve the remainder of the unexpired term of the director that the newly appointed
 17 director replaces.

18 **SECTION 5a.** (1)(a) Notwithstanding section 5 (2) of this 2022 Act, the first directors
 19 elected at a regular district election shall determine their terms by lot so that the terms of
 20 two directors expire on the first June 30 that occurs at least two years after the date of the
 21 regular district election at which they were elected and the terms of three directors expire
 22 on the first June 30 that occurs at least four years after the date of the regular district
 23 election at which they were elected.

24 (b) Notwithstanding paragraph (a) of this subsection, if the first elected directors are
 25 elected at an election other than a regular district election under ORS 255.335, the directors
 26 shall take office upon certification of the election under ORS 255.295 (2) and shall serve until
 27 the first June 30 that occurs after the date of the next regular district election, at which
 28 election the elected members of the board of directors shall be elected as provided in para-
 29 graph (a) of this subsection.

30 (2)(a) Notwithstanding section 5 (3) of this 2022 Act, two of the first directors appointed
 31 by the Governor shall serve terms ending on the date on which the terms of two of the first
 32 directors elected at a regular district election expire as provided in subsection (1)(a) of this
 33 section and the other two of the first directors appointed by the Governor shall serve terms
 34 ending on the date on which the terms of three of the first directors elected at a regular
 35 district election expire as provided in subsection (1)(a) of this section.

36 (b) The Governor shall determine which of the first directors shall be appointed under
 37 this subsection for the two-year and the four-year terms.

38 **SECTION 6.** ORS 550.200 is amended to read:

39 550.200. (1) As soon as practicable after the election and appointment of the directors to the
 40 board of directors [*of the urban flood safety and water quality district*], the directors shall meet to
 41 qualify all individuals elected or appointed as directors by administering an oath of office and to
 42 elect the officers of the [*district*] board of directors.

43 (2) The directors shall elect from their number a chair and vice chair. Such officers have the
 44 authority and duties granted them by the [*district*] board of directors.

45 (3) The [*district*] board of directors shall meet at times and places that the [*district*] board of

1 **directors** considers necessary or convenient.

2 (4) **A majority of the directors shall constitute a quorum for the transaction of business.**

3 **SECTION 7.** ORS 550.210 is amended to read:

4 550.210. The board of directors [*of the urban flood safety and water quality district*] shall:

5 (1) Manage and conduct the affairs of the district.

6 (2) Employ and appoint agents and employees and prescribe the duties and fix the compensation
7 of the agents and employees.

8 (3) Establish reasonable bylaws and rules for the administration of the affairs of the district.

9 (4) Adopt ordinances under ORS 198.510 to 198.600 that the directors consider necessary or
10 convenient for carrying out or enforcing the district's powers and duties under ORS 550.150 to
11 550.400.

12 (5) Establish and maintain funds and accounts for the moneys of the district.

13 (6) Obtain an annual audit of the books of the district.

14 (7) Fix the location of the principal office of the district at some convenient place within the
15 district.

16 (8) Keep a record of all proceedings of the [*district*] board of **directors**.

17 (9) File for record all documents required by law to be recorded.

18 (10) Establish the boundaries of the managed floodplain. The [*district*] board of **directors** may
19 amend the boundaries from time to time as the board deems necessary or prudent to address regu-
20 latory or environmental changes that affect the need for district management to accomplish the
21 purposes of the district set forth in ORS 550.170.

22 (11) Consider equity and inclusion in all aspects of administering the district.

23 (12) **Call elections within the district as provided in ORS chapter 255, including, but not**
24 **limited to, elections for the purposes of ORS 550.190 and 550.340.**

25 (13) **Do such other acts and things as may be necessary or proper for the exercise of the**
26 **duties imposed on the board of directors.**

27 **SECTION 8.** ORS 550.220 is amended to read:

28 550.220. The board of directors [*of the urban flood safety and water quality district*] may appoint
29 stakeholder advisory committees to:

30 (1) Advise the [*district*] board of **directors** on aspects of the operation of the district;[, to]

31 (2) Assist [*the board*] with community outreach and citizen participation; **and** [*or to*]

32 (3) Advise [*the board*] on **such** other matters as the board of **directors** deems necessary or
33 beneficial to the district.

34 **SECTION 9.** ORS 550.230 is amended to read:

35 550.230. To carry out the purposes for which it was created, the urban flood safety and water
36 quality district is a body corporate and has the power to, without limitation:

37 (1) Have and use a seal.

38 (2) Have perpetual succession.

39 (3) Sue and be sued in its own name.

40 (4) Acquire by condemnation, purchase, devise, gift or voluntary grant real and personal prop-
41 erty, or any interest in such property, located inside or outside the boundaries of the managed
42 floodplain, as the [*district*] board of **directors** deems necessary for the purposes of the district set
43 forth in ORS 550.170, and dispose of such real and personal property when the [*district*] board of
44 **directors** deems the property unnecessary for the purposes of the district set forth in ORS 550.170.

45 (5) Enter into intergovernmental agreements under ORS chapter 190 for the construction, pres-

1 ervation, improvement, operation or maintenance of any works or other services.

2 (6) Enter into contracts with the federal government, including, without limitation, the United
3 States Army Corps of Engineers and the Federal Emergency Management Agency.

4 (7) Build, construct, purchase, improve, operate and maintain, subject to all applicable provisions
5 of law, all works that the [district] board **of directors** considers necessary or desirable.

6 (8) Enter into contracts and employ agents, engineers and attorneys.

7 (9) Enter into contracts or grant agreements with nonprofit corporations or community groups.

8 (10) Acquire and maintain water and water rights, as the [district] board **of directors** deems
9 necessary for the purposes of the district set forth in ORS 550.170.

10 (11) Enforce the authority of the district and protect the district's works against public nui-
11 sances, obstructions or discharges on public or private property that the district deems to have a
12 negative impact on the district's works.

13 (12) Dissolve any drainage district or corporation described in ORS 550.360 that is located en-
14 tirely within the boundaries of the district and assume the assets of the dissolved district or corpo-
15 ration, including all lands and personal property, water rights, obligations, debts and liabilities.

16 (13) Do such other acts and things as may be necessary or proper for the exercise of the powers
17 granted to the district.

18 **SECTION 10.** ORS 550.240 is amended to read:

19 550.240. (1) Except as otherwise provided in this section, the exercise of the power of eminent
20 domain by the urban flood safety and water quality district pursuant to ORS 550.230 (4) shall be
21 governed by ORS 35.015 to 35.530.

22 (2) The district's authority to condemn property is limited to property located:

23 (a) Within the managed floodplain; or

24 (b) Outside the managed floodplain if the [district] board **of directors** deems such property to
25 be necessary for flood control within the managed floodplain.

26 (3) The district's authority to condemn property includes property already devoted to a public
27 use, if acquisition of such property is required by regulations applicable to the district under federal
28 law, is required by a federally mandated agreement between a federal agency and the district or is
29 approved by the public body that owns the property.

30 (4) If the district seeks to acquire by eminent domain all or a portion of property dedicated to
31 open space under the land use regulations of a city or county, just compensation shall be determined
32 based on the zoning designation applicable to the property immediately prior to the open space
33 dedication.

34 **SECTION 11.** ORS 550.260 is amended to read:

35 550.260. (1)(a) The urban flood safety and water quality district shall prepare a plan for
36 watershed and habitat improvement and landscape resilience within the managed floodplain. The
37 watershed improvement plan shall be coordinated with plans or programs of other jurisdictions with
38 authority over watershed management within the managed floodplain.

39 (b) The urban flood safety and water quality district may seek funding from other sources if the
40 district determines that the watershed improvement plan would benefit the region or the state.

41 (2)(a) A watershed improvement plan prepared pursuant to this section must:

42 (A) Include existing and proposed works of the district and of other public and private agencies
43 relating to flood safety and watershed health; and

44 (B) Demonstrate a basis for the coordination and planning of future works of the district, gov-
45 ernmental agencies and private interests to contribute to improved water quality, fish and wildlife

1 habitat and landscape resilience while reducing the risk of flooding, protecting persons and property
 2 from flood risk, improving response to flood emergencies and providing for conveyance of water for
 3 flood safety.

4 (b) A watershed improvement plan and works included in the plan must be based on assessments
 5 of data and information critical for evaluating and monitoring flood safety or watershed health.

6 (3)(a) The initial district board [*of directors*] appointed under ORS 550.190 (1) shall consider the
 7 projected scope of a watershed improvement plan and the impact of the plan on the cost of the
 8 district's works in the course of developing methods of funding the operations of the district as
 9 provided in ORS 550.190 (2).

10 (b) The [*district*] board of directors shall complete a watershed improvement plan within three
 11 years following the date on which the **first board of directors** [*of the district board*] commence their
 12 [*initial*] terms of office as provided in [*ORS 550.190 (6) to (9)*] **sections 5 and 5a of this 2022 Act.**

13 (4) The district shall review and update the watershed improvement plan at least every 10 years.

14 **SECTION 12.** ORS 550.270 is amended to read:

15 550.270. (1) The urban flood safety and water quality district may undertake construction of
 16 works upon approval of the proposed works by the [*district*] board **of directors.**

17 (2) The [*district*] board **of directors** shall obtain engineering plans for any works that require
 18 engineering.

19 **SECTION 13.** ORS 550.300 is amended to read:

20 550.300. (1) The board of directors [*of the urban flood safety and water quality district*] may fi-
 21 nance the construction, operation or maintenance of district works by the following means:

22 [(1)] (a) Assessments made under ORS 550.310 against the benefited lands in the district, with
 23 or without the issuance of works bonds.

24 [(2)] (b) Service and user charges imposed under ORS 550.330, with or without the issuance of
 25 revenue bonds.

26 [(3)] (c) Issuance of general obligation bonds under ORS 550.340.

27 (d) **Any other means authorized by law.**

28 [(4)] (e) Any combination of the means described in this section.

29 (2) **Notwithstanding subsection (1) of this section, the board of directors may not levy**
 30 **local option taxes under ORS 280.040 to 280.145.**

31 **SECTION 14.** ORS 550.310 is amended to read:

32 550.310. (1) All or part of the cost of building, constructing, purchasing, operating, maintaining
 33 or improving works of the urban flood safety and water quality district may be assessed against the
 34 lands to be benefited by the works. The [*district*] board **of directors** shall determine the portion of
 35 the cost, if any, that is to be paid from the general fund of the district and the portion that is to
 36 be paid by assessments against the lands benefited.

37 (2) Assessments shall be apportioned by the [*district*] board **of directors** among benefited lands
 38 in accordance with the special and peculiar benefit to be received from the district works by each
 39 lot or parcel of land. For parcels of land, or any portion of the parcels, in the district that are un-
 40 developed, the [*district*] board **of directors** may, in its discretion, defer assessing or imposing all or
 41 any portion of the assessments on such parcels until the parcels are connected with, or receiving
 42 services from, the district works.

43 (3) The [*district*] board **of directors** shall afford an opportunity for hearing any objections or
 44 remonstrances to assessments under this section. If the [*district*] board **of directors** receives ob-
 45 jections or remonstrances that are signed by more than 50 percent of the landowners representing

1 more than 50 percent of the territory within the proposed assessment district, the proposed assess-
 2 ment may not be imposed.

3 (4) If any portion of the cost of district works is assessed against benefited lands under this
 4 section, the *[district]* board **of directors** may issue works bonds in the total amount of the valid
 5 applications the *[district]* board **of directors** has received to pay assessments in installments as
 6 provided by ORS 223.205 and 223.210 to 223.295.

7 **SECTION 15.** ORS 550.330 is amended to read:

8 550.330. (1) To pay the costs of acquiring, purchasing, constructing, improving, operating and
 9 maintaining district works, the board of directors *[of the urban flood safety and water quality*
 10 *district]* may adopt an ordinance to:

11 (a) Impose and collect service charges, fees or rates on the owners or occupants of property
 12 served by the works of the district.

13 (b) Impose and collect user charges, fees and tolls for connection to or use of works, facilities
 14 and services of the district.

15 (2) Charges, fees, rates and tolls described in subsection (1) of this section shall be based on the
 16 costs of acquiring, purchasing, constructing, improving, operating and maintaining the works, facil-
 17 ities or services and of administering the charges.

18 (3) The *[district]* board **of directors** may adopt differential charges or rates applicable to unique,
 19 qualitatively different areas within the district when the *[district]* board **of directors** deems such
 20 differential charges or rates necessary, beneficial or equitable.

21 (4) Service charges, fees and rates imposed on the owners or occupants of property located
 22 outside the managed floodplain shall be commensurate with:

23 (a) The benefits received by such properties from the works; or

24 (b) The costs actually incurred by the district related to such properties, including, but not
 25 limited to, pumping of storm water runoff.

26 (5) The district may enter into intergovernmental agreements under ORS chapter 190 with cities
 27 located in whole or in part within the district boundaries to collect service charges, fees and rates
 28 on behalf of the district.

29 (6) The *[district]* board **of directors** may issue revenue bonds by pledging all or part of any
 30 charge, fee, rate or toll adopted pursuant to this section. All revenue bonds issued under this section
 31 shall be issued as prescribed in ORS chapter 287A.

32 **SECTION 16.** ORS 550.360 is amended to read:

33 550.360. (1)(a) Notwithstanding any other provision of law, the urban flood safety and water
 34 quality district may, by resolution of the *[district]* board **of directors**, dissolve any drainage district
 35 formed and operating under ORS chapter 547, any drainage district organized and operating under
 36 ORS 548.005 to 548.120 or any corporation incorporated for any of the purposes listed in ORS
 37 554.020, that is operating entirely within the boundaries of the urban flood safety and water quality
 38 district.

39 (b) Upon the dissolution, the dissolved district or corporation shall transfer, and the urban flood
 40 safety and water quality district shall assume, the duties, assets and liabilities of the dissolved dis-
 41 trict or corporation and continue to furnish the services formerly provided by the district or cor-
 42 poration to the residents of, and owners of property in, the dissolved district or corporation. Such
 43 assets include, without limitation, all interests in real property and tangible and intangible personal
 44 property, including water rights, uncollected taxes, assessments or other charges levied by the dis-
 45 solved district or corporation.

1 (c) The dissolved district or corporation shall be considered annexed by and merged into the
 2 urban flood safety and water quality district.

3 (2) A dissolution under this section may be initiated only by resolution of the [district] board
 4 **of directors**. The [district] board **of directors** may not consider a dissolution resolution unless and
 5 until the urban flood safety and water quality district has [operating and capital funding] sufficient
 6 **funding from one or more of the means set forth in ORS 550.300** to enable the urban flood
 7 safety and water quality district to assume and manage the duties, assets and liabilities of the dis-
 8 solved district or corporation.

9 (3) A dissolution under this section becomes effective no later than one year after the date on
 10 which the [district] board **of directors** adopts the dissolution resolution, unless the district or cor-
 11 poration to be dissolved agrees to an earlier dissolution date.

12 (4)(a) As soon as practicable after the date on which the [district] board **of directors** adopts a
 13 dissolution resolution under this section, the [district] board **of directors** and the governing bodies
 14 of the districts or corporations to be dissolved, or the designated representatives of the governing
 15 bodies, shall meet to negotiate a debt distribution plan. A debt distribution plan may provide for any
 16 distribution of indebtedness between the urban flood safety and water quality district and the dis-
 17 trict or corporation to be dissolved.

18 (b) If the [district] board **of directors** and the governing bodies do not agree on a debt distrib-
 19 ution plan, or if the territory of the district or corporation to be dissolved remains liable under the
 20 plan for any portion of the indebtedness outstanding at the time of the dissolution and transfer, the
 21 [district] board **of directors** shall serve as the ex officio board of the dissolved district or corpo-
 22 ration for the purpose of imposing and collecting charges or taxes in the territory until all indebt-
 23 edness of the dissolved district or corporation, including interest, is paid in full.

24 (c) Before a debt distribution plan may be agreed to under this section, the urban flood safety
 25 and water quality district shall obtain consent from all known holders of valid indebtedness owed
 26 by the district or corporation to be dissolved or releases based on provision in the debt distribution
 27 plan for the payment of nonconsenting holders. The territory within the boundaries of the district
 28 or corporation to be dissolved may not by reason of the dissolution and transfer be relieved of out-
 29 standing liabilities and indebtedness for which the district or corporation to be dissolved has pre-
 30 viously entered into an agreement.

31 (5) After paying and discharging all debts and obligations or obtaining consent from holders of
 32 valid indebtedness or releases from nonconsenting holders, in accordance with the debt distribution
 33 plan, the governing body of the district or corporation to be dissolved shall transfer to the urban
 34 flood safety and water quality district all assets of the district or corporation to be dissolved.

35 (6) If requested by the district or corporation to be dissolved, or at the discretion of the
 36 [district] board **of directors**, the [district] board **of directors** may create a zone committee with
 37 members appointed by the chair of the district or corporation to be dissolved to provide for conti-
 38 nuity and recommendations with respect to fees, rates and charges, and levels of support and oper-
 39 ation, within the territory of the dissolved district or corporation.

40 **SECTION 17. Section 18 of this 2022 Act is added to and made a part of ORS 550.150 to**
 41 **550.400.**

42 **SECTION 18. (1) As used in this section, “actionable condition” means a condition on**
 43 **public or private property that obstructs, clogs, damages, injures, reduces the efficiency of,**
 44 **impairs the usefulness of or otherwise has a negative impact on the district’s works.**

45 **(2) In addition to the remedies provided under ORS 550.390 and 550.400, when an**

1 actionable condition exists, the district may bring a civil action in Multnomah County Circuit
2 Court against the person or persons responsible for creating or maintaining the actionable
3 condition.

4 (3) The civil action may include a request for one or more of the following remedies:

5 (a) Injunctive relief;

6 (b) Authority to enter onto the property to abate the actionable condition; and

7 (c) Remediation costs and damages that arise from the existence or abatement of the
8 actionable condition.

9 SECTION 19. This 2022 Act takes effect on the 91st day after the date on which the 2022
10 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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