

## Back to Basics – Work Session #4

**568.554 District to submit program and work plans for department review.** Each conservation district shall submit to the State Department of Agriculture its proposed long-range program and annual work plans for review and comment. [1973 c.656 §20; 1981 c.92 §30]

**568.555 Name of district may be changed.** Upon approval by the State Department of Agriculture, the directors of a soil and water conservation district may submit to the Secretary of State a proposed new name for the district. If the proposed new name is not identical with that of any other soil and water conservation district of this state or so nearly similar as to lead to confusion or uncertainty, the Secretary of State shall make the change in names on the appropriate records in the office of the secretary, and shall record and issue to the directors a new certificate of formation for the district containing the new name. If the proposed new name does not satisfy such requirement, the Secretary of State shall so notify the directors, who may submit a new name which does satisfy such requirement. [1955 c.142 §2; 1981 c.92 §31; 2009 c.220 §27]

**568.580 Annual meeting.** Each year after the creation of the first board of directors at a time fixed by resolution of the board, the board, by giving due notice, shall call an annual meeting of the landowners in the district and present an annual report and audit.

**568.590 Notice of annual meeting.** No later than 15 days prior to the annual meeting, the board of directors for a soil and water conservation district shall cause notices to be published in a paper of general circulation in the area, setting forth the time and place of holding the meeting. [Amended by 1961 c.641 §3; 1973 c.656 §15; 2009 c.220 §30]

**568.600 Legal counsel; delegation of powers; assistance to department.** (1) The directors may call upon the Attorney General for such legal services as they may require, or may employ their own counsel.

(2) The directors may delegate to their chairperson or to one or more directors such powers and duties as they deem proper.

(3) The directors shall make available to the State Department of Agriculture all records and information pertaining to the district and shall assist the department in carrying out its recommendations. [Amended by 1981 c.92 §33]

**568.610 Records; audits.** The board of directors for a soil and water conservation district shall:

(1) Provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted.

(2) Provide for an annual audit of the accounts of receipts and disbursements in accordance with ORS 297.210, 297.230 and 297.405 to 297.555. [Amended by 1969 c.345 §18; 2009 c.220 §31]

**568.620 Consultation with county or municipal representatives.** The directors shall invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the directors of the district on all

questions of program and policy which may affect the property, water supply or other interest of such municipality or county.

**568.730 Officials may enter private lands.** The directors or designated representatives of a soil and water conservation district have authority to go upon any lands within the district after notifying the owner or operator for the purpose of making surveys and carrying out the responsibilities with which the directors or representatives are vested by law. The directors or representatives shall take due precaution at all times to prevent injury to growing crops or livestock. [Amended by 2009 c.220 §32]

**568.780 Certain public agencies to be deemed owners.** Agencies of this state which have jurisdiction over, or are charged with the administration of any state owned lands, and of any county, or other governmental subdivision of the state, which have jurisdiction over, or are charged with the administration of any county owned or other publicly owned lands, lying within the boundaries of any district organized under ORS 568.210 to 568.808 and 568.900 to 568.933 are deemed owners within the meaning of ORS 568.210 to 568.808 and 568.900 to 568.933 and have the same rights and duties as other landowners under the provisions of ORS 568.210 to 568.808 and 568.900 to 568.933.

**568.790 County funds for personnel and other uses.** (1) In any county where one or more soil and water conservation districts have been established as provided by ORS 568.210 to 568.808 and 568.900 to 568.933, the county court of such county may provide and appropriate funds for the use of such district or districts for the employment of necessary personnel including the employment of one county extension agent or for other expenditures required to carry out the provisions of ORS 568.210 to 568.808 and 568.900 to 568.933.

(2) Such funds may be provided either by special provision in the annual tax levy of such county or by appropriation of funds not otherwise appropriated. [Amended by 1961 c.641 §4; 1983 c.327 §9; 2009 c.220 §33]

**568.801 Stream control and management projects; application; designation and implementation; rules.** (1) Any district that desires to implement a stream bank erosion control or stream corridor management project shall make application therefor to the State Department of Agriculture. The application shall be in such form and shall contain such information as the department may prescribe.

(2) By utilizing existing inventories and reports, the department shall designate projects to be implemented on critically eroding stream systems of this state.

(3) The department shall utilize the resources and cooperation of other state and federal agencies to the greatest extent practicable in implementing stream bank erosion control and stream corridor management projects.

(4) In accordance with any applicable provision of ORS chapter 183, the department, by rule, shall adopt procedures to carry out the provisions of subsections (1) to (3) of this section. [1981 c.202 §§2,3; 1983 c.740 §220]

**568.803 General obligation bonds; refunding bonds; special taxes.** (1) When authorized by a majority of electors voting at an election called for that purpose by the directors of a soil and water conservation district, the directors may issue general obligation bonds of the district,

not exceeding in value the amount stated in the notice of election and for the purpose named in the notice as provided in ORS chapter 287A.

(2) The aggregate amount of general obligation bonds issued and outstanding at any one time may not exceed two and one-half percent of the real market value of all taxable property of the district, computed in accordance with ORS 308.207.

(3) General obligation bonds must recite that they are issued under ORS 568.210 to 568.808.

(4) A soil and water conservation district:

(a) Shall issue general obligation bonds authorized under this section as provided in ORS chapter 287A; and

(b) May issue refunding bonds as provided in ORS chapter 287A.

(5) Taxes that are levied by a soil and water conservation district to pay principal, interest and premium, if any, on general obligation bonds issued pursuant to this section are separate from and in addition to taxes levied pursuant to ORS 568.806. [2005 c.282 §3; 2007 c.783 §222]

**568.805 Special assessments; improvement bonds; objections by landowners.** (1) A district may finance the exercise of any district power or function authorized under this chapter by levying special assessments against property directly benefited thereby and by issuing special assessment improvement bonds. As security for the bonds, the district may pledge all or any part of the revenue from special assessments levied against property directly benefited. The rights and duties accorded a city and the owners of property in a city under ORS 223.389 and 223.391 for levying special assessments and issuing special assessment improvement bonds shall apply in the same manner to a district and the owners of property in the district for purposes of levying assessments and issuing special assessment improvement bonds under this section.

(2) In addition to other requirements of ORS 223.389 and 223.391, the directors of a district shall fix a date by which written objections to the amount of proposed assessments levied under this section may be filed with the district. The date so fixed shall be not less than 50 days after notice of the proposed assessment is mailed or delivered to the owner of each lot or parcel of property to be assessed. If written objections to the proposed assessments are filed by that date by at least 50 percent of the owners of property to be assessed who are also liable for at least 60 percent of the total amount of assessments, the directors of the district shall terminate the proposed project and assessments.

(3) Except as provided in this section, a district may not issue bonds or make assessments. [1985 c.637 §2; 1991 c.902 §115; 2003 c.802 §147]

(Tax Levying Authority)

**568.806 Ad valorem tax; budget; collection.** (1) When authorized to become a taxing district by the eligible electors of the district as provided in ORS 568.807, a district may assess, levy and collect an ad valorem tax each year on all taxable property within the limits of the district. The proceeds of the tax shall be applied in carrying out the purposes of ORS 568.210 to 568.808 and 568.900 to 568.933.

(2) In any year in which the ad valorem tax provided for in subsection (1) of this section is levied, the directors of the district shall prepare a budget in the form, manner and time prescribed in ORS 294.305 to 294.565 (the Local Budget Law), and in accordance therewith shall fix the amount of money to be raised by taxation for the district.

(3) Any taxes levied in any year shall be returned to the county officer, whose duty it is to extend the tax roll in the manner provided in ORS 310.060.

(4) All taxes levied by a district shall become payable at the same time and be collected by the same officer who collects county taxes, and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district in the same manner as city taxes are extended.

(5) Property shall be subject to sale for nonpayment of taxes levied by a district in like manner and with like effect as in the case of county and state taxes. [1981 c.918 §2; 1991 c.459 §446; 2017 c.26 §11]

**568.807 Electors authorizing taxation; election date.** (1) The eligible electors of a district may, by approving a proposition referred to them by the governing body of the district, authorize the district to become a taxing district with the power to thereafter assess, levy and collect an ad valorem tax each year on the real market value of all taxable property within the limits of the district.

(2) Approval of a proposition authorizing the district to become a taxing district need only be obtained once by a district in order for the district to have the taxing power granted by ORS 568.806.

(3) An election called by the district for the purpose of obtaining approval to become a taxing district shall be held on one of the dates set forth in ORS 255.345. [1981 c.918 §3; 1991 c.459 §447]

**568.808 Taxing district to file legal description and map.** When a district is authorized to become a taxing district as provided in ORS 568.807, the governing body of the district shall file a legal description and accurate map of the district with the Department of Revenue and the county assessor. The description and map shall satisfy the requirements of ORS 308.225, and that section shall thereafter apply to the district. [1981 c.918 §4]