

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 12-11-07-03

IN THE MATTER OF APPROVING THE
BOUNDARY AND REFERRING THE
QUESTIONS OF FORMATION OF THE
HECETA WATER PEOPLE'S UTILITY
DISTRICT AND OF A SPECIAL LEVY
FOR ELECTION

WHEREAS, individuals interested in the formation of a people's utility district have provided the Board of County Commissioners with a petition for formation of the Heceta Water People's Utility District and have request a special levy be authorized ; and

WHEREAS, on July 25, 2012, the Lane County Clerk certified the sufficiency of the signatures on the petition as required by ORS 261.131; and

WHEREAS, ORS 261.161 requires that a hearing be held on a petition for formation of a people's utility district not less than 60 days nor more than 90 days after certification of the petition, and that notice of the hearing be published two times prior to the date of the hearing; and

WHEREAS, it appears to the Board that the required notice of the hearing was duly published and on October 16, 2012, this Board held a hearing to consider the boundary of the proposed district; and

WHEREAS, the Board has considered the hearing testimony and documents submitted at or prior to the hearing, and has further considered the report from the Oregon Department of Energy prepared according to ORS 261.151; and

WHEREAS, the Board finds that the boundary for the proposed district reflected on the map and description attached as Exhibit A is the same as the current boundary of the Heceta Water District, and that no requests to remove or add territory to the proposed district have been received; and

WHEREAS, the Board finds that the territory intended to be included within the boundary of the proposed district does not comprise an entire township and is not currently part of another people's utility district, and that ORS 261.110(6) and ORS 261.110(7), respectively, are satisfied; and

WHEREAS, Lane Manual 60.812 provides the fee to be charged by the Lane County Clerk for district formations and the Board finds that petitioners have not yet paid the required fee; and

WHEREAS, the Board has ordered that county staff review and evaluate the fee amounts charge by the county clerk for district boundary changes in order to determine whether the fee amounts adequately approximate full cost recovery for processing applications; and

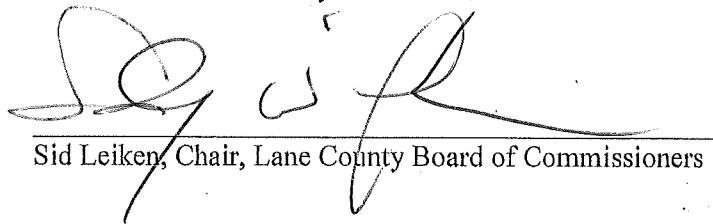
WHEREAS, with the exception of petitioners' failure to pay the required fee, the Board finds that all applicable requirements have been met and that it is appropriate to refer this matter for election upon payment of the applicable fee; and

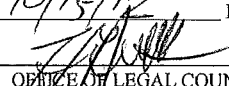
WHEREAS, the Board being otherwise fully informed.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. That as soon as practicable, county staff review and evaluate the fee amounts charge by the county clerk for district boundary changes in order to determine whether the fee amounts adequately approximate full cost recovery for processing applications, and present proposed Lane Manual changes to the Board for fee amount changes if warranted.
2. That on or before February 13, 2013, petitioners pay the applicable county clerk fee that is effective on that date, whether or not any changes to the fee amounts have been made. If the fee amount is later reduced as result of the county review and evaluation ordered by the Board above, the county will reimburse petitioners for the difference.
3. That the boundary of the proposed district, attached as Exhibit A, is approved.
4. That, effective February 13, 2013, and contingent on petitioners' payment of the required fee by that date, the following questions are referred to the electors within the proposed district for the May 21, 2013 election: whether the Heceta Water People's Utility District should be formed within the boundary described in Exhibit A and whether the district should be authorized to impose a special levy in the amount of \$25,000 for the purposes described in ORS 261.113.
5. That the County Clerk provide notice for and conduct the election in the manner provided by law.

ADOPTED this 7th day of Nov , 2012.


Sid Leiken, Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 10/15/12 Lane County

OFFICE OF LEGAL COUNSEL

