

TITLE 4

BOARDS, COMMISSIONS AND COMMITTEES

CHAPTER 440

OREGON CASCADES WEST COUNCIL OF GOVERNMENT CODE

TABLE OF CONTENTS

Section Title

440.005	Title
440.010	Legislative policies
440.050	Definitions
440.100	Legislative intent to create the Council
440.150	Necessity for Council's creation
440.200	Effective date of the Council
440.300	Public purposes of the Council
440.350	Powers, duties and functions of the Council
440.800	Dissolution of the Council

Statutory References and Other Authorities

Legislative History of Chapter 440

440.005 Title

This Chapter, LCC 440.005 to LCC 440.800, shall be known and may be cited as the "Linn County Oregon Cascades West Council of Governments Code" or simply as the "Oregon Cascades West Council of Governments Code" or "CWCOG Code."

[Adopted 98-526 §13 eff 12/16/98]

440.010 Legislative policies

(A) WHEREAS, several units of local government, as that term is defined in ORS 190.003, created a co-operative council known as Cascades West Council of Governments (CWCOG) by an intergovernmental agreement on the 1st day of September, 1970, pursuant to ORS Chapter 190.110.

(B) WHEREAS, the members now wish to establish CWCOG as an intergovernmental entity as that term is described in ORS 190.010 (5).

(C) WHEREAS, the intergovernmental entity will be governed by a board appointed by, responsible to and acting on behalf of the members for the performance of those functions and activities conferred on it by the members, including but not limited to the powers and authorities described in ORS 190.080.

(D) WHEREAS, creation of an intergovernmental entity requires that an intergovernmental agreement be executed creating the intergovernmental entity, and that each of the members to the intergovernmental agreement enact an ordinance ratifying creation of the intergovernmental entity prior to the effective date of the intergovernmental agreement.

(E) WHEREAS, the members have executed an intergovernmental agreement creating an intergovernmental entity known as Oregon Cascades West Council of Governments (hereinafter "Council").

(F) WHEREAS, Linn County is a member of CWCOG and is a party to the intergovernmental agreement and by Ordinance 96-288 ratifies the creation of the Council. [The text of LCC 440.010 appeared in the legislative history section of Ordinance 96-288 eff 12/11/96. It was not adopted as ordinance but is set forth in full here for its legislative history.]

440.050 Definitions

"Member or members" means those units of local government, as that term is defined in ORS 190.003, who are parties to an intergovernmental agreement dated September 1, 1970, known as Cascade West Council of Governments, and who, by further intergovernmental agreement, made pursuant to ORS 190.010, create an intergovernmental entity to be known as the Oregon Cascades West Council of Governments.

[Adopted 96-288 §1 eff 12/11/96]

440.100 Legislative intent to create the Council

(A) It is the intent of member Linn County to create by intergovernmental agreement with other members an intergovernmental entity to be known

as the Oregon Cascades West Council of Governments (hereinafter “Council”).

(B) By enacting Ordinance 96-288 pursuant to ORS 190.085, Linn County ratifies the creation of the Council.

(C) The authorization for the establishment of the Council as an intergovernmental entity is set forth in state enabling legislation (ORS 190.003 to 190.110, as currently existing and as amended hereafter) and by agreement of its members.

[Adopted 96-288 §2 eff 12/11/96; amd 98-526 §13 eff 12/16/98]

440.150 Necessity for Council’s creation

Creation of the Council is necessary in order to refinance existing CWCOG’s current loan and reduce interest costs. In order to allow the refinancing to occur as soon as possible, an emergency is hereby declared to exist, and this chapter shall take effect upon enactment.

[Adopted 96-288 §5 (second) eff 12/11/96]

440.200 Effective date of the Council

The effective date of the intergovernmental agreement shall be first date on which two thirds of the members of the existing CWCOG, plus one, have adopted ordinances ratifying the creation of the Council as an intergovernmental entity.

[Adopted 96-288 §3 eff 12/11/96]

440.300 Public purposes of the Council

The public purposes for which the Council is created are as follows:

(A) Investigate and present information on issues involving the region’s physical and social condition;

(B) Facilitate regional communication on issues of mutual interest;

(C) Provide staff resources for multi-jurisdictional planning programs;

(D) Provide staff for multi-jurisdictional program operation;

(E) Offer staff resources to local governments to carry out programs or activities when such an arrangement would be beneficial; and,

(F) Conduct, on behalf of member governments, federal and state programs of a single or multi-jurisdictional nature and/or impact.

[Adopted 96-288 §4 (first) eff 12/11/96]

440.350 Powers, duties and functions of the Council

The powers, duties and functions of the Council are as follows:

(A) *Powers, Duties and Functions of the Council.* The Council shall have the following powers, duties and functions:

(1) Any and all powers and duties authorized by ORS 190.080 as amended or hereafter amended;

(2) Make, adopt and amend rules of procedure and/or bylaws consistent with this Chapter and the intergovernmental agreement;

(3) Adopt all rules necessary to carry out Council powers and duties under the intergovernmental agreement;

(4) Adopt a budget indicating the receipts and expenditures of the Council and establish the amount of financial participation by each member;

(5) Employ staff, retain consultants, and obtain the personal services of individuals or employees of other agencies;

(6) Establish advisory committees;

(7) Adopt and authorize all advocacy positions of the Council and committees of the Council;

(8) Inform each member no later than two (2) weeks after a dues rate has been set by the Board, of the amount of dues it will be assessed for the following fiscal year;

(9) Seek and accept grants, gifts, loans, and donations in the name of the Council, member(s), or other public or quasi-public agencies to carry out purposes of the Council or activities directed by the entity for whom the financial assistance is being provided;

(10) Issue revenue bonds under ORS 288.805 to 288.945 to accomplish the public purposes of the members if, after a public hearing, the governing body of each of the members ap-

proves, by resolution or order, the issuance of the revenue bonds;

(11) Provide for refinancing outstanding obligations of the Council, including refinancing the existing debt obligation(s) for real property;

(12) Provide for financing of capital improvements for real property of the Council;

(13) Own or lease equipment and other property in its own name;

(14) Enter into any agreements with vendors, trustees or escrow agents for the installment, purchase or lease with option to purchase of real or personal property if the period of time allowed for payment under an agreement does not exceed 20 years;

(15) Enter into agreements with the United States, the State of Oregon, members of the Council, public or private agencies, foundations or corporations, and individuals for the purpose of obtaining funding or payment to carry out the objectives, programs and purposes of the Council;

(16) Take such other actions as are necessary to enable the Council to carry out those purpose and functions which are consistent with this Chapter and the intergovernmental agreement and state law.

[Adopted 96-288 §4 (second) eff 12/11/96; amd 98-526 §13 eff 12/16/98]

440.800 Dissolution of the Council

The Council may be dissolved at any time by unanimous vote of all the parties to the intergovernmental agreement:

(A) Upon the dissolution of the Council, distribution of all assets of the Council shall be made to the current parties to the intergovernmental agreement in the same proportion to the total dues assessment for the current fiscal years, as each party was individually assessed:

(1) However, any proceeds from the sale of an asset, the purchase liability of which was assumed by one or more parties, in accordance with ORS 190.080 (5), shall accrue to the parties originally liable, in proportion to their combined dues for the current fiscal year; or

(2) In the event the liability was assumed in some specified manner or amount, the distribution of proceeds from the sale of the asset shall be made in the same specific manner proportional to the amount of the total liability originally assumed and/or specified in separate agreement.

(B) Upon dissolution of the Council, any outstanding indebtedness or other liabilities of the Council shall be assumed by the parties to the intergovernmental agreement in the same proportion to the total dues assessment for the current fiscal year, as each party was individually assessed:

(1) However, any indebtedness or liability which was assumed by one or more parties, in accordance with ORS 190.080 (5), shall be borne by the parties so liable, in proportion to their combined dues; or

(2) In the event the liability was assumed in some specified manner or amount, the remaining indebtedness or liability shall be borne in the same specific manner proportional to the amount of the total liability assumed.

(C) If during the course of operation member government made some specific financial or asset contribution to the Council, for which the member was to be repaid, such repayment shall be made in full, prior to the distribution of assets described in subsection (A) of this section.

[Adopted 96-288 §5 (first) eff 12/11/96; amd 98-526 §13 eff 12/16/98]

Statutory References and Other Authorities:

ORS ch 203; ch 190; OD4COG Intergovernmental between Linn, Benton and Lincoln counties, dated 9/1/70; LCOG intergovernmental agreement, dated 11/30/71; CWEDD intergovernmental agreement, dated 5/20/85; OCWCOG intergovernmental agreement, dated about 12/11/96

Legislative History of Chapter 440:

Adopted 96-288 12/11/96

Amendments to 96-288:

#1 98-526 eff 12/16/98

[This page is intentionally blank]