

STEPS TO INCORPORATION OF A CITY

PETITION

- Initiated by filing a proposed petition with the County Clerk. The
 - petition names 1-3 chief petitioners
 - petition names the new city
 - petition states a permanent rate limit for operating taxes that would generate operating tax revenues sufficient to support an adequate level of municipal services
 - petition is accompanied by a map of the proposed city boundaries
 - petition may be accompanied by the Economic Feasibility Statement. The EFS
 - describes the services and functions to be performed or provided by the city
 - analyzes the relationship between those services and functions and other existing or needed government services
 - proposes first and third year municipal budgets
 - is the basis for the permanent tax rate limit
 - In addition, Metro Code requires a list of present and proposed urban service providers and the tax assessed value of the territory
- A petition accompanied by the EFS must be accepted by the County Clerk
- Copies of the petition are circulated for signatures
- Petitions with signatures of 10% of registered electors in the proposed city are filed with Board of County Commissioners

HEARING

- BCC schedules a hearing on the petition, publishes and posts notice and mails notice to "necessary parties" (generally, government entities with implicated urban services)
- At the hearing(s) the BCC
 - hears any objections from any person to the granting of the petition, the forming of the city, or the tax rate in the petition
 - hears any objections from a "neighboring city" (within three miles) that the new city will adversely affect the neighboring city
 - considers whether the proposed city boundary includes only property that will be benefited by incorporation
 - considers Metro Code criteria for incorporation (statutory criteria plus a recognition in the EFS that the city must plan for Metro average residential densities)

- considers criteria applicable to the land use decision element of a decision to conduct the election
- If the BCC approves the petition it adopts an order
 - calling an election not sooner than 90 days after the order
 - adopting a legal description of the proposed boundary
 - directing the election official to create a common features description of the proposed boundary to place on the ballot
 - responding to any neighboring city objection

APPEAL

- A neighboring city may appeal to LUBA from a denial of its objection alleging adverse impact
- Any person with statutory standing may appeal to LUBA from the land use decision element of the order
- A necessary party with Metro Code standing may appeal to the Metro Boundary Appeals Commission based on the Metro Code criteria

ELECTION

- Held on the date in the BCC order unless the order has not become final as a result of an appeal
- Elects the initial five member council
- BCC proclaims election results within 30 days
- Majority of votes cast prevails in even-numbered year general election, otherwise majority of registered electors must vote in favor
- Incorporation is effective as of the election date