Chapter 550

1957 REPLACEMENT PART

(1963 reprint)

Flood Control Districts (Island School Districts)

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550.005 Definition of "taxpayer." For the purposes of ORS 550.020 to 550.140, "taxpayer" means any person who has paid ad valorem property taxes, as shown by the latest county tax roll then in process of collection.

[Formerly part of 550.010]

550.010 Island school district authorized to borrow money and issue bonds; voters' approval; injury from flood; preventive measures. (1) When, in the judgment of the freeholders who are legal voters of a school district that is composed entirely of an island in a navigable river, it is necessary to construct and maintain any levee, riprap, plantings of shrubs, brush or trees, or do any other thing necessary for the purpose of preventing flood waters from inundating, eroding, washing away any land or cutting channels through land on the island, which flood control construction or methods will be beneficial to the taxpayers of the island and the district, the district may borrow money and issue bonds to provide funds for flood control, in the manner provided in ORS 550.020 to 550.140.

(2) For the purposes of ORS 550.020 to 550.140, any such school district shall constitute a flood control district.

[Amended by 1957 c.636 §1; part renumbered 550.005]

550.020 Directors of district; petition for election of. Whenever, after June 7, 1937, a petition therefor, signed by not less than 10 percent of the freeholders who are legal voters of the flood control district, is filed with the county clerk of the county, the county court shall, subject to the provisions of ORS 550.005 to 550.140, order an election for the purpose of electing three directors of the board of directors of the flood control district.

550.030 Election procedure; annual elections. (1) The petition mentioned in ORS 550.020, after being filed with the county clerk, shall be presented to the county court at or before the next regular session of the court. The county court shall examine the petition as soon as it is presented and, if satisfied that the petition substantially conforms to the requirements of ORS 550.005 to 550.140 and contains the names and post-office addresses, places of residence, and precincts of the required number of freeholders who are legal voters, the court shall then make an order directing that an election be called and held in the flood control district, for the purpose of electing the board of directors, at a time and place fixed by the court, which shall not be less than 30 nor more than 40 days after the date of making the order.

(2) Notice of the election shall be given by the county clerk by causing a notice to be posted in three public places in the flood control district and one at the courthouse in the county at least 10 days prior to the election, and by publishing one notice at least three weeks in two weekly newspapers, if there are two, of general circulation in the county. The notice shall give the time and place and purpose of the meeting. Proof of posting notice shall be made by affidavit of the person posting the same and submitted to the county clerk, who shall make the same a public record in his office, with proof of publication of the notice. The county clerk shall designate three persons to be the judges and inspectors of the election.

(3) Annually thereafter there shall be held an election for the purpose of electing such members of the board as may be required, or for filling vacancies on the board. The notice of the annual election shall be given in the form and manner that notices of other elections in the district are given. The board may designate the time and place of such annual elections, give the notice, be the judge and inspectors of the election, count the ballots, and certify the results as other elections are certified. If any controversy arises with reference to the legality of any election herein provided, the general election laws not in conflict herewith shall govern.

550.040 Directors; terms of office; chairman; powers and duties. (1) At the election, there shall be elected three directors of the flood control district, one for a term of one year, one for a term of two years and one for a term of three years. The director having the shortest period of time to serve shall be chairman of the board. If, for any reason, two or more members of the board have a like short term of service, the senior in residence on the island shall be the chairman of the board. To be eligible to the office of director, a person must be a citizen of the United States, and a resident taxpayer and legal voter of the district. The board of directors is created a body corporate, and for the purpose of flood control within the district the board shall protect the

real and personal property of the district against flood erosion, cuts and property damages caused by floods, and the acts of any property holder whose conduct in or handling of his property endangers the property of others of the flood control district.

(2) The board may:

(a) Call meetings upon its own motion or upon the petition of three taxpayers of the district.

(b) Purchase, acquire, lease and hold real and personal property.

(c) Exercise the right of eminent domain for the purpose of acquiring real property upon which to construct flood control works, or to plant trees, shrubs or brush or other vegetation for the purpose of flood control, or to withdraw from use and cultivation lands for that purpose.

(d) Deal with or in conjunction with this state or any adjoining state or any county of this state or of an adjoining state for the purpose of flood control.

(e) Deal and cooperate with the Government of the United States or any branch, division or agency of the United States to accomplish or assist in the working out of any flood control program.

(f) Sue and be sued.

(g) Contract and be contracted with.

(h) Handle and direct the use of property owned and acquired, or leased for the purpose of flood control.

(i) Hold hearings to acquire information, and make reports.

(j) Employ such expert and other assistance as may be required.

(k) Make recommendations to taxpayers of the district as to the dangers of damage by floods or the danger resulting from the action of any person in the use of his own property or the property of another and as to the advisability of acquiring by the board any real property by deed, demise, in trust or otherwise.

(L) Establish and recommend a policy of flood control, subject to the approval of the taxpayers.

[Amended by 1957 c.636 §2]

550.050 Petition for election to determine issuance of bonds and levying of tax; order by county court. Whenever a petition, signed by not less than 10 percent of the taxpayers who are legal voters of the flood control district, is filed with the county clerk of the county in which the flood control district is located, the court shall, subject to the provisions of ORS 550.060, order an election to determine whether or not the county court shall issue bonds for the construction and maintenance of the flood control plans or devices and levy a special tax for the payment of such bonds upon the property of the flood control district.

[Amended by 1957 c.636 §3]

550.060 Filing of petition and presentation to court; order directing election; notice; meeting; certification of vote; order of county court; conclusiveness of order as to regularity of proceedings; record of proceedings. (1) The petition mentioned in ORS 550.050, after being filed with the county clerk, shall be presented to the county court at or before its next regular session. The county court shall examine the petition as soon as it is presented and, if satisfied that the petition substantially conforms to the requirements of ORS 550.070 and contains the names and postoffice addresses, places of residence and precincts of the required number of taxpayers as required by ORS 550.050, the court then shall make an order directing that a special election be called and held in the flood control district, for the purposes specified in the petition, at a time and place fixed by the court, which shall be not less than 30 nor more than 40 days after the date of making the order.

(2) Notice of the election shall be given by the county clerk by causing notices to be posted in three public places in the flood control district and at the courthouse in the county at least 10 days prior to the meeting, and by publishing one notice at least three weeks in one weekly newspaper of general circulation in the county. The notice shall give the time, place and object of the meeting. Proof of posting notice shall be made by affidavit of the person posting it, submitted to the meeting, together with proof of publication of such notice.

(3) At the time of the meeting, it shall be organized by the election of a chairman and secretary. If a majority of the taxpayers in attendance vote to issue bonds, the chairman and secretary shall certify the same to the county clerk, within 10 days thereafter, and the county court shall then enter an order in its journal declaring that fact and that the order shall be absolutely conclusive as to the regularity of all proceedings in reference to the matter. The secretary of the meeting shall keep a record of

all proceedings and due proof of posting and publishing the notice, and shall inclose with his certificate above mentioned to the county court certified copies of all proceedings, including such proof of posting and publication.

[Amended by 1957 c.636 §4]

550.070 Form of petition for election. The form of petition shall be substantially as follows:

Petition for Flood Control Election

We, the undersigned, taxpayers and legal voters of ——— Flood Control District, ——— County, Oregon, respectfully petition that an election be held in this flood control district by the taxpayers thereof, at a time hereinafter to be fixed by the county court of this county, to determine whether the county court shall issue (herein insert amount of proposed bonds, as, for example, $10,000) in bonds for the construction of flood control works, and levy a special tax on the taxable property of the flood control district to pay the interest of the bonds and to provide a sinking fund to redeem the same at maturity; and each for himself says: I have personally signed this petition, and my residence, postoffice address and voting precinct are correctly written after my name.

Name	Residence	Postoffice Address	Voting Precinct

[Amended by 1957 c.636 §5]

550.080 Form of notice of election. The election notice shall be substantially in the following form:

Flood Control Election Notice

Notice is given that on the —— day of ——, 19—, at the hour of ——, —. m. at —— Flood Control District, —— County, Oregon, an election will be held by the taxpayers of the district to determine whether the county court of this county shall issue (insert here the amount of proposed bond issue, as, for example, $10,000) in bonds, for the construction of flood control works, and levy a special tax on all taxable property of the flood control district to pay the interest on the bonds and to provide a sinking fund to redeem the same at maturity.

Dated this —— day of ——, 19—.

County Clerk of —— County, Oregon.

[Amended by 1957 c.636 §6]

550.090 Bonding committee. The county court of the county is created a bonding committee, of which the judge of the court shall be chairman and the county clerk secretary, for the purpose mentioned in ORS 550.100 to 550.140.

550.100 Functions of committee; issuance and sale of bonds. Thirty days after the entrance upon the records of the order mentioned in ORS 550.060, or, if the election is contested, then within 30 days after the final determination of such contest, the bonding committee shall arrange to issue such bonds as were authorized at the election and shall thereafter, as soon as in their judgment may be expedient, issue and sell such bonds. The bonding committee shall have power to arrange the form, details and sale of the bonds consistent with the provisions of ORS 550.005 to 550.140.

550.110 Bonds; form and terms of; register. The bonds shall bear interest at a rate not to exceed four percent per annum, payable on January 1 and July 1 of each year, and shall run not to exceed 10 years from the date of issue. They shall have interest coupons attached to them, one coupon for each interest payment. The bonds and coupons shall be made payable to bearer and shall be paid by the county treasurer upon presentation at his office at or upon the date of payment named thereon. The county treasurer shall keep a register of all bonds, amount, date of issuance, date of sale, and such facts as, in his judgment, serve to keep an accurate record of the bonds issued and sold. The bonds shall be in denominations of $100 and upwards, but not to exceed $1,000. The bonds and coupons shall be lithographed and printed on good bond paper, be signed by the county judge and the county clerk of the county, and sealed with the seal of the county, and shall bear the certificate of the county treasurer over his signature that they have been registered in his office, naming the date of registration. The coupons shall bear the printed facsimile signature of the county judge and the county clerk.

550.120 Sale; price; bids; rejection of bids by bonding committee; advertisement. No bonds authorized by ORS 550.005 to 550.140 shall be sold for less than par or for anything but cash. All bids for the purchase of bonds shall be sealed and accompanied by a certified check for five percent of the amount of the bid. The bonding committee

may reject any and all bids. The committee shall advertise in one leading newspaper in the county, if there is one, and in one leading newspaper in Portland, Oregon, for two weeks before any sale of bonds, the fact of such sale, inviting bids therefor, and stating such facts as will invite prospective buyers; for example, the date and place of sale; terms of sale; the character of the bonds; the amount, interest, and denominations; the fact that all bids must be accompanied by certified check for five percent of the amount of the bid; that bids may be rejected; that the bonds may be sold only for cash, not below par, and to the highest bidder; and such other facts as, in the judgment of the committee, may procure the most advantageous sale.

550.130 Proceeds of sale; special fund; disbursements for flood control. The proceeds of all bonds sold under ORS 550.005 to 550.140 shall be paid into the county treasury and go into a special flood control fund, and shall form a part of that fund and be disbursed for the purpose of flood control within the limits of the flood control district.

550.140 Tax for payment of interest and redemption of bonds. The county court, at the time of making the annual tax levy upon the previous year's assessment, shall levy a tax each year upon all taxable property in the flood control district, for the purpose of paying and sufficient to pay the interest on all outstanding bonds for the current year and for the purpose of creating a sinking fund sufficient to redeem the bonds at maturity. The proceeds derived from the tax shall be used only for the payment of the principal and interest of the bonds and shall be paid by the county treasurer to the bearer of the bonds, as provided in ORS 550.110. [Amended by 1957 c.636 §7]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel