Chapter 333

1968 REPLACEMENT PART

County Unit System

ESTABLISHMENT OF COUNTY UNIT

333.005 Establishment or continuance of county school district; when district becomes administrative school district
333.010 Classes of school districts in county unit system
333.015 City school district; composition
333.020 City school districts; laws applicable
333.025 City school districts; reports and appeals
333.030 First class districts as city school districts
333.035 Administrative district in county school district
333.040 Composition of county school districts
333.050 Union high school districts in county school districts
333.060 Election to adopt county unit system
333.070 Submission to voters
333.080 Canvass; effective date of election results
333.090 Consolidation of city and county school districts
333.100 Composition of county school board after consolidation
333.110 Rezoning after consolidation
333.120 Creation of new city school districts
333.123 Effective date of consolidation or division
333.126 Alternative procedure for organizing county school district; adjustment of assets and liabilities

OPERATION OF COUNTY UNIT

333.130 General school laws applicable to county unit system districts
333.140 District powers; property and debts of merged districts
333.150 County school board; composition; terms; recall
333.160 Temporary directors
333.170 County school board to continue operation of schools when this chapter becomes effective in middle of school year
333.180 Election and term of board members; vacancies; zones
333.190 County school board organization meeting
333.200 Board meeting place; traveling expenses
333.210 General duties of county school board
333.220 General powers of county school board

SUPERINTENDENT; CLERK; LOCAL COMMITTEE

333.230 Superintendent's qualifications
333.240 Superintendent's office
333.250 Superintendent's duties
333.260 Office of county school superintendent abolished; disposition of appeals formerly heard by county school superintendent
333.270 County district clerk's duties
333.280 Local school committees; election; vacancies
333.290 Local school committee's duties
333.305 Recommendation of local school committee to reject teacher

FINANCIAL AFFAIRS

333.310 Apportionment of school funds
333.320 Creation of district indebtedness
333.330 Method of paying outstanding warrants of former districts after creation of county school district
333.340 Joint districts; division of school property
333.350 Adjustment of subdistrict assets and liabilities
333.360 County district budget procedure
333.370 County school board tax power

DISCONTINUANCE OF COUNTY UNIT

333.510 Election to discontinue county unit system
333.520 Re-creation of prior school districts; directors of re-created districts
333.540 Validity of contracts upon discontinuance of county district
333.550 Property and debts of re-created district
333.560 Payment by re-created district for property acquired at expense of county districts
333.570 Payment of county school district indebtedness existing at discontinuance; sinking funds; apportionment of certain moneys
333.580 General school laws reapplicable

PENALTIES

333.990 Penalties

CROSS REFERENCES

Boundary board in county unit system counties, 330.080

Office space, 334.145

Termination of reorganization committees in county unit districts, 330.630

Validity of school district existence, elections, bonds or contracts, procedure to test, 33.710, 33.720

333.140

Actions by and against school districts, 30.280 to 30.300, 30.310, 30.320, 30.570, 30.580

333.260

Appeals to Superintendent of Public Instruction, 326.061

333.350

Alternative procedure for adjustment of assets and liabilities, 333.126

333.360

Budget procedure generally, Ch. 328

333.370

Levy to be in dollars and cents, 310.050
Notice to county officials, 310.060

333.510

Intermediate education district board in county ceasing to operate under Ch. 333, 334.010

333.570

Administration of sinking funds, **328.260**

ESTABLISHMENT OF COUNTY UNIT

333.005 Establishment or continuance of county school district; when district becomes administrative school district. Notwithstanding ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, a county school district may be established in accordance with the provisions of this chapter, or may be continued in existence under this chapter, if the boundaries of the county school district do not include territory that is also included within another school district. Such a county school district is not an administrative school district under ORS 330 505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, unless the county reorganization committee specifies in the plan that such district is to be an administrative school district.
[1959 c.424 §2]

333.010 Classes of school districts in county unit system. In any county in which this chapter becomes effective there shall be two classes of school districts, known as city school districts and county school districts.

333.015 City school district; composition. In counties in which this chapter is in effect, each school district containing at least 1,000 children of school age, as determined by the school census, and containing a city or incorporated town is a city school district.

333.020 City school districts; laws applicable. (1) Except as otherwise provided by statutes relating to city school districts, city school districts shall be operated and administered in accordance with the laws applying to first class school districts having less than 300,000 population.

(2) City school districts having over 100,000 population shall be operated and administered under the laws relating to school districts having over 300,000 population.
[Amended by 1967 c.605 §17]

333.025 City school districts; reports and appeals. All reports and appeals required or permitted to be made from first class school districts to the county school superintendent are respectively required or permitted to be made by city school districts to the Superintendent of Public Instruction.

333.030 First class districts as city school districts. All existing school districts heretofore known as first class districts shall be considered to be already organized and operating as city school districts. Their officers shall continue in office and be elected as heretofore provided by law.

333.035 Administrative district in county school district. Administrative school districts may be included within a proposed county school district. If the county school district is formed, the administrative school district shall cease to exist on the effective date of formation.
[1965 c.275 §2]

333.040 Composition of county school districts. In any county in which this chapter is in effect, all territory not included in a city school district shall constitute a county school district. A city school district or a first class district may become a subdistrict of the county school district in the manner provided by law.

333.050 Union high school districts in county school districts. (1) Any union high school district that includes a city school district or that includes territory in more than one county shall not be disturbed by establishment of a county school district under ORS 333.060 to 333.080. No county school district tax for high school purposes shall be levied upon property within such union high school district.

(2) In each union high school district one member of the union high school board shall be elected from each subdistrict involved in said high school district, instead of one member from each school district as provided by ORS 335.415 to 335.425.
[Amended by 1963 c.147 §1]

333.060 Election to adopt county unit system. This chapter shall not become effective in any county until the same has been regularly submitted to the voters of the proposed county school district at a general or special election or at the annual school meeting, and a majority of the votes cast was in favor of making this chapter effective. No special election shall be held within 60 days prior to an annual school meeting.

333.070 Submission to voters. (1) The county court at a general or special election in the county or the district boundary board at the annual school meeting may or, upon the petition of not less than 100 legal voters of the proposed county school district, shall

submit to the legal voters of such district the question whether this chapter shall become effective in the county. A first class school district may hold an election to become a part of the county school district simultaneously with the election in districts of the second and third class to form a county school district. The election may be called by resolution of the first class district school board and shall be called by the board upon petition of 100 legal voters of the first class district. If a first class district school board by resolution or by petition of 100 legal voters, requests that the first class district become a part of the proposed county school district, the county court or the district boundary board, shall submit simultaneously to the legal voters of the first class district the question whether that district shall become a part of the county unit.

(2) If a first class school district proposes to become a part of the county school district and votes on the question simultaneously with districts of the second and third class, the question in the first class district shall be whether to become a part of the county school district and the questions in the second and third class districts shall be:

(a) Whether to form a county school district in accordance with this chapter; and

(b) Whether to accept the proposed first class districts as a part of the county school district.

333.080 Canvass; effective date of election results. Whenever the question of making this chapter effective in any county has been submitted, the county court shall immediately thereafter canvass the vote. If a majority of the votes cast in the second and third class districts is in favor of making this chapter effective, the county court shall forthwith declare the measure carried and that a county school district has been formed of all second and third class districts. If a majority of votes cast in the second and third class districts favors accepting the first class districts, and a majority of all votes cast in the first class district favors being included in the county district, the county court shall forthwith declare the measure carried and this chapter shall be in full force and effect 30 days after such election, except that when the election is held in June, the effective date shall be July 1 next following.

[Amended by 1957 c.622 §5]

333.090 Consolidation of city and county school districts. Any city school district may consolidate with a county school district in the following manner:

(1) Whenever the county school board and the city school board pass a resolution favoring consolidation of the city school district with the county school district, or when the county school board and the city school board receive petitions of not less than 100 legal voters of the respective districts requesting that the city school district become a part of the county school district, the boards shall thereafter agree in writing upon an adjustment of assets and liabilities. The district boundary board shall act as a board of arbitration and decide the adjustment where the school boards are unable to agree.

(2) The question of such consolidation shall then be submitted to the legal voters of each of the school districts at the next annual school election or at a special election mutually agreed upon by the respective school boards. In no event shall the election be later than 90 days from receipt of petitions by the respective school boards. No election by petition shall be called in a county under this section within the first six years immediately following adoption of this chapter in the county. Notices of election shall be given as provided in ORS 331.010.

(3) If a majority of voters voting in each district favors such consolidation, the same shall become effective as provided in ORS 333.123.

[Amended by 1957 c.310 §14; 1957 c.622 §6; 1967 (s.s.) c.8 §8]

333.100 Composition of county school board after consolidation. The county school board from the effective date of consolidation of a city and county school district to June 30 next following shall consist of the five members of the county school board and all of the board of directors of the city school district so consolidated and shall honor all existing contracts. After July 1 next following consolidation, the county school board shall consist of one representative from each of the zones in effect prior to consolidation and two members selected by mutual consent or by lot from the newly-included subdistrict committee. Thereafter one board member only shall be elected from each of the five zones of the rezoned district.

333.110 Rezoning after consolidation. The district boundary board and members of the city and county school boards, at a meeting at least 30 days before the first Monday of May next following the effective date of the consolidation of the city and county school districts shall rezone the county into five zones approximately equal in population with due consideration being given to natural geographic divisions.
[Amended by 1957 c.622 §7]

333.120 Creation of new city school districts. (1) No city school district shall be created from territory embraced within a county school district unless an adjustment of assets and liabilities is agreed upon in writing by the county school board and the school committee of each subdistrict proposed to constitute such city school district and such division is thereafter approved by a majority of the voters in each of the subdistricts of the proposed city school district and by a majority of the voters in the remainder of the county school district. The division shall be effective as provided in ORS 333.123.

(2) The members of the school committee of the most populous subdistrict within the newly created city school district shall constitute the district school board of the new city school district until the next annual school election. The written agreement concerning the adjustment of assets and liabilities shall be binding respectively upon the county school district and such newly created city school district, the boards of which may levy any special taxes upon the property within their districts or allow any credits against taxes levied, necessary to consummate such agreement.
[Amended by 1967 (s.s.) c.8 §9]

333.123 Effective date of consolidation or division. When a city district consolidates with a county school district under ORS 333.090 or is created from a county school district under ORS 333.120, if the election on the consolidation or division:

(1) Occurs between July 1 and March 31, inclusive, the consolidation or division shall take effect May 31 following the election.

(2) Occurs between April 1 and June 30, inclusive, the consolidation or division shall take effect May 31 of the following year.
[1967 (s.s.) c.8 §7]

333.124 [1959 c.424 §3; 1963 c.147 §2; 1965 c.100 §105; renumbered 330.310]

333.126 Alternative procedure for organizing county school district; adjustment of assets and liabilities. (1) Notwithstanding ORS 333.010 to 333.030, 333.040 and 333.050, school district boundaries existing prior to the presentation of a petition under subsection (2) of this section or any other provision of law, a county school district to be organized under this chapter after May 16, 1959, as provided in ORS 333.005 may include within its boundaries first class school districts within the county or adjacent territory in an adjoining county or counties or it may exclude from its boundaries any territory which is part of an existing school district affected by the formation of the county school district and which lies in an adjoining county or counties. The formation of a county school district pursuant to this subsection, which is an alternative to formation procedures under ORS 333.010 to 333.030, 333.040, 333.050 and ORS 333.070 to 333.090, shall be as provided in subsection (2) of this section.

(2) Notwithstanding the provisions of ORS 333.050, 333.070 and 333.080, a county school district, which may include one or more first class school districts or territory in an adjacent county as provided in subsection (1) of this section, may be organized in the following manner:

(a) Within 60 days after receipt of a petition requesting formation of a county school district as provided in subsection (1) of this section, the county court of the county having the largest population in the proposed county school district shall submit to the legal voters of the proposed county school district at a special election called by the court the question of whether a county school district shall be formed as requested in the petition. The procedure for an election in a rural school district provided in subsection (1) of ORS 334.045 shall be followed in so far as applicable. The costs of the election shall be charged to each common school district included in the proposed county school district in the same proportion as its assessed valuation is to the total assessed valuation of the proposed county school district. The petition must be signed by not less than 100 legal voters who reside both in the county having the largest population in the proposed county school district and in the proposed county school district specified in the petition. If the proposed county school district includes or excludes territory in another county or counties as provided under subsection (1) of this

section, the petition to form the county school district shall also contain the signatures of not less than 10 percent of the legal voters residing outside of the county whose territory will be excluded from an existing school district or included in the county school district as a result of the petition. If the plan for the proposed county school district excludes territory in an adjoining county or counties, an equitable plan for the distribution of assets and liabilities shall be included in the petition and ballot used in the formation of the county school district pursuant to this section. As an alternative procedure to that provided in ORS 333.350, an equitable plan for the adjustment of assets and liabilities among the common school districts making up the proposed county school district may be included in the petition and ballot used in the formation of the county school district pursuant to this section.

(b) Immediately after the election pursuant to paragraph (a) of this subsection, the county court having jurisdiction of the petition shall canvass the vote upon the question of forming the county school district. If a majority of the votes cast is in favor of forming the county school district, the county court shall declare that the formation of a county school district has been approved. If the formation of a district has been approved, the county school district shall go into effect 30 days after the election, except that when the election is held in June the district shall go into effect on July 1 following the election.

[1959 c.424 §§4, 5; 1961 c.709 §1]

OPERATION OF COUNTY UNIT

333.130 General school laws applicable to county unit system districts. Except in so far as they are in conflict with this chapter, all general laws of the state relating to public schools are applicable to all districts created under this chapter.

333.140 District powers; property and debts of merged districts. (1) All school districts now existing or organized under this chapter are bodies corporate, competent to transact business coming under their jurisdiction and sue and be sued.

(2) All real and personal property and uncollected taxes, belonging to all districts, joint districts, county or district high schools and non-high school districts heretofore existing within the corporate limits of each school district created by virtue of ORS 333.060 to 333.090 and all union high school districts lying wholly within the county school district shall become the property of the county school district and be subject to control of the county school board or representatives appointed by said board.

(3) All indebtedness outstanding, whether evidenced by bonds, warrants or otherwise, of any first, second or third class district, joint district, county high school district, non-high school district, or union high school district coming under the supervision and control of the county school board by virtue of ORS 333.060 to 333.090, is an obligation of the school district created by virtue of ORS 333.060 to 333.090.

333.150 County school board; composition; terms; recall. Except as otherwise provided by ORS 333.100 or 333.160 to 333.180, the officers of each county school district created under this chapter shall consist of a county school board of five directors elected by the qualified voters of the district at large for five-year terms. The directors of all such school districts are subject to recall as provided by law.

333.160 Temporary directors. In any county school district, the chairmen from five of the school boards existing at the time this chapter becomes effective in the county shall be selected by the county court to serve as directors pro tempore until the next annual school election.

333.170 County school board to continue operation of schools when this chapter becomes effective in middle of school year. When this chapter becomes effective in any county during a school year, the county school board shall supplant the district school boards of all districts becoming a part of the county school district and shall continue to operate schools in all such districts for the remainder of the school year under existing contracts.

333.180 Election and term of board members; vacancies; zones. (1) At the next annual school election after this chapter has been adopted, five directors shall be elected in the county school district for periods of one, two, three, four and five years respectively. Of those elected, the director receiving the greatest vote shall have the five-year term, the next greatest the four-year

term, and the others in like order. At the expiration of each director's term of office a successor shall be elected for a period of five years.

(2) Any vacancy on the board shall be filled by the remaining members of the board by appointment. The appointee shall serve until the next annual election, when his successor shall be elected as prescribed in this section. Such successor shall serve for a full term or for the remainder of the unexpired term, if any.

(3) The district boundary board, at a meeting held not less than 20 days before the election of directors shall divide the county school district into five zones, arrange for the election and canvass and declare the results thereof. Only one director shall be elected from any one of the zones. Each director shall be a resident of the zone from which he is elected. The vote for directors shall be at large. The candidate in each zone receiving the largest vote shall be declared elected.

333.190 County school board organization meeting. Each county school board shall meet within 10 days after election and organize by electing one of its members chairman and one vice chairman, each of whom shall serve for one year or until his successor is elected

333.200 Board meeting place; traveling expenses. Regular meetings of the county school board shall be held in the office of the county school district. County school board members shall be reimbursed as to necessary traveling expenses incurred in attendance upon board meetings.
[Amended by 1967 c.379 §1]

333.210 General duties of county school board. Each county school board shall:

(1) Employ a county district superintendent of schools, fix his term of office and compensation and allow all necessary traveling expenses. The county school superintendent serving when this chapter becomes effective in his county shall, at no decrease in salary, be county district superintendent of schools, clerk, supervisor or teacher at the option of the county school board until the expiration of his term of office.

(2) Employ a school clerk, fix his compensation and determine the manner of its payment and fix the amount of his bonds.

(3) Audit all claims and authorize the clerk to draw warrants for the payment of said claims upon the county treasurer. The orders shall be drawn in accordance with the schedule submitted to the county clerk by the county school board. The schedule shall give the names of the persons, the amounts due each and the purposes for which issued.

(4) Lease and build schoolhouses, buy and lease lands for school purposes, and furnish the schoolhouse with proper furniture, light, fuel, apparatus and other supplies.

(5) Provide for polling places in each subdistrict for all school elections, appoint judges and clerks, canvass all votes and pollbooks and determine the result thereof.

(6) Prepare an annual budget and levy taxes.

(7) Make an annual written report to the county school district taxpayers.

(8) Determine who are nonresident pupils and charge tuition for such nonresident pupils at a rate fixed by the Superintendent of Public Instruction based on an average cost of such instruction in the state. The tuition bills shall be paid out of the funds of the district in which the pupil is a resident, if the pupil is unable conveniently to attend a similar elementary school in his own district.

(9) Determine the boundaries of the territory to be served by each elementary school in the district, which territory shall be known as a subdistrict.

(10) Provide high school facilities for pupils within the county school district not residing in a union high school district.

333.220 General powers of county school board. Each county school board may:

(1) Employ all necessary assistant superintendents, supervisors, teachers, janitors and assistants and fix their compensation.

(2) Sell and convey such lands and other district property as is not, in their judgment, required for school purposes.

(3) Designate the high school which the pupils of any part of the county school district shall attend.

(4) Enter into written contracts with the board of any other school district for the admission of pupils in or from such other district on terms agreed upon by the boards.

(5) Consolidate schools and arrange for necessary pupil transportation when deemed advisable by the board.

SUPERINTENDENT; CLERK; LOCAL COMMITTEE

333.230 Superintendent's qualifications. No person shall be eligible for the office of county district superintendent of schools who is not trained and experienced in the organization, supervision and financial management of a school system and who has not within 10 years prior to his appointment taught in the public schools for a period of not less than 27 school months. Experience as city superintendent, county school superintendent or supervisor shall be considered teaching for the purposes of this section. He must hold a certificate based upon graduation from a standard normal school, college or university, or be the holder of a life certificate entitling him to teach in all the grades of Oregon public elementary and high schools.

333.240 Superintendent's office. The county court shall provide the county district superintendent of schools with an office in the county courthouse or other available location and with necessary office furniture, which shall be paid for out of the county general fund.

333.250 Superintendent's duties. The county district superintendent of schools shall:

(1) Act as the executive officer of the county school board and as the representative of the state educational authorities.

(2) See that all school laws and regulations are enforced.

(3) Study the work of the schools and recommend to the county school board changes of any character affecting the efficiency of the school system.

(4) Arrange for all necessary and desirable reports to the county school board and to the Superintendent of Public Instruction.

(5) Make recommendations to the county school board concerning the appointment and tenure of teachers, supervisors and assistants.

(6) Attend such superintendents' conventions as the Superintendent of Public Instruction may cause to be held.

(7) Perform such other duties not inconsistent with this section as the county school board may prescribe.

(8) Be custodian of all records theretofore preserved by the county school superintendent and of all reports which are forwarded to him in accordance with law.

333.260 Office of county school superintendent abolished; disposition of appeals formerly heard by county school superintendent. (1) The office of county school superintendent hereby is abolished in each county in which this chapter becomes effective.

(2) Appeals permitted by law to be made to the county school superintendent are, in each county in which this chapter becomes effective, permitted to be made to the Superintendent of Public Instruction.

333.270 County district clerk's duties. The clerk of every county school district shall:

(1) Record all proceedings of the county school board meetings in a book provided for that purpose.

(2) Give notice of all annual and special county school board meetings, as heretofore provided by law.

(3) Make an annual report to the district according to the form prescribed by the Superintendent of Public Instruction and forward a certified copy of the same to the county district superintendent of schools within five days after the annual meeting of the county school board.

(4) Take the annual school census and forward a certified copy of the same to the county district superintendent of schools.

(5) Perform such other duties not inconsistent with this section as the county school board may prescribe.

333.280 Local school committees; election; vacancies. (1) In each subdistrict of the county school district a local school committee of five members in subdistricts of 1,000 or more children of school age and of three members in subdistricts of less than 1,000 children of school age shall be elected by the voters of the subdistrict; provided, that where the county school board has assigned any child to an attendance unit in a subdistrict other than the one in which the child resides, each voter whose child has been so assigned is also entitled to vote on the election of local school committee members in the subdistrict to which the child has been assigned. The members of the school board of the school district in which the school was located prior to the creation of the county school district shall serve as members of the subdistrict of the county school district.

(2) On expiration of the term of any member, his successor shall be elected to serve for five years in subdistricts of 1,000 or more children of school age, or for three years in subdistricts of less than 1,000 children of school age.

(3) Any vacancy on the local school committee shall be filled by the remaining members of the committee by appointment. The appointee shall serve until the next annual election, when his successor shall be elected as prescribed in this section.
[Amended by 1953 c.227 §2]

333.290 Local school committee's duties. The local school committee, under rules and regulations of the county school board, shall care for the school property and determine its use for civic purposes not inconsistent with its primary use. The local school committee shall also visit the school at frequent intervals, report to the county district superintendent of schools concerning the progress and needs of the school and the wishes of the people concerning the school and recommend improvements in the school property.

333.300 [Repealed by 1967 c.315 §2]

333.305 Recommendation of local school committee to reject teacher. By unanimous consent the local school committee may, not later than March 1 of each year, recommend rejection for the ensuing year of any teacher assigned to a school within its jurisdiction by the county school board. The recommendation shall be delivered to the clerk of the district in writing and shall specify the reason for the recommendation. The board shall review the recommendation submitted by the local school committee and make final determination.
[1967 c.315 §4]

FINANCIAL AFFAIRS

333.310 Apportionment of school funds. All moneys received from the state for use in any county in which this chapter is in effect and all county school funds of such county shall be apportioned by the county district superintendent of schools among the school districts of the county, on the pro rata basis provided by law for distribution of the particular fund. Apportionment of school funds shall be in conformity with ORS 327.415, 327.420, 328.015 and 328.020, except that where "county school superintendent" is used in those statutes, it means "county district superintendent of schools" for the purposes of this section.
[Amended by 1957 c.626 §7]

333.320 Creation of district indebtedness. The county school board may create indebtedness for the county school district for school purposes. At no time shall such indebtedness exceed in the aggregate more than $100,000 nor shall it exceed five percent of the value of the taxable property of the county school district.

333.330 Method of paying outstanding warrants of former districts after creation of county school district. (1) The county school board may, by resolution at a regular or special board meeting establish an "indebtedness fund of the ——— county school district," which fund shall be kept by the county treasurer separate from the county district general fund. All uncollected taxes levied by the several school districts composing the county school district, except taxes levied for the current fiscal school year and remaining uncollected at the time the county school law becomes effective in the county, shall accrue to such indebtedness fund.

(2) Any unpaid warrants indorsed "not paid for want of funds" legally issued by any elementary district, union or non-high school district, high school or county high school district becoming a part of any county school district, shall be paid out of moneys accruing to the indebtedness fund from the delinquent taxes constituting the general security for the payment of all such warrants. Such outstanding warrants shall be paid in an order of payment determined by the county school board and shall bear interest until paid at six percent per annum payable each year in cash. Accrued interest on all such warrants shall be paid each June 1 upon order of the county school board by warrants drawn on the county treasurer against the indebtedness fund. On June 1 of any year, the county school board may exchange warrants held by any investor for one or more warrants issued against said fund in convenient denominations, the total of which shall equal the par value of the warrants so exchanged. The county school board may transfer any cash on hand at the close of any fiscal school year to the indebtedness fund. If the amount received from delinquent taxes is insufficient to pay all

such claims and accrued interest in full within a reasonable period of years, the county school board shall levy a special indebtedness tax, upon the property included in the county school district at the time this chapter became effective in the county, for the purpose of creating revenue sufficient to pay all such remaining claims. Any balance remaining in the indebtedness fund after all warrants and accrued interest charges against such fund are paid shall be transferred to the county district general fund by order of the county school board. Any delinquent taxes paid thereafter shall accrue directly to the county district general fund.

333.340 Joint districts; division of school property. If this chapter becomes effective in any county having a joint school district with any other county, the district boundary boards of all counties in which such district is located shall divide and apportion the school property of such district. If the boundary boards fail to reach a settlement within 60 days, the county district superintendent of schools and the county school superintendent concerned shall each appoint one member of an arbitration board and the two appointees shall appoint the third member. The arbitration board shall divide and apportion the school property of the joint school district within 30 days.

333.350 Adjustment of subdistrict assets and liabilities. (1) Within 30 days after this chapter becomes effective in any county, the county school board shall employ an appraiser approved by the State Tax Commission to appraise all real and personal property owned by each subdistrict within the county which has united to form the county school district, including the equity of each subdistrict in the property of any union high school district lying wholly within the county school district, and shall estimate the value of all unpaid taxes in each subdistrict and determine the total indebtedness of each such subdistrict. The appraisal shall be made in conformity with the rules and regulations of the State Tax Commission. The appraiser shall, on the completion of his work, file a written report with the county school board, which report shall show the kind and value of all property owned by each subdistrict, the estimated value of all unpaid taxes, and the nature and amount of all indebtedness.

(2) Unless the county school board modifies the report within 30 days, it shall be deemed approved. The county school board shall send a complete copy of the report as approved to each member of the local committee in each subdistrict immediately upon approval thereof.

(3) An appeal may be taken to the district boundary board from any portion of the report, as approved by the county school board, within 30 days of the mailing of such report to the local committeemen by a petition signed by 10 percent, but not less than five of the legal voters in any subdistrict, which petition shall set forth in full detail wherein such report, or any portion thereof, is inaccurate or unjust. The district boundary board shall fix a date for a hearing upon the petition and shall, after the hearing, decide all questions raised in the petition. In making its decision the district boundary board shall be governed by any rules and regulations of the State Board of Education.

(4) All districts shown by the appraisal to have assets in excess of liabilities shall be allowed a credit equal to the amount of such excess, which credit shall be deducted from the taxes levied by the county school district against the property within such subdistrict and shall be distributed annually over a period of not to exceed 15 years at the discretion of the county school board. If any subdistrict is shown by said appraisal to have liabilities in excess of assets, the county school board shall collect the amount of such excess liabilities by levying a special tax annually upon the property in such subdistrict, and shall collect such excess liabilities within a period of not to exceed 15 years, at the discretion of the county school board.

(5) If any district high school, union high school or county high school district becomes united with a county school district by the provisions of ORS 333.040 to 333.090, assets and liabilities of such districts shall be adjusted in the manner provided in subsections (1) to (4) of this section.

333.360 County district budget procedure. (1) On or before the last day of May of each year, the county school board shall prepare a budget showing the amount of money which in the judgment of the board will be needed in the ensuing school year for the maintenance, operation and support of all schools of the district and for acquiring or improving school sites, after deducting therefrom sums expected to be received from state-wide and county-wide taxes or from other state or county funds.

(2) The county school board shall give a reasonable opportunity for school electors to criticize the aforesaid budget at a meeting called for the purpose, as provided by law in first class districts.

(3) When the county school board has finally determined upon the statement of expenses for the items indicated in subsection (1) of this section the school district clerk shall report to the county clerk and county assessor not later than July 15 of each year the amount of tax levied by the county school board for the maintenance, operation and support of the public school system of said district, and for acquiring and improving school sites.

333.370 County school board tax power. The county school board shall have the power to levy a tax once each year upon all real and personal property in the school district for the maintenance, operation and support of the district public school system and for acquiring or improving school sites. The total levy for all school purposes in a county school district shall not exceed any limits prescribed by law unless such levy has been approved by a majority of electors voting at an election called and held as provided by law.

DISCONTINUANCE OF COUNTY UNIT

333.510 Election to discontinue county unit system. (1) Upon the petition of not less than 20 percent of the registered voters of a county school district, the county court shall, at a general or special election, submit to the legal voters of the county, the question whether the county unit system of public schools shall be discontinued in the county. The election shall not be held between April 14 and July 1 in any year. The election shall be conducted and the votes canvassed in accordance with the general election laws. If a majority of the votes cast is in favor of discontinuing the county unit system, the county court shall forthwith declare the same carried and the system shall be discontinued in said county from and after June 30 next following such election.

(2) When an election to discontinue the county unit system has been held, no election for the same purpose shall be held within a period of six years from the date of said last election. Whenever any county adopts the county unit system, no election shall be held in such county to discontinue the county unit system for a period of six years from the date of the election at which the county unit system was adopted.

333.520 Re-creation of prior school districts; directors of re-created districts. (1) Upon discontinuance of the county unit system, all school districts in the county existing at the time the county unit system became effective, and which were discontinued thereby, hereby are re-created with the same boundaries as immediately prior to the date when the county unit system became effective. In those subdistricts where schools were discontinued under the county unit system and the territory consolidated by the county unit school board, the consolidated district or districts shall be deemed the restored and re-created original district or districts.

(2) The persons constituting the local school committee in each subdistrict on the date the county unit system is discontinued shall be the directors of re-created school districts until their successors are elected in accordance with the general school laws. In every other school district the persons constituting the district school board thereof under the county unit system at the date of its discontinuance shall be the directors of said districts until their successors are elected in accordance with the general school elections laws.

333.530 [Repealed by 1963 c.544 §52]

333.540 Validity of contracts upon discontinuance of county district. All contracts made by the county school board terminating after discontinuance of the county unit system shall be considered contracts of and binding upon the re-created district until the expiration thereof as provided in the contract.

333.550 Property and debts of re-created district. The title of all school property located in any district at the time it is re-created shall thereupon be vested in the re-created district. All indebtedness of the re-created district existing at the time the county unit system became effective and which remains unpaid at the date the county unit system is discontinued shall be paid by the re-created district.

333.560 Payment by re-created district for property acquired at expense of county districts. Each school district which is re-created pursuant to ORS 333.520, shall within

one year thereafter pay into the county school district fund hereby created an amount equal to the value of all property which was acquired or constructed at the expense of the county school district, such value to be ascertained and determined by the district boundary board. The re-created district shall levy taxes on the property within the re-created district to secure funds with which to pay such amount, or shall fund the same by the issuance of bonds or interest bearing warrants.

333.570 Payment of county school district indebtedness existing at discontinuance; sinking fund; apportionment of certain moneys. (1) All bonded or other indebtedness of the county school district existing at the time of its discontinuance shall be paid from funds derived from taxes levied by the county court on property in the territory which constituted the county school district during its existence. The taxes collected shall be kept in a separate county school district fund in the county treasury and shall be handled and may be invested and applied as other school district funds derived for such purpose.

(2) All sinking funds belonging to a county school district at the time of its discontinuance shall be administered by the county court in the manner provided by law for the handling of school district sinking funds.

(3) All money received for taxes levied prior to discontinuance of the county school district or received from any source for payment of maintenance and operating expenses of the county school district after its discontinuance shall be apportioned among the re-created school districts in the same manner as other county school funds.

333.580 General school laws reapplicable. Upon discontinuance of the county unit system and except where ORS 333.520 to 333.570 provides otherwise, all general laws relating to the public school system, school districts and powers and duties of county and district officers in relation thereto are applicable in the county as if the county unit system had never been in force.

PENALTIES

333.990 Penalties. Violation of any of the provisions of ORS 333.010 to 333.030, 333.040 to 333.120, 333.130 to 333.350 or 333.510 to 333.580 is a misdemeanor.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 July 1, 1968.

Robert W. Lundy
Legislative Counsel