

Chapter 333

1973 REPLACEMENT PART

County Unit System

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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 sub-district 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 and 333.070. 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 [Amended by 1957 c.622 §5; repealed by 1971 c.289 §10]

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 an-

nual school election or at a special election mutually agreed upon by the respective school boards. In no event shall the election be later than six months after 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.

(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; 1973 c.796 §43]

333.100 [Repealed by 1971 c.289 §10]

333.110 [Amended by 1957 c.622 §7; repealed by 1971 c.289 §10]

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 [1967 (s.s.) c.8 §7; repealed by 1971 c.289 §10]

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, 333.070 and 333.090, shall be as provided in subsection (2) of this section.

(2) Notwithstanding the provisions of ORS 333.050 and 333.070, 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 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; 1973 c.796 §44]

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 nonhigh 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, nonhigh 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.

ELECTION OF SCHOOL BOARD

333.145 Zoning for election of board. A county school district shall be divided into five zones for the election of school directors. Each zone shall be as nearly equal in population as each other zone; provided, however, that in any county school district which contains territory within a union high school district which is exempted from the county school district tax for high school purposes by ORS 333.050 not less than three of said zones must lie wholly outside the boundaries of the union high school district.
[1971 c.289 §1]

333.150 [Amended by 1971 c.47 §2; repealed by 1971 c.289 §10]

333.155 County school board; number, term, qualification; effect of rezoning on incumbents. (1) The governing body of a county school district shall be the county school board which consists of five directors.

(2) Except for the school board elected at the special election following the formation of or consolidation involving a county school district the offices of the directors shall be for staggered terms of four years each so that at least one full four-year term of office will be voted upon at each annual school board election.

(3) Each director shall be elected by the qualified voters of the district at large. A director must be a qualified voter of the district and a resident of the zone for which he is elected. Provided, however, that if as a result of the rezoning of the district, except following a consolidation involving the dis-

trict, there is more than one director residing in any zone, the director whose term has the longest to run shall be the director for the zone in which he resides and the other director shall for the remainder of his term be the director for the vacant zone. If there are two or more directors without zones the director with the longest remaining term shall have first choice of the vacant zone which he will represent during the remainder of his term and the remaining director or directors shall likewise choose their zones in the order of the length of their remaining terms. Such choice shall be made at the first regular school board meeting following such rezoning. If any director shall fail or refuse to make a choice at the school board meeting, the school board shall by resolution determine the vacant zone which the director shall represent.

[1971 c.289 §5]

333.160 [Repealed by 1971 c.289 §10]

333.165 Ballot content; election of candidate. The ballot at each annual election shall designate each position of director to be filled by its zone number or name and shall state whether the term is a full four-year term or an unexpired term and the number of years remaining in said unexpired term and shall set forth for each position the names of all of the candidates who have been duly nominated for said position. The candidate for each position who receives the plurality of votes shall be elected.

[1971 c.289 §6; 1973 c.796 §45]

333.170 [Repealed by 1971 c.289 §10]

333.175 Action to contest validity of board election. The action provided by ORS 30.510 to 30.680 may be maintained against a director by a qualified voter of the district in any of the following cases:

(1) When the director was not a qualified voter of the district or a resident of the zone for which he was elected at the time of his election.

(2) When the director ceases to be a qualified voter of the district, or except in the case of rezoning as provided by subsection (3) of ORS 333.155, when the director ceases to be a resident of the zone for which he was elected.

(3) When the director ceases to discharge the duties of his office for three consecutive months unless such failure is excused by resolution of the school board.

(4) When the director is convicted of a felony.

[1971 c.289 §7]

333.180 [Amended by 1971 c.47 §3; repealed by 1971 c.289 §10]

333.185 When vacancy declared; how filled. (1) The county school board shall declare the office of director vacant in the following cases:

(a) Upon the death or resignation of the incumbent.

(b) When the incumbent is recalled in the manner provided by ORS 331.410 to 331.465.

(c) When the incumbent is removed from office or his election is adjudicated void by a court of competent jurisdiction.

(2) When a vacancy is declared pursuant to subsection (1) of this section, the remaining members of the school board shall elect a qualified voter of the district who resides in the zone for which the vacancy exists to serve as the director for the zone until July 1 following the next annual school election.

[1971 c.289 §§8, 9]

333.190 [Repealed by 1971 c.289 §10]

333.195 Procedure for zoning or rezoning following formation or consolidation. (1) The district boundary board shall proceed to zone or rezone the county school district in the manner provided in this section immediately following any election in which the formation of or any consolidation involving such district is approved by the voters. Thereafter, upon a petition being filed with the district boundary board signed by not less than three members of the county school board or by not less than 100 qualified voters of the county school district, which alleges that the district boundary board has not held a public hearing for the rezoning of the school district for a period of at least 10 years prior to the filing of the petition and requests the district boundary board to hold such a hearing, the district boundary board shall, if it finds that the petition complies with the law and that its allegations are true, proceed in the manner provided in this section.

(2) The district boundary board shall by resolution set a time and place for a public hearing for the zoning of the school district and shall cause notice of such time and place to be published in the newspaper or news-

papers designated by it in the manner provided by ORS 331.010.

(3) At the time and place set for the hearing, which place shall be the office of the district boundary board or the place within the county school district designated in the resolution, the district boundary board shall hear and receive the oral and written statements and recommendations of the voters and property owners of the county school district and of the school board of the district and if held following a consolidation election the voters, property owners and school board of the consolidated district.

(4) Following the hearing the district boundary board may meet from time to time, without further notice, for the purpose of zoning the district. It shall consider the statements and recommendations received at the public hearing. It may consider any school records, the school census, the federal census and state certificates of population and may request the State Board of Higher Education to conduct an actual count of the population within the school district or any proposed zone pursuant to the provisions of subsection (2) of ORS 190.520. It may retain or employ appropriate professional and other special assistance reasonably required to conduct its investigation.

(5) At the conclusion of its investigation and deliberation, the district boundary board shall divide the county school district into five zones for the election of school directors. Each zone shall be as nearly equal in population as each other zone; provided, however, that in any county school district which contains territory within a union high school district which is exempted from the county school district tax for high school purposes by ORS 333.050 not less than three of said zones must lie wholly outside the boundaries of the union high school district.

(6) The district boundary board shall adopt a resolution setting forth by metes and bounds the description of each of the five zones and shall designate each zone by number or name. Upon adopting the resolution, the zones shall henceforth and until the next rezoning be the zones for election of directors of the county school district.

[1971 c.289 §2]

333.197 Special election of board after formation or consolidation. (1) At the same meeting at which the zoning resolution is adopted following the formation of or consolidation involving a county school district, the

district boundary board shall also adopt a resolution calling a special election for the election of the school board of the county school district.

(2) Except as provided in subsection (2) of ORS 333.185, candidates for director shall be nominated and the district boundary board shall give notice and conduct the special election in the manner provided by law for zoned common school districts with a population of less than 300,000.

(3) At the special election five directors shall be elected by the qualified voters of the district at large for terms of one, two, three and four years respectively.

(4) The ballot shall designate each position to be filled by its zone number or name in the same manner as at an annual county school district election except that it shall not state the number of years in each term. The candidate in each zone who receives the plurality of the votes for such position shall be elected the director for the zone.

(5) Of the five directors who are elected to the county school board, the two directors who received the most votes shall hold the four-year terms, the director who received the third most votes shall hold the three-year term, the director who received the fourth most votes shall hold the two-year term and the director who received the least votes shall hold the one-year term.

[1971 c.289 §3]

333.200 [Amended by 1967 c.379 §1; repealed by 1971 c.289 §10]

333.205 Effective date of formation or consolidation; terms of directors. (1) The effective date of the formation of or consolidation involving the county school district shall be July 1 following the election of the county school board except that if the election was held between January 1 and July 1 the effective date shall be July 1 of the following year.

(2) The term of each director shall be deemed to run from the effective date of the formation or consolidation but during the period following their election and prior to the effective date, the county school board, so elected, shall have authority to take any action which is essential in order that the school district may carry out its required functions after the effective date, including the preparation and adoption of a budget and the reference of questions relating to the budget or serial levies to the qualified voters

of the district and the employment of personnel.

[1971 c.289 §4]

DUTIES AND POWERS

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 shall be designated clerk.

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

(3) Prepare an annual budget and levy taxes.

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

(5) 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.

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

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

[Amended by 1969 c.64 §1; 1969 c.541 §3]

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 or, if the child so assigned is a voter, the child 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; 1973 c.827 §29]

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 Department of Revenue 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 Department of Revenue. 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. 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.

[Amended by 1973 c.796 §46]

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 dis-

continuance 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, Thomas G. Clifford, 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 November 1, 1973.

Thomas G. Clifford
Legislative Counsel

