Chapter 370

1989 EDITION

County Road Bonding Act

370.010 Authority to issue bonds
370.020 Road work plans, specifications and bids
370.031 Election procedure to determine issuance of bonds under ORS 370.010
370.120 County court's use of money raised by sale of bonds
370.130 Order declaring election results; contents and effect
370.140 Bond issuance, advertisement, sale and interest rate
370.150 Issuance of serial in lieu of term bonds
370.160 Option to issue callable term or serial bonds
370.170 Special bond redemption funds
370.180 Tax levy for redemption fund and bond interest
370.200 Loan of redemption funds
370.240 Warrants in lieu of bonds

CROSS REFERENCES

370.010

County debt limitation, Const. Art. XI, §10
County roads, Ch. 368

370.005 [Repealed by 1983 c.327 §16]

370.010 Authority to issue bonds. (1) Any county may issue bonds for the purpose of raising money to be used for the construction and maintenance of permanent roads in that county.

(2) All moneys raised under the provisions of this chapter shall be used in constructing permanent public roads in that county, which roads, except as otherwise provided by law, shall be constructed by the county court under its exclusive jurisdiction and such expert assistants as it may employ.

370.020 Road work plans, specifications and bids. The county court:

(1) Shall prepare plans and specifications of roads mentioned in ORS 370.010.

(2) Shall invite bids in conformity to such plans and specifications.

(3) May also receive and consider any and all bids in conformity to any plans and specifications furnished by any individual, firm or corporation offering to bid on such roads.

(4) May reject any and all bids.

370.030 [Repealed by 1983 c.350 §232 (370.031 enacted in lieu of 370.030)]

370.031 Election procedure to determine issuance of bonds under ORS 370.010. (1) This section establishes the procedure for determining whether a county shall issue bonds under ORS 370.010. The question shall be decided by election. The county court:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 250.165 to 250.235.

(3) Notwithstanding subsection (2) of this section, if ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county charter or an ordinance adopted under the county charter.

(4) The order of the county court calling the election:

(a) Shall specify the amount of the bonds proposed to be issued, the length of time they shall run and the maximum rate of interest they shall bear; and

(b) May specify each road within the county to be built or improved by the money raised, the minimum amount to be expended on each road and the location of each road within the county, giving its beginning and terminus.

(5) Not later than the fourth day nor before the 15th day before an election under this section, the county court shall publish a notice of the election in the newspaper or newspapers designated under ORS 254.205. The notice shall state the date of the election, a ballot title and the information included in the order under subsection (4) of this section. The notice shall be published in at least one issue of the newspaper or newspapers. A notice under this section is in addition to the facsimile published under ORS 254.205.

(6) Only one election under this section may be held in a 12-month period. [1983 c.350 §233 (enacted in lieu of 370.030)]

370.040 [Repealed by 1983 c.350 §331a]

370.050 [Repealed by 1983 c 350 §331a]

370.060 [Repealed by 1983 c.350 §331a]

370.070 [Repealed by 1983 c 350 §331a]

370.080 [Repealed by 1973 c.549 §1 (370.082 enacted in lieu of 370.080)]

370.082 [1973 c.549 §2 (enacted in lieu of 370.080); repealed by 1983 c.350 §331a]

370.084 [1973 c.549 §3; repealed by 1983 c.350 §331a]

370.086 [1973 c 549 §4; repealed by 1983 c.350 §331a]

370.090 [Repealed by 1983 c.350 §331a]

370.100 [Repealed by 1983 c 350 §331a]

370.110 [Repealed by 1983 c.350 §331a]

370.120 County court's use of money raised by sale of bonds. If the county court in its order calling an election under ORS 370.031 designates the particular roads to be built or improved by the money raised by the sale of bonds, the county court shall not use any of the money raised upon any other road or for any other purpose than those mentioned in the order. If the order does not designate any particular roads to be built or improved by the money raised, then the county court may expend the money raised from the sale of the bonds to build, improve or maintain such permanent roads within the county as the county court considers proper. [Amended by 1983 c.350 §234]

370.130 Order declaring election results; contents and effect. If at any election under ORS 370.031 a majority of the electors voting at the election favors issuing the bonds, the county court shall enter an order in its journal declaring that fact. This order shall:

(1) Be conclusive as to the regularity of all the proceedings in reference to the matter.

(2) Designate the amount of the total assessed valuation of all the property within the county.

(3) Designate the amount of all the previous debts and liabilities of the county incurred for road purposes and remaining unpaid.

(4) Be prima facie evidence as to the amount of the assessed valuation and the indebtedness. [Amended by 1983 c.350 §235]

370.140 Bond issuance, advertisement, sale and interest rate. (1) After having entered the order as provided in ORS 370.130, the county court shall cause the bonds to be issued in denominations of $50 or multiples thereof, up to $1,000, advertise such amount of them for sale as in its judgment is necessary and thereafter from time to time make such additional sale of bonds so issued as is necessary.

(2) Bond sales shall be made through bids received upon such advertisement as the county court deems necessary to afford the best means of procuring the highest prices for the bonds.

(3) All bids shall be in writing and publicly opened at a time and place specified in the advertisement.

(4) Whatever other means of advertising the sale of bonds the county court may adopt, it shall advertise the sale for at least three weeks in two newspapers printed in the county, if there are that many, and if there is but one such newspaper, then in it.

(5) The bonds shall be sold to the highest bidder, but preference shall be given to the citizens of the county.

(6) If the county court is not satisfied with the bids, it may reject any or all of them.

(7) The county court shall determine the interest rate. [Amended by 1981 c.94 §34]

370.150 Issuance of serial in lieu of term bonds. After the issuance of bonds has been authorized by an election held in accordance with ORS 370.031, 370.120 and 370.130, the county court, in lieu of bonds redeemable only at the time stated in the notice, may issue bonds and, in the order providing for their issuance, reserve the right to redeem any or all of them serially each year. When bonds are issued with such reservation, the redemption fund provided for in ORS 370.170 may be used each year, as it is collected, for the redemption of such proportion or percentage of the bonds as will redeem all of them at the end of the time fixed in the prior proceedings for maturity of the bonds, instead of being kept and deposited as provided by law or loaned as provided in ORS 370.200 until the final maturity of the bonds. [Amended by 1967 c.451 §21; 1983 c.350 §236]

370.160 Option to issue callable term or serial bonds. In its discretion, the county court further may issue either term bonds or the serial bonds mentioned in ORS 370.150 with the option of redeeming them on and after certain interest-paying dates specified by the county court therein, upon publication at least 30 days prior to designated redemption date of one notice of intended redemption in a newspaper of general circulation printed in the English language and published within the county. These callable bonds either may be called and paid pursuant to the optional redemption privilege or may be called and refunded pursuant to ORS 287.202 to 287.220.

370.170 Special bond redemption funds. Beginning with the fourth year after the bonds are sold the county court shall each year thereafter, until maturity of the bonds, set aside as a special fund for their payment such percentage of the face value of the bonds as at the date of their maturity shall aggregate their full face value. Where bonds are issued in different series maturing at different times a separate redemption fund shall be provided for each series.

370.180 Tax levy for redemption fund and bond interest. The amount necessary to provide the redemption fund and to pay the annual interest on outstanding bonds shall be added to the general levy of taxes as may be required, which tax shall be levied upon all the taxable property within the county.

370.190 [Repealed by 1967 c.451 §32]

370.200 Loan of redemption funds. Whenever there are sufficient funds on hand in the bond redemption fund, the county treasurer with the approval of the county court may loan any money in the bond redemption fund, secured by first mortgage on improved real estate within the county at six percent interest per year. All applications for such loans shall be made in writing to the county treasurer, shall state the amount of the loan applied for and the security offered and shall be numbered consecutively as received and passed upon by the county court. The county court shall require an abstract of title of property and a written opinion from the district attorney of the county concerning the validity of the title of the lands offered as security. The county court may authorize or reject any loan. No loan shall be made in excess of 50 percent of the assessed valuation of the property offered as security. No expense shall be incurred by the county in loaning any such funds.

370.210 [Repealed by 1967 c.451 §32]

370.220 [Repealed by 1967 c.451 §32]

370.230 [Repealed by 1967 c.451 §32]

370.240 Warrants in lieu of bonds. (1) After the issuance of bonds has been authorized by an election held in accordance with ORS 370.031, 370.120 and 370.130, the county court, in lieu of the issuance of any or all such bonds, may issue warrants drawn upon the county treasury for the purpose of securing any or all funds sought to be secured by the issuance of such bonds.

(2) These warrants shall be in denominations of $50, or multiples thereof up to $1,000, and shall bear the same rate of interest as the bonds would bear in lieu of which the warrants are issued.

(3) No such warrants shall become due at any specified time, but shall be redeemable by the county at any time in the same manner as other county warrants are redeemed or paid. [Amended by 1983 c.350 §237]

370.250 [Repealed by 1981 c.153 §79]