Chapter 280

2003 EDITION

Financing of Local Public Projects and Improvements; City and County Economic Development

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TAXATION FOR LOCAL PUBLIC IMPROVEMENTS

280.040 Definitions for ORS 280.040 to 280.145; use of certain tax revenues. (1) As used in ORS 280.040 to 280.145:

(a) "Local option tax" means a tax described under section 11 (4) or (7)(c), Article XI of the Oregon Constitution.

(b) "Subdivision" includes only such counties, municipal corporations, quasi-municipal corporations and civil or political corporations or subdivisions as are empowered by law to levy ad valorem property taxes, except that "subdivision" does not include an education service district.

(2) All ad valorem tax revenues that are received by any subdivision as a result of a levy under ORS 280.040 to 280.090 and that are derived from an ad valorem tax levied for purposes other than general operations shall be:

(a) Kept by the treasurer or other financial officer in a fund that is separate and distinct from other funds of the subdivision.

(b) Expended only for the purpose for which the taxes were imposed. [Amended by 1997 c.541 §302; 1999 c.632 §21; 1999 c.1094 §1]

280.050 Providing funds for financing cost of services, projects, property and equipment. Funds may be obtained as prescribed in ORS 280.040 to 280.145 for the purpose of financing the cost of any service, project, property or equipment which a subdivision has lawful power to perform, construct or acquire, and of repairs and improvements thereto and of maintenance and replacement thereof. [Amended by 1967 c.203 §4]

280.055 Obtaining and advancing of funds to county service districts. Funds may be obtained by a county as prescribed by ORS 280.040 to 280.145 for the purpose of advancing funds to a district established under ORS 451.410 to 451.610 to finance the cost of any service facility which the district is authorized to construct, maintain and operate. [1969 c.646 §17]

280.057 Local option taxes for community colleges; maximum amount. A local option tax levied by a community college district or community college service district may not exceed the amount of reduction in ad valorem property taxes caused under ORS 310.200 to 310.242. [1997 c.541 §308b]

Note: 280.057 was added to and made a part of 280.040 to 280.145 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

280.060 Levy of local option taxes outside constitutional limitation; duration of levy; approval of levy as approval of bonds. (1) Upon approval of a majority of the electors of a subdivision in a manner that qualifies under section 11 (8), Article XI of the Oregon Constitution, a subdivision may levy local option taxes outside the limitation imposed by section 11 (3), Article XI, Oregon Constitution, over the period of time that is authorized by the electors. The amount levied each year shall be:

(a) Uniform, or substantially so, throughout the period during which the taxes are levied; or

(b) Computed annually at the same dollar rate per thousand dollars assessed value in the subdivision, such rate to be declared in and made a part of the ballot measure to be submitted to the electorate.

(2) Notwithstanding subsection (1) of this section, a subdivision may certify for extension on the assessment and tax roll under ORS 310.060 a lesser amount of local option tax or a lesser rate of local option tax if the subdivision decides to collect less than the entire local option tax authorized by electors. The subdivision shall certify the lesser amount or rate in the written notice required to be made under ORS 310.060.

(3)(a) The period of time authorized by the electors shall not exceed five years or, if the local option tax is for capital projects, the lesser of:

(A) The expected useful life of the capital projects to be financed by the tax; or

(B) Ten years.

(b) A local option tax for capital projects does not exceed the expected useful life of the capital projects financed by the tax if the estimated weighted average life of the tax does not exceed the estimated dollar weighted average of the capital assets comprising the capital projects that are to be financed by the tax. The estimated dollar weighted average life of capital projects shall be calculated under rules of the Department of Revenue that ensure that a local option tax for capital projects is levied for no more than 10 years and no more than the useful life of the component of the capital projects financed by the tax that has the longest useful life.

(4)(a) All local option taxes authorized by ORS 280.040 to 280.145 that are for capital projects and that have a term of more than five years shall be submitted to electors separately from local option taxes with a term of five years or less.

(b) For purposes of this subsection, "capital project" means the acquisition of land upon which to construct an improvement,

the acquisition of a building, the acquisition or construction of improvements, the acquisition of an addition to a building which increases the square footage of the building, the construction of a building, the construction of an addition to an existing building which increases the square footage of the building or the acquisition of and installation of machinery and equipment which will become an integral part of a building or an addition to a building, the purchase of furnishings, equipment or other tangible property with an expected useful life of more than one year or a combination of those items.

(5) If a ballot measure authorizing a local option tax states that the taxing district may issue bonds that are payable from that tax, voter approval of the tax shall constitute voter approval of the bonds, except that the approval shall not entitle the taxing district to collect a greater amount of tax than the taxing district would have been entitled to collect if the ballot measure only authorized local option taxes and did not authorize bonds. If the local option tax is approved by voters in a manner that qualifies under section 11 (8), Article XI of the Oregon Constitution, then the taxing body may issue the bonds in a principal amount that, together with the estimated interest to be paid on the bonds while the bonds are outstanding, does not exceed the revenues estimated to be received from the local option tax levy. A taxing district may pledge the revenues received from the local option tax and the taxing district's full faith and credit to pay bonds authorized under this subsection. [Amended by 1953 c.134 §2; 1977 c.730 §1; 1979 c.241 §24; 1981 c.804 §79; 1989 c.658 §1; 1997 c.541 §303; 1999 c.21 §6; 1999 c.559 §4; 1999 c.1094 §2]

280.064 Period for use of revenues raised by local option tax. Subject to ORS 294.305 to 294.565 and the applicable provisions of a charter, ordinance or resolution of a subdivision, a subdivision may use revenues raised by a local option tax beyond the period of years during which the subdivision is authorized to levy the local option tax if the revenue is used for the purpose authorized by the electors. [2003 c.195 §6]

Note: 280.064 was added to and made a part of 280.040 to 280.145 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

280.070 Manner of holding elections for local option tax or permanent rate limit; additional statements in ballot title. (1) An election within a county for the purpose of approving a tax levy or tax rate under ORS 280.060 shall be called by the county court or board of county commissioners and shall be held on a date specified in ORS 203.085.

(2) An election within a city for the purpose of approving a tax levy or tax rate under ORS 280.060 or under section 11 (3)(c), Article XI of the Oregon Constitution, shall be called by the governing body of the city and held on a date specified in ORS 221.230.

(3) An election within a political subdivision other than a county or city for the purpose of approving a tax levy or tax rate under ORS 280.060 or under section 11 (3)(c), Article XI of the Oregon Constitution, shall be called by the governing body of the subdivision and held on a date specified in ORS 255.345.

(4)(a) The ballot title for a measure authorizing the imposition of local option taxes shall contain the following additional statement:

This measure may cause property taxes to increase more than three percent.

(b) The statements required by this subsection shall not be considered for purposes of the word count limitations under ORS 250.035.

(c) The statements required by this subsection shall be placed after the question on the ballot title.

(5) As part of the question, the ballot title for a measure authorizing the imposition of local option taxes shall state:

(a) The length in years of the period during which the proposed local option tax will be imposed.

(b) The first fiscal year in which the proposed local option tax will be imposed.

(6) As part of the question, the ballot title for a measure authorizing the establishment of a permanent rate limitation shall contain the following information:

(a) The tax rate per $1,000 of assessed value of the proposed permanent rate limitation.

(b) The first fiscal year in which the proposed permanent rate limitation will be imposed.

(7) The ballot title for a measure authorizing the imposition of local option taxes or a permanent rate limitation shall be in compliance with ORS 250.036. [Amended by 1983 c.350 §133; 1997 c.541 §304; 1999 c.632 §22]

280.075 Ballot statements for local option tax measures. (1) Notwithstanding any other law and when not inconsistent with or otherwise provided for in the Oregon Constitution, whenever a proposed local option tax is submitted to a vote of the people by any

subdivision, the statement in the ballot title for the measure that explains the chief purpose of the measure and gives reasons for the measure shall state the total amount of money to be raised by the proposed local option tax, in dollars and cents. If the statement in the ballot title for the measure submitted includes an estimated tax impact, it shall be based on the most current estimate of assessed value from the county assessor. The measure shall bear the statement: "The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate."

(2) Subsection (1) of this section does not apply to a local option tax described in ORS 280.060 (1)(b). For a levy described in ORS 280.060 (1)(b), an estimate of the total amount of money to be raised for each year of the proposed local option tax shall be stated in dollars and cents. If the levy described in ORS 280.060 (1)(b) raises more money than estimated, the excess collections above that estimate shall be considered a budget resource for the levy fund in the next fiscal year of the subdivision. This section has no application to elections and levies with respect to bonds, for which provision is made in ORS 287.004 to 287.022 and 287.052 to 287.488 or other laws.

(3) The statement or statements required by subsections (1) and (2) of this section shall be added to and made a part of the 175-word statement required by ORS 250.035. The number of words contained in the statements described in subsections (1) and (2) of this section shall not be included in the 175-word limitation. [Formerly 310.395]

Note: 280.075 was added to and made a part of 280.040 to 280.145 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

280.080 Contents of order, resolution or ordinance calling election. The order, resolution or ordinance, as the case may be, pursuant to which the election required by ORS 280.060 is called and held, shall set forth:

(1) The purpose for which the funds to be provided by the tax levies are to be expended.

(2) The estimated total outlay for such purpose.

(3) The period of time authorized by the electors pursuant to ORS 280.060 (3). [Amended by 1977 c.730 §2; 1997 c.541 §305; 1999 c.1094 §3]

280.090 Submission of several proposals to impose local option taxes. If more than one proposal to impose local option taxes is submitted to the electors at the same election, the several ballot measures shall be voted upon separately. However, not more than four separate ballot measures proposing local option taxes may be submitted to the electors under the provisions of ORS 280.040 to 280.145 within a single calendar year. [Amended by 1979 c.241 §25; 1981 c.804 §80; 1999 c.21 §7]

280.100 [Repealed by 1997 c.308 §38]

280.110 [Repealed by 1997 c.308 §38 and 1997 c.541 §308c]

280.120 [Repealed by 1997 c.308 §38 and 1997 c.541 §308c]

280.130 [Repealed by 1997 c.308 §38 and 1997 c.541 §308c]

280.140 [Repealed by 1997 c.308 §38]

280.145 Serial levy under former law. Notwithstanding the amendments to ORS 280.040, 280.060, 280.070 and 280.080 by sections 302 to 305, chapter 541, Oregon Laws 1997, a serial levy described in section 11 (7)(b), Article XI of the Oregon Constitution, may be levied by the subdivision, including a school district, as provided in ORS 280.040 to 280.140 (1995 Edition). [1997 c.541 §308; 1999 c.21 §8]

280.150 Appropriating money and issuing bonds to construct, operate and maintain joint facilities. Incorporated cities, school districts and counties of this state may jointly, in such manner as they shall agree upon, construct, acquire, own, equip, operate and maintain facilities which will directly aid each participating governmental unit in performing a duty or duties imposed upon it or aid in exercising a power or powers conferred upon it, and may appropriate money and may issue bonds therefor.

280.160 [Formerly 280.990; repealed by 1997 c.308 §38]

280.250 [1985 c.806 §1; 1987 c.769 §14; renumbered 285.067 in 1991]

280.255 [1985 c.806 §3; 1989 c.908 §28; renumbered 285.070 in 1991]

280.260 [1985 c.806 §§2,4; 1989 c.908 §29; renumbered 285.075 in 1991]

280.265 [1985 c.806 §5; 1989 c.908 §30; renumbered 285.080 in 1991]

280.270 [1985 c.806 §13; 1989 c.908 §31; renumbered 285.065 in 1991]

280.310 [1975 c.316 §1; 1983 c.459 §1; renumbered 285.310 in 1991]

280.315 [1975 c.316 §2; 1983 c.459 §2; 1989 c.908 §32; renumbered 285.315 in 1991]

280.320 [1975 c.316 §3; 1977 c.147 §1; 1979 c.182 §8; 1981 c.282 §1; 1983 c.459 §9; 1985 c.806 §6; 1987 c.158 §38; 1989 c.908 §33; 1991 c.878 §1; renumbered 285.320 in 1991]

280.325 [1975 c.316 §4; 1989 c.908 §34; renumbered 285.325 in 1991]

280.330 [1975 c.316 §10; 1989 c.547 §1; 1989 c.908 §35; renumbered 285.330 in 1991]

280.335 [1975 c.316 §7; 1983 c.459 §10; renumbered 285.335 in 1991]

280.340 [1975 c.316 §8; 1989 c.908 §36; renumbered 285.340 in 1991]

280.345 [1975 c.316 §9; 1983 c.459 §11; renumbered 285.345 in 1991]

280.350 [1975 c.316 §6; 1983 c.459 §3; renumbered 285.350 in 1991]

280.355 [1975 c.316 §5; 1977 c.147 §2; renumbered 285.355 in 1991]

280.360 [1975 c.316 §11; 1983 c.459 §4; renumbered 285.360 in 1991]

280.365 [1975 c.316 §12; renumbered 285.365 in 1991]

280.370 [1975 c.316 §13; renumbered 285.370 in 1991]

280.375 [1975 c.316 §14; renumbered 285.375 in 1991]

280.380 [1975 c.316 §15; renumbered 285.380 in 1991]

280.385 [1975 c.316 §16; 1983 c.459 §12; renumbered 285.385 in 1991]

280.390 [1975 c.316 §17; 1979 c.284 §130; renumbered 285.390 in 1991]

280.393 [1983 c.459 §6; 1989 c.908 §37; renumbered 285.393 in 1991]

280.395 [1983 c.459 §7; 1989 c.966 §14; renumbered 285.395 in 1991]

280.397 [1983 c.459 §8; 1985 c.806 §7; 1987 c.840 §5; 1989 c.908 §38; renumbered 285.397 in 1991]

CITY AND COUNTY ECONOMIC DEVELOPMENT PROJECTS

(Cities)

280.410 Definitions for ORS 280.410 to 280.485. As used in ORS 280.410 to 280.485 unless the context requires otherwise:

(1)(a) "Economic development project" includes any properties, real or personal, used or useful in connection with a revenue producing enterprise.

(b) "Economic development project" also includes multiple unit residential housing development, including low income single room occupancy housing, on land having an assessed valuation of $8 per square foot or more on September 13, 1975, land within a designated urban renewal or redevelopment area formed pursuant to ORS chapter 457, or projects which benefit low or moderate income tenants, or address slum and blight as defined by the 1974 Housing and Community Development Act.

(c) "Economic development project" shall not include any facility or facilities designed primarily for the operation, transmission, sale or distribution of electrical energy.

(2) "Eligible project" means an economic development project found by the city to meet standards adopted pursuant to ORS 280.410 to 280.485.

(3) "City" means any city with a population of 70,000 or more.

(4) "Cost" as applied to any project includes:

(a) The cost of construction and reconstruction;

(b) The cost of acquisition of property, including rights in land and other property, both real and personal and improved and unimproved and the cost of site improvements;

(c) The cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved or relocated;

(d) The cost of eligible machinery and equipment and related financing charges;

(e) The cost of engineering and architectural surveys, plans and specifications;

(f) The cost of financing charges and interest prior to and during construction, and if deemed advisable by the city for a period not exceeding one year after completion of construction; and

(g) The cost of consultant and legal services, other expenses necessary or incident to determining the feasibility or practicability of constructing a project, administrative and other expenses necessary or incident to the construction of the project, including, but not limited to, costs of relocation and moving expenses according to a project plan developed by the city, and the financing of the construction of the project thereof, including reimbursement to any state or other governmental agency or any lessee of such project for the expenditures made with the approval of the city that would be costs of the project under ORS 280.410 to 280.485 had they been made directly by the city.

(5) "Low income" means an income not exceeding 80 percent of the prevailing median income, based on family size, within the city. [1977 c.772 §2; 1979 c.865 §1; 1981 c.368 §1; 1991 c.560 §1; 2003 c.286 §1]

280.415 Legislative findings. The Legislative Assembly finds that:

(1) Cities with a population of 70,000 or more should be granted the powers granted to the state by ORS 285B.320 to 285B.371 in order to reduce substantially within their boundaries the occurrence of economic conditions requiring more expensive remedial action. There exist in Oregon's larger cities substantial adverse economic conditions requiring immediate remedial action. Such conditions include decreasing opportunities for gainful employment and lack of sites and facilities for orderly and necessary retail, commercial and industrial growth. Amelioration of these conditions is deemed a public purpose and the acquisition of property for such purpose is deemed a public use. To meet the needs of these cities it is necessary to grant them full authority to undertake and complete development and redevelopment projects, and to assist public and private organizations engaged in such projects, including the issuance of industrial or other nonrecourse revenue bonds. It is the purpose

of ORS 280.410 to 280.485 to authorize the exercise of such powers by cities with a population of 70,000 in addition to and not in lieu of any other powers such cities may possess.

(2) The lack of residential housing in the core and inner areas of Oregon's larger cities also is a cause of adverse economic conditions. Development of housing in such areas can be a factor which contributes to orderly economic growth by providing decent housing for workers necessary to attract and promote desirable retail, commercial and industrial growth. Therefore it is also the purpose of ORS 280.410 to 280.485 to permit cities with a population of 70,000 or more authority to issue revenue bonds for housing purposes. The Legislative Assembly, in granting this authority, intends to increase Oregon's available housing stock. In exercising options under that authority, preference should be given by cities to those projects which add housing units through new construction or rehabilitation of nonresidential buildings. For low income single room occupancy housing, however, cities may renovate existing single room housing, convert nonresidential buildings or construct new buildings.

(3) Cities with a population of 70,000 or more suffer from a lack of available mortgage financing for the purchase of multiple unit homes in such cities. There is a need for a low-cost mortgage financing for multiple unit home purchasers in order to prevent urban decay and blight and to promote the economic well-being of those cities. [1977 c.772 §1; 1979 c.865 §2; 1981 c.368 §2; 2003 c.286 §2]

280.417 [1979 c.865 §2b; repealed by 2003 c.286 §10]

280.420 Eligibility of projects for financing; standards; ordinance for applications. Prior to exercising any power granted by ORS 280.410 to 280.485 the governing body of a city shall:

(1) Adopt by ordinance standards to determine the eligibility of economic development projects. In determining such standards, the governing body shall consider all relevant data without giving priority to one factor over others. The governing body may consider but is not limited to the following:

(a) Density of use and potential impact in the area affected by the proposed project;

(b) City's ability to support other needed services resulting from economic development projects;

(c) Effect of economic development projects on balanced economic development of the city;

(d) Employment opportunities; and

(e) Suitability of various areas in the city for particular types of economic development projects.

(2) Adopt by ordinance procedures for the acceptance and processing of applications for consideration of the eligibility of economic development projects. The ordinance shall state what city officers shall receive such applications and shall provide for the content of any application form. [1977 c.772 §3]

280.422 Exception to eligibility standards. Low income single room occupancy housing projects need not meet the standards of an eligible project and any city standards adopted pursuant to ORS 280.410 to 280.485. [1981 c.368 §6]

280.424 Bond-financed single room occupancy rental housing to conform with federal law. Single room occupancy rental housing financed with bonds authorized by ORS 280.410, 280.415, 280.422 to 280.425 and 280.431 must conform to the requirements of the Federal Mortgage Subsidy Bond Tax Act of 1980. [1981 c.368 §8; 2003 c.286 §8]

280.425 City powers concerning property. In carrying out the provisions of ORS 280.410 to 280.485, a city may:

(1) Acquire by agreement, donation or exercise of eminent domain, construct and hold in whole or in part any lands, buildings, easements, water and air rights, improvements to lands and buildings and capital equipment to be located permanently or used exclusively on such lands or in such buildings, which are deemed necessary in connection with an eligible project to be situated within the city and construct, reconstruct, improve, better and extend such projects, and enter into contracts therefor.

(2) Sell and convey all properties acquired in connection with eligible projects, including without limitation the sale and conveyance thereof subject to any mortgage and the sale and conveyance thereof under an option granted to the lessee of the eligible project, for such price, and at such time as the city may determine. However, no sale or conveyance of such properties shall ever be made in such manner as to impair the rights of interests of the holder, or holders, of any bonds issued under the authority of ORS 280.410 to 280.485.

(3) Make or participate in the making of loans, including mortgage loans, to provide for the construction, substantial rehabilitation or permanent financing of eligible projects and undertake commitments to make such loans. Mortgage loans under this section may include loans for the development of multiple unit residential housing and low income single room occupancy housing to housing sponsors qualified under standards

adopted by the city pursuant to ORS 280.410 to 280.485.

(4) For mortgage loans under subsection (3) of this section and ORS 280.430 (5), purchase and sell those mortgage loans at public or private sale; modify or alter such mortgages; foreclose on any such mortgage or security interest or commence any action to protect or enforce any right conferred upon the city by any law, mortgage, security, agreement, contract or other agreement and bid for and purchase property that is subject to such mortgage or security interest at any foreclosure or other sale; acquire or take possession of any such property and complete, administer, pay the principal and interest on any obligations incurred in connection with such property and dispose of such property in such a manner as the city determines necessary to protect its interest under ORS 280.410 to 280.485. [1977 c.772 §5; 1979 c.865 §3; 1981 c.368 §3; 2003 c.286 §3]

280.430 Contractual powers of city; requirements for project loans and leases. In addition to any other powers granted by law or charter, a city may:

(1) Make loans from bond proceeds to finance eligible projects or lease or sublease eligible projects to any person, firm or public or private corporation or federal or state governmental subdivision or agency. Such agreement shall provide that:

(a) The borrower or lessee shall operate, repair and maintain the project which is leased or financed with the loan;

(b) Rents to be charged for the use of the projects shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment when due of principal of, and interest on, all bonds issued under ORS 280.410 to 280.485;

(c) The loan or lease shall terminate not earlier than the date on which all bonds and all other obligations incurred by the local agency in connection with the project or projects leased or financed by the loan shall be paid in full, including interest, principal and redemption premiums, if any, or adequate funds for such payment are deposited in trust;

(d) The lessee's obligation to pay rent shall not be subject to cancellation, termination or abatement by the lessee until payment of the bonds or provision for payments is made;

(e) The lessee shall be required to provide adequate insurance in the project and insurance against all liability for injury to persons or property arising from its operation; and

(f) The lessee shall pay all taxes and special assessments levied upon or with respect to the leased premises and payable during the term of the lease, during which term ad valorem taxes shall be assessed in the same amount and to the same extent as though the lessee were the owner of all real and personal property comprising the project;

(2) Acquire, sell and enter into installment sale contracts for eligible projects and land sale contracts for eligible projects;

(3) Pledge and assign to the holders of such bonds or a trustee therefor all or any part of the revenues of one or more eligible projects owned or to be acquired by the city and define and segregate such revenues or provide for the payment thereof to a trustee;

(4) Mortgage or otherwise encumber eligible projects in favor of the holders of such bonds or a trustee therefor. However, in creating any such mortgages or encumbrances the city can not obligate itself except with respect to the project;

(5) Purchase, service, sell and make commitments to purchase, service and sell mortgage loans originated by private lending institutions for residential housing for owner-occupied dwelling units in the form of condominium or cooperative interests in multiple unit housing projects located within the areas specified in ORS 280.410 (1)(b) to persons whose income does not exceed 150 percent of the prevailing median income for families within the city, whether or not the projects are financed in whole or in part pursuant to ORS 280.410 to 280.485. A city shall equitably allocate the origination and servicing of mortgages under this subsection to private lending institutions in accordance with standards adopted by the city;

(6) Make all contracts, execute and deliver all instruments, including any loan agreements or notes, and do all things necessary or convenient in the exercise of the powers granted by this section, or in the performance of its covenants or duties, or in order to secure the payment of its bonds, including a contract entered into prior to the construction, acquisition and installation of the eligible project authorizing the borrower or lessee, subject to such terms and conditions as the city shall find necessary or desirable and proper, to provide for the construction, acquisition and installation of the buildings, improvements and equipment to be included in the project by any means available to the borrower or lessee and in the manner determined by the borrower or lessee, and without advertisement for bids as may be required for the construction, acquisition or installation of other public facilities;

(7) Perform any other duties that the city considers necessary in carrying out ORS 280.410 to 280.485, including but not limited to, efforts to minimize the effects of displacement of residents resulting from projects financed under ORS 280.425 (3);

(8) Enter into and perform such contracts and agreements with political subdivisions and state agencies as the respective governing bodies of the same may consider proper and feasible for or concerning the planning, construction, installation, lease, or other acquisition, and the financing of such facilities, which contracts and agreements may establish a board, commission or such other body as may be deemed proper for the supervision and general management of the facilities of the eligible project; and

(9) Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing, or other provision of any eligible project, and enter into agreements with such agency respecting such loans or grants. [1977 c.772 §4; 1979 c.865 §4; 2003 c.286 §4]

280.431 Required condition of purchase for low income single room housing project. Low income single room occupancy housing projects shall not be sold to any purchaser who does not agree as a condition of purchase to maintain the property as low income single room occupancy housing for at least 30 years or the term of the mortgage, whichever period is shorter. [1981 c.368 §7]

280.432 Limitations on housing loans from bond proceeds; discrimination; relocation; conversion. (1) Cities, in purchasing or servicing or making commitments to purchase or service residential mortgage loans under ORS 280.430 (5), shall not participate in the refinancing of housing by existent owners or purchasers of that housing and shall not allow the assumption of those loans by persons not eligible for them.

(2) No owner-purchaser shall have more than one mortgage loan under ORS 280.430 (5) outstanding at any time.

(3) No city shall make or participate in the making of a mortgage loan to a multiple unit residential housing project under ORS 280.425 (3) unless the housing sponsor has agreed to not discriminate against any dwelling unit purchaser or tenant who is a parent or legal guardian with whom a child resides or is expected to reside. This subsection shall not apply to housing projects occupied exclusively by households, the heads of which are 62 years of age or older.

(4) Regardless of the ownership of property used for a multiple unit housing project financed under ORS 280.425 (3), a city shall, in financing the project, provide a plan for relocation of displaced persons.

(5) A city shall not finance projects under ORS 280.425 (3) which result in the conversion of existing occupied residential rental units to cooperative or condominium projects. [1979 c.865 §2d]

280.435 Limitation on city power. Except as provided in ORS 280.425 (2), the city shall not have power to operate any eligible project as a business or in any manner whatsoever, and nothing in ORS 280.410 to 280.485 authorizes the city to expend any funds on any eligible project, other than the revenues of such projects, or the proceeds of revenue bonds issued hereunder, or other funds granted to or appropriated by the city for the purposes of an eligible project. [1977 c.772 §6; 2003 c.286 §5]

280.440 Authority to issue revenue bonds. (1) A city may authorize and issue revenue bonds secured by revenues from eligible economic development projects to finance or refinance in whole or part the cost of acquisition, construction, reconstruction, improvement or extension of projects. The bonds shall be identified by project.

(2) A city may also authorize and issue revenue bonds secured by revenues from mortgage payments by purchasers of units within multiple unit housing projects. Such housing bonds need not be identified by project but may include more than one project or purpose within a single bond issue.

(3) In issuing bonds under this section, the city shall designate an underwriter, trustee and bond counsel and enter into appropriate agreements with each to carry out the provisions of ORS 280.410 to 280.485. The bonds shall be issued in the manner prescribed by law and refunding bonds may be issued to refinance such revenue bonds. [1977 c.772 §7; 1979 c.865 §5]

280.442 [1979 c.865 §2c; 1981 c.368 §4; 1987 c.696 §1; repealed by 2003 c.286 §10]

280.445 Factors considered in determining whether to issue bonds. In determining whether to issue revenue bonds under ORS 280.410 to 280.485, the governing body of the city shall consider:

(1) The bond market for the types of bonds proposed for issuance.

(2) The terms and conditions of the proposed issue.

(3) Whether the borrower, lessee or purchaser is financially responsible and fully capable and willing to fulfill its obligations under the loan agreement, agreement of lease or contract, including the obligation to pay rent in the amounts and at the times required, the obligation to operate, repair and

maintain at its own expense the project financed, leased or sold, and to serve the purposes of ORS 280.410 to 280.485 and such other responsibilities as may be imposed under the loan agreement, lease or contract. In determining financial responsibility of the borrower, lessee or purchaser, consideration shall be given to the borrower's, lessee's or purchaser's ratio of current assets to current liabilities, net worth, earning trends, coverage of all fixed charges, the nature of the industry or business involved, its inherent stability, any guarantee of the obligations by some other financially responsible corporation, firm or person, and other factors determinative of the capability of the borrower, lessee or purchaser, financially and otherwise, to fulfill its obligations consistently with the purposes of ORS 280.410 to 280.485.

(4) Such other relevant factors as the governing body considers necessary to protect the financial integrity of the city. [1977 c.772 §8; 2003 c.286 §6]

280.450 Issuance of bonds. Bonds authorized under ORS 280.410 to 280.485 shall be issued in accordance with the provisions of the charter of the city relating to bonds payable from income of revenue producing facilities. Bond issues may mature at any time within 40 years from the date of issue, may be sold at public or private sale and shall be sold in accordance with the provisions of ORS 288.515 to 288.600. [1977 c.772 §9; 1979 c.865 §6; 1981 c.94 §16]

280.455 Administrative expenses. The administrative expenses of the city with respect to bonds issued under ORS 280.410 to 280.485 shall be charged against bond proceeds or project revenues. [1977 c.772 §10]

280.460 Refunding bonds. The city shall have the power, whenever it deems refunding expedient, to refund any bonds issued under ORS 280.410 to 280.485 by the issuance of new bonds, whether the bonds to be refunded have or have not matured. The refunding bonds may be exchanged for bonds to be refunded and the proceeds applied to the purchase, redemption or payment of such bonds. [1977 c.772 §11]

280.465 Validity of bonds. The validity of bonds issued under ORS 280.410 to 280.485 shall not be dependent on or be affected by the validity or regularity of any proceeding relating to the acquisition, purchase, lease, construction, installation, reconstruction, improvement, betterment or extension of the eligible project for which the bonds are issued. The official action authorizing such bonds may provide that the bonds shall contain a recital that they are issued pursuant to ORS 280.410 to 280.485 and such recital shall be conclusive evidence of their validity and of the regularity of their issuance. [1977 c.772 §12]

280.470 Covenants in bonds. The official action authorizing the issuance of bonds under ORS 280.410 to 280.485 to finance or refinance in whole or in part, the acquisition, construction, installation, reconstruction, improvement, betterment or extension of any eligible project may contain covenants, notwithstanding that such covenants may limit the exercises of powers conferred by ORS 280.410 to 280.485 in the following respects and in such other respects as the city may decide:

(1) The rents to be charged for the use of properties acquired, constructed, installed, reconstructed, improved, bettered or extended under the authority of ORS 280.410 to 280.485;

(2) The use and disposition of the revenues of such projects;

(3) The creation and maintenance of sinking funds and the regulation, use and disposition thereof;

(4) The creation and maintenance of funds to provide for maintaining the eligible project and replacement of properties depreciated, damaged, destroyed or condemned;

(5) The purpose or purposes to which the proceeds of sale of bonds may be applied and the use and disposition of such proceeds;

(6) The nature of mortgages or other encumbrances on the eligible project made in favor of the holder or holders of such bonds or a trustee therefor;

(7) The events of default and the rights and liabilities arising thereon and the terms and conditions upon which the holders of any bonds may bring any suit or action on such bonds or on any coupons appurtenant thereto;

(8) The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenue of the eligible project;

(9) The insurance to be carried upon the eligible project and the use and disposition of insurance moneys;

(10) The keeping of books of account and the inspection and audit thereof;

(11) The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived;

(12) The rights, liabilities, powers and duties arising upon the breach by the municipality or redevelopment agency of any covenants, conditions or obligations;

(13) The appointing of and vesting in a trustee or trustees of the right to enforce any covenants made to secure or to pay the bonds; the powers and duties of such trustee or trustees, and the limitation of their liabilities;

(14) The terms and conditions upon which the holder or holders of the bonds, or the holders of any proportion or percentage of them, may enforce any covenants made under ORS 280.410 to 280.485;

(15) A procedure by which the terms of any official action authorizing bonds or of any other contract with bondholders, including but not limited to an indenture of trust or similar instrument, may be amended or abrogated, and the amount of bonds the holders of which may consent thereto, and the manner in which such consent may be given; and

(16) The subordination of the security of any bonds issued under ORS 280.410 to 280.485 and the payment of principal and interest thereof, to the extent deemed feasible and desirable by the city, to other bonds or obligations of the city issued to finance the eligible project or that may be outstanding when the bonds thus subordinated are issued and delivered. [1977 c.772 §13]

280.475 Limitations of bonds; recitals. (1) Revenue bonds issued under ORS 280.410 to 280.485:

(a) Shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, except as provided in this section, nor shall the city be subject to any liability thereon. No holder or holders of such bonds shall ever have the right to compel any exercise of the taxing power of the city to pay any such bonds or the interest thereon, nor to enforce payment thereof against any property of the city except those projects or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purposes of ORS 280.410 to 280.485.

(b) Shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the city, except those eligible projects, or portions thereof, mortgaged or otherwise encumbered, under the provisions and for the purposes of ORS 280.410 to 280.485.

(2) Each bond issued under ORS 280.410 to 280.485 shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof, and that no such bond shall constitute a debt of the city or a lending of the credit of the city within the meaning of any constitutional or statutory limitation. However, nothing in ORS 280.410 to 280.485 is intended to impair the rights of holders of bonds to enforce covenants made for the security thereof as provided in ORS 280.480. [1977 c.772 §14]

280.480 Powers and rights of bondholders. Subject to any contractual limitation binding upon the holders of any issue of revenue bonds, or a trustee therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of bonds, or any trustee therefor, for the equal benefit and protection of all bondholders similarly situated, may:

(1) By action or proceeding for legal or equitable remedies, enforce their rights against the city and any of its officers, agents and employees, and may require and compel the city or any such officers, agents or employees to perform and carry out its and their duties and obligations under ORS 280.410 to 280.485 and its and their covenants and agreements with bondholders;

(2) By action, require the city to account as if it was the trustee of an express trust;

(3) By action, enjoin any acts or things which may be unlawful or in violation of the right of the bondholders;

(4) Bring action upon the bonds;

(5) Foreclose any mortgage or lien given under the authority of ORS 280.410 to 280.485 and cause the property standing as security to be sold under any proceedings permitted by law or equity; and

(6) Exercise any right or remedy conferred by ORS 280.410 to 280.485 without exhausting and without regard to any other right or remedy conferred by ORS 280.410 to 280.485 or any other law of this state, none of which rights and remedies is intended to be exclusive of any other, and each is cumulative and in addition to every other right and remedy. [1977 c.772 §15; 1979 c.284 §131]

280.482 Report required; content. A city shall report to the State Housing Council and the Legislative Assembly, not later than February 1 of each odd-numbered year on the disposition within that city of the proceeds of bonds issued for the purposes of making mortgage loans under ORS 280.425 (3) and 280.430 (5). The report shall, as a minimum, identify the population, income levels and areas served by the housing program, the length of residence in dwellings purchased under the program and the degree to which the city considers the program's initial objectives have been achieved. The report shall be reviewed by the State Housing Council and the council shall make its comments on the report known to the city and the Legislative Assembly. [1979 c.865 §7; 2003 c.286 §9]

280.485 Effect of ORS 280.410 to 280.485 on powers of city. ORS 280.410 to 280.485 is additional, alternative and supplemental authority for cities with a population of 70,000 or more and shall not abrogate any power, right or authority otherwise granted by law or charter to such cities. [1977 c.772 §16; 2003 c.286 §7]

(Counties)

280.500 County economic development plan; criteria. In addition to, and not in lieu of, any of the powers granted counties under the laws of this state, a county may develop and implement a program of economic development. To do so, a county shall have the power to:

(1) Following public hearings, adopt an economic development plan, either through its own efforts or in combination with other public bodies and advisory committees, which plan, if adopted, shall:

(a) Recognize and reflect the need for adequate employment and income for residents, considering both present and expected future population levels.

(b) Clearly state community economic goals and provide a detailed program to carry out those goals.

(c) Be based on an analysis of the present and expected future economic base, which analysis shall consider, but not be limited to, natural resources, human resources, industrial and commercial structure, land use and ownership, public facilities and services, transportation, housing, availability of capital and regional economic interactions.

(d) Provide industrial and commercial sites suitable for the expected future amount and type of growth and expansion and appropriate for their intended purpose, site size and site distribution, transportation access and available services.

(e) Consider housing in the area and show the availability of housing is sufficient for the projected workforce increase or include definitive plans for expanding the housing stock to meet the anticipated workforce growth.

(f) Stress cost-effectiveness and the need for a timely government response to private sector development efforts.

(g) Set forth the boundaries the economic development plan encompasses, if different from county boundaries.

(2) Assemble, hold and develop sites and facilities for industrial and commercial activities as provided in ORS 271.510 to 271.540, with the power to make available real property to private or public entities at a value determined by the county to be its fair market value. [1979 c.182 §1; 1991 c.878 §2]

280.505 Coordination of plan with other local governments and plans. In developing and implementing a plan of economic development under ORS 280.500, a county shall:

(1) Provide that each city within the plan boundaries may by resolution of the city governing body become a part of, or exclude itself from, the economic development plan within the city.

(2) Assure that all city governing bodies wishing to participate are fairly represented in the development of an economic development plan.

(3) Assure that an economic development plan considers and is coordinated with the economic development programs of cities, port districts and other public entities.

(4) Assure that the economic development plan considers and is coordinated with all relevant local comprehensive plans and planning efforts. [1979 c.182 §2]

280.507 [1987 c.584 §2; 1991 c.11 §3; renumbered 285.680 in 1991]

280.508 County public purpose revolving loan fund. When moneys are received by a county upon condition or with the intent of the receiving county that the moneys be used for a public purpose revolving loan fund, the county may dedicate the moneys for the purposes of the revolving loan fund and payment of the expenses of administering the fund by enacting an ordinance that:

(1) Establishes a separate fund into which all moneys to be used for economic development revolving loans or grants may be deposited together with proceeds, including loan fees and interest, received from processing and repayment of such loans;

(2) Specifies the public purpose and the scope and limitation of uses of moneys in the fund; and

(3) Provides for distribution of fund assets if the governing body of the county determines, after a public hearing, that dissolution of the fund is in the best interests of the public. [1991 c.332 §1]

280.510 [1987 c.584 §1; renumbered 285.683 in 1991]

280.513 [1987 c.584 §3; renumbered 285.685 in 1991]

280.515 [1987 c.584 §4; renumbered 285.687 in 1991]

280.517 [1987 c.584 §5; renumbered 285.690 in 1991]

(Lottery Financed Projects)

280.518 Display of information that program is financed by State Lottery. Any economic development program financed with proceeds from the state lottery authorized by section 4, Article XV of the Oregon

Constitution and ORS chapter 461 shall have displayed conspicuously on the site or as part of the program information specifying that the program is being financed by the state lottery. [Formerly 284.430 and then 461.710 in 1991]

280.520 [1981 c.286 §1; 1983 c.41 §3; 1989 c.547 §2; 1989 c.908 §39; 1989 c.1085 §10; 1991 c.11 §4; renumbered 285.403 in 1991]

280.522 [1981 c.286 §2; 1983 c.41 §4; 1989 c.908 §40; renumbered 285.405 in 1991]

280.523 [1983 c.41 §2; 1989 c.908 §41; renumbered 285.407 in 1991]

280.525 [1981 c.286 §3; 1983 c.41 §4a; 1989 c.908 §42; renumbered 285.410 in 1991]

280.530 [1981 c.286 §4; repealed by 1983 c.41 §14]

280.532 [1981 c.286 §5; 1983 c.41 §5; 1985 c.806 §8; 1987 c.769 §15; 1989 c.1015 §23; 1989 c.1043 §12; 1989 c.1085 §11; 1991 c.11 §18; 1991 c.67 §§69,70; 1991 c.878 §3; renumbered 285.413 in 1991]

280.535 [1981 c.286 §6; 1983 c.41 §6; 1985 c.806 §9; 1989 c.908 §44; 1989 c.1085 §12; 1991 c.209 §§1,2; renumbered 285.415 in 1991]

280.540 [1981 c.286 §7; 1983 c.41 §6a; 1985 c.806 §10; 1989 c.908 §45; renumbered 285.417 in 1991]

280.542 [1981 c.286 §8; 1983 c.41 §7; renumbered 285.420 in 1991]

280.545 [1981 c.286 §9; 1983 c.41 §7a; 1989 c.908 §47; renumbered 285.423 in 1991]

280.547 [1989 c.455 §5; renumbered 285.425 in 1991]

280.550 [1981 c.286 §10; 1989 c.908 §48; renumbered 285.427 in 1991]

280.552 [1981 c.286 §11; 1983 c.41 §7b; 1989 c.908 §49; renumbered 285.430 in 1991]

280.555 [1981 c.286 §12; 1989 c.908 §50; 1989 c.1085 §13; renumbered 285.433 in 1991]

280.560 [1981 c.286 §13; 1983 c.41 §8; 1989 c.908 §51; renumbered 285.435 in 1991]

280.565 [1981 c.286 §14; 1983 c.41 §9; 1989 c.908 §52; renumbered 285.437 in 1991]

280.570 [1981 c.286 §15; 1983 c.41 §10; 1989 c.908 §53; renumbered 285.440 in 1991]

280.575 [1981 c.286 §16; 1983 c.41 §11; 1983 c.459 §16; 1985 c.806 §15; 1989 c.908 §54; 1989 c.966 §15; 1989 c.1085 §14; renumbered 285.443 in 1991]

280.580 [1981 c.286 §17; 1983 c.41 §12; renumbered 285.445 in 1991]

280.585 [1981 c.286 §18; 1983 c.41 §13; renumbered 285.447 in 1991]

280.610 [1977 c.839 §1; 1979 c.182 §9; repealed by 1987 c.769 §20]

280.620 [1977 c.839 §2; repealed by 1987 c.769 §20]

280.630 [1977 c.839 §3; 1979 c.412 §3; repealed by 1987 c.769 §20]

280.640 [1977 c.839 §4; repealed by 1987 c.769 §20]

280.645 [1979 c.412 §2; repealed by 1987 c.769 §20]

280.650 [1977 c.839 §5; 1979 c.182 §10; 1979 c.412 §4a; 1985 c.806 §18; repealed by 1987 c.769 §20]

280.660 [1977 c.839 §6; repealed by 1987 c.769 §20]

280.670 [1977 c.839 §6a; repealed by 1987 c.769 §20]

280.710 [1981 c.505 §1; 1989 c.851 §2; renumbered 285.465 in 1991]

280.715 [1981 c.505 §2; renumbered 285.467 in 1991]

280.720 [1981 c.505 §3; 1989 c.851 §3; 1989 c.908 §56; renumbered 285.470 in 1991]

280.725 [1981 c.505 §4; renumbered 285.473 in 1991]

280.730 [1981 c.505 §5; 1989 c.851 §4; renumbered 285.475 in 1991]

280.735 [1981 c.505 §6; 1989 c.851 §5; renumbered 285.477 in 1991]

280.740 [1981 c.505 §7; renumbered 285.480 in 1991]

280.775 [1989 c.136 §2; renumbered 285.453 in 1991]

280.780 [1989 c.136 §3; 1991 c.11 §5; renumbered 285.450 in 1991]

280.785 [1989 c.136 §4; renumbered 285.457 in 1991]

280.790 [1989 c.136 §5; renumbered 285.460 in 1991]

280.795 [1989 c.136 §6; renumbered 285.463 in 1991]

280.905 [1983 c.689 §1; renumbered 285.500 in 1991]

280.910 [1983 c.689 §2; subsection (4) enacted as 1983 c.518 §4; renumbered 285.503 in 1991]

280.920 [1989 c.1085 §1; 1991 c.4 §1; renumbered 285.510 in 1991]

280.923 [1989 c.1085 §2; 1991 c.4 §2; renumbered 285.507 in 1991]

280.926 [1989 c.1085 §4; 1991 c.4 §3; renumbered 285.513 in 1991]

280.929 [1989 c.1085 §5; 1991 c.4 §5; renumbered 285.515 in 1991]

280.932 [1989 c.1085 §6; 1991 c.4 §6; renumbered 285.517 in 1991]

280.935 [1989 c.1085 §7; 1991 c.4 §7; renumbered 285.520 in 1991]

280.938 [1989 c.1085 §8; 1991 c.4 §8; renumbered 285.523 in 1991]

280.941 [1989 c.1085 §9; 1991 c.4 §9; renumbered 285.525 in 1991]

280.944 [1989 c.1085 §3; 1991 c.4 §10; renumbered 285.527 in 1991]

280.947 [1989 c.1085 §16 (enacted in lieu of 1985 c.806 §16); renumbered 285.530 in 1991]

280.960 [1989 c.455 §1; renumbered 285.533 in 1991]

280.963 [1989 c.455 §2; renumbered 285.535 in 1991]

280.966 [1989 c.455 §3; renumbered 285.537 in 1991]

280.990 [Amended by 1979 c.284 §132; renumbered 280.160 in 1991]