

## Chapter 287

### Borrowing and Bonds of Counties, Cities and Districts

#### 287.002

##### NOTES OF DECISIONS

This section is not violative of Ore. Const. Art. XI, §2, prohibiting legislative repeal of municipal charters. *City of Cascade Locks v. Carlson*, (1939) 161 Or 557, 90 P2d 787.

There is nothing in this statute to indicate that it was the legislative intent to limit its application to only bonds that are general obligations of the city issuing them. *Id.* "Revenue bonds" are subject to this section. *Id.*

LAW REVIEW CITATIONS: 4 WLJ 494.

#### 287.004

##### NOTES OF DECISIONS

Public utility certificates or self-liquidating bonds are expressly excluded from the limitation prescribed by this section. *Shainwald v. Portland*, (1936) 153 Or 167, 55 P2d 1151; *City of Cascade Locks v. Carlson*, (1939) 161 Or 557, 90 P2d 787.

The limitation imposed by this section may be changed or entirely dispensed with at the will of the legislature. *Rorick v. Dalles City*, (1932) 140 Or 342, 12 P2d 762.

The 1933 amendment did not prohibit issuance of bonds authorized subsequently to, and within the limitation prescribed by the original enactment, nor deny municipalities the right to issue refunding bonds in lieu of bonds legally issued between the effective date of the original Act and that of the amendment. *Harvey v. Clark*, (1934) 147 Or 179, 32 P2d 591.

A contract creating an indebtedness did not come within the purview of this section, if a special fund to meet the indebtedness was provided and no general liability was created. *Shainwald v. Portland*, (1936) 153 Or 167, 55 P2d 1151.

The issuance and sale of interstate toll bridge bonds under 1931 c. 173, which pledged city's credit to pay any deficits in interest, created an indebtedness within the restriction against bonded indebtedness provided by this statute. *Rorick v. Dalles City*, (1932) 140 Or 342, 12 P2d 762.

ATTY. GEN. OPINIONS: Validity of city bonds, the proceeds of which are turned over to Board of Higher Education to finance building construction, 1938-40, p 24.

#### 287.006

ATTY. GEN. OPINIONS: Proposed constitutional tax limit, (1968) Vol 34, p 203.

#### 287.008

LAW REVIEW CITATIONS: 4 WLJ 492, 494.

#### 287.052 to 287.074

LAW REVIEW CITATIONS: 4 WLJ 490.

#### 287.052

ATTY. GEN. OPINIONS: Bonding for local improvements by home rule charter, 1958-60, p 183.

#### 287.054

ATTY. GEN. OPINIONS: Construction of courthouse requiring bond issue, 1960-62, p 358.

#### 287.070

ATTY. GEN. OPINIONS: Investment of "surplus" and "idle balances" of funds of rural fire protection district, 1958-60, p 310; application to obligations of water, irrigation, drainage and soil conservation districts, 1962-64, p 77.

#### 287.072

ATTY. GEN. OPINIONS: Proposed constitutional tax limit, (1968) Vol 34, p 203.

#### 287.074

ATTY. GEN. OPINIONS: Bonding for local improvements by home rule charter, 1958-60, p 183.

#### 287.110

ATTY. GEN. OPINIONS: Proposed plan for refunding bonds of the City of Astoria, 1936-38, p 308.

#### 287.204

CASE CITATIONS: *Coos County v. Oddy*, (1937) 156 Or 546, 68 P2d 1064.

ATTY. GEN. OPINIONS: Right of county to issue refunding bonds without calling an election, 1932-34, p 224.

#### 287.252

##### NOTES OF DECISIONS

The constitutional provisions providing for the initiative and referendum and prohibiting legislative repeal of municipal charters were not violated by this section. *Burton v. Gibbons*, (1934) 148 Or 370, 36 P2d 786.

This statute supersedes or amends every charter or municipal ordinance with which it is in conflict. *Id.*

#### 287.258

ATTY. GEN. OPINIONS: Necessity that ordinance providing for issuance of refunding water works bonds show compliance with this statute, 1934-36, p 586.

**287.402**

ATTY. GEN. OPINIONS: Authority of rural fire protection districts to borrow on short-term notes, 1962-64, p 326.

**287.404**

ATTY. GEN. OPINIONS: Adequacy of proceedings made in compliance with this statute, 1948-50, p 56; authority of rural fire protection districts to borrow on short-term notes, 1962-64, p 326.

**287.452**

ATTY. GEN. OPINIONS: School district classified as a municipality, 1934-36, p 344.

**287.454****NOTES OF DECISIONS**

The limitation of six years begins with the publication of the notice, and a cause of action on such a warrant is not barred until the expiration of the 60 days after publication of the notice. *Smith v. Polk County* (1911) 57 Or 551, 554, 112 P 715.

**287.456****NOTES OF DECISIONS**

The statute of limitations does not run against the warrants until the notice herein prescribed is given. *Smith v. Polk County*, (1911) 57 Or 551, 112 P 715.