

Chapter 3.50

WATER RESOURCES

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3.50.010 Short title. This chapter shall be referred to as the Water Resources Ordinance.

3.50.020 Declaration of public purpose.

A. The purpose of this chapter is to provide for development of water resources in Douglas County and to authorize water development projects and ancillary activities that will provide or promote: (Ord. 96-4-1 §3, 1996)

1. Water for irrigation and livestock;
2. Water for municipal and industrial use;
3. Water-related recreational use;
4. Wildlife and natural resource conservation;
5. Water quality enhancement;
6. Power generation;
7. Anadromous fish enhancement;
8. Flood control; and
9. Other beneficial uses for water.

B. This chapter is intended to supplement the county's existing powers under Oregon law concerning water resources.

3.50.030 Statutory Authority. This Ordinance is adopted pursuant to ORS 203.035 to exercise authority over matters of county concern to the greatest extent possible under the laws of the State of Oregon.

3.50.040 Definitions. In addition to the definitions contained in section 1.04.019 of this code the following definitions apply to this chapter:

A. "Water development project" or "project" means and includes land, dams, storage reservoirs, pumping plants, pipelines, canals, ditches, revetments, and other improvements and facilities necessary or convenient for developing, storing or supplying water to promote and fulfill the purposes stated in section 3.50.020. (Ord. 96-4-1, §4, 1996)

B. "Water resources program" means and includes all activities, transactions, and operations of the Natural Resources Division of the Douglas County Public Works Department or any succeeding county department, division, or agency concerning development, management, and regulation of water resources to fulfill the purposes stated in section 3.50.020.

3.50.060 Authorization for the Water Resources Program. The County is authorized to create and maintain the water resources program.

3.50.070 Authorization for Water Development Projects. The County is authorized to undertake, acquire, construct, repair, operate, and maintain water development projects.

3.50.080 Water resources development fund.

A. A special revenue fund known as the water resources development fund is hereby established. (Ord. 96-4-1, §5, 1996)

B. The following revenues will be appropriated annually to the water resources development fund for carrying out the purposes of this chapter:

1. All present and future revenues produced by water development projects owned and operated by the county; and

2. Miscellaneous revenues received or generated by the water resources program.

C. Moneys in the fund will be used to:

1. Purchase, construct, operate, and maintain water development projects;

2. Pay direct and indirect expenses of the water resources program;

3. Maintain reserves for replacement of equipment and other facilities of water development projects; and

4. Maintain reserves for emergencies involving water development projects.

D. Any moneys in the water resources development fund in excess of the amounts necessary for expenditures listed in subsection C of this section may be transferred by order of the board to a loan repayment fund created pursuant to section 3.50.120. (Ord. 96-4-1, §5, 1996)

E. If a loan repayment fund is dedicated to the payment of a loan or other obligation authorized by section 3.50.090, and the loan agreement or any other instrument creating the obligation requires the county to transfer to the loan repayment fund all or part of the moneys described in subsection D of this section, such moneys shall be transferred to the loan repayment fund by order of the board. (Ord. 96-4-1, §5, 1996)

3.50.090 Authorization to borrow money. The county is hereby authorized to borrow money from any agency of the United States or the State of Oregon to finance acquisition or construction of water development projects. A loan may be effected by a loan

agreement, promissory note, or any other instrument deemed adequate by the county and the lender.

3.50.100 Security for loans.

A. The county is hereby authorized to secure any loan for the acquisition and construction of water development project pursuant to section 3.50.090 by granting to the lender a security interest in the assets acquired, constructed, or produced with the borrowed moneys.

B. A security interest may be created by:

1. Mortgage or trust deed for real property and improvements;
2. Security agreement for personal property and fixtures; and
3. Conditional assignment of documents, instruments, chattel paper, and

accounts for revenues from the project and other moneys that must be transferred to the loan repayment fund for the project pursuant to subsection 3.50.080 E. (Ord. 96-4-1, §6, 1996)

3.50.110 Debt limitation.

A. Any obligation to repay money borrowed pursuant to section 3.50.090 shall not be a general obligation of the county.

B. If any instrument executed pursuant to section 3.50.090 and section 3.50.100 is held by any court to be in violation of the debt limitation of Article XI, Section 10 of the Oregon Constitution or otherwise invalid, such invalidity shall not affect any other provisions of the instrument. The other provisions shall be construed as if the invalid provision had never been contained in the instrument.

3.50.120 Loan repayment fund.

A. The board may adopt an order creating a loan repayment fund for any water development project. (Ord. 96-4-1, §7, 1996)

B. A loan repayment fund will be dedicated solely to repayment of a loan to the county authorized by section 3.50.090. The use of moneys in the loan repayment fund will be subject to the provisions of any instruments executed for the loan pursuant to section 3.50.100 and section 3.50.110. (Ord. 95-12-1; 1996, 96-4-1, §7, 1996)

County Ordinance No. 83-4-3 which is known as the Galesville Project Fund Ordinance is repealed. (Ord. 95-12-1 §2, 1996)