

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Ordinance)	
Requiring Fidelity Bonds to be)	
Purchased for Certain Public Officers)	ORDINANCE NO. 88-2
_____)	

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 51.250(3), 204.020(3), 311.060, 565.210(3), 743.732 and 743.738.

SECTION 2. TITLE.

This ordinance shall be known as Ordinance No. 88-2.

SECTION 3. FINDINGS.

A. Pursuant to ORS 203.035, the Board may exercise authority over matters of county concern.

B. ORS 51.250 requires the filing of an "official undertaking" by a justice of the peace before entering upon the duties of office.

C. ORS 204.020(3) allows counties to require the filing of an official undertaking by the sheriff, county clerk, county assessor, county treasurer, county surveyor and county commissioners before assuming office.

D. ORS 311.060 requires a tax collector to give a bond to the county before entering upon the duties of office.

E. ORS 565.210(3) requires members of a county fair board to furnish a bond in favor of the county.

F. ORS 743.732 states when any public officer is required to give or file any bond or undertaking, that requirement may be satisfied by the execution of a bond by a surety insurer authorized to do business in the State of Oregon.

G. ORS 743.738 requires the premium for such bonds to be paid for out of county funds or, in the case of fair board members, fair board funds.

H. Columbia County Ordinance No. 83-1, which provides for the filing of an official undertaking by some county officers, should be repealed because: 1) it doesn't cover Columbia County's Justices of the Peace, Fair Board members or the Tax Collector; 2) it requires separate bonds from each covered officer;

3) the bond amounts are too low; and 4) the issuing organization appointed, the Columbia County Association of Independent Insurance Agents, no longer acts as the County's insurance agent-of-record.

I. The expense and inconvenience of administration of the bonding requirements can be considerably reduced by the issuance of a blanket bond for most of the officers mentioned in an amount which meets or exceeds statutory requirements.

SECTION 4. BONDS.

A. The Board shall purchase out of general fund monies a Public Employees Blanket Fidelity Bond in the amount of \$25,000 for all county employees including the following public officers:

Justices of the Peace
County Sheriff
County Clerk
County Assessor
County Surveyor
County Commissioners

B. The Board shall purchase out of general fund monies a Public Officials Treasurer's Bond in the amount of \$50,000 for the County Treasurer.

C. The Board shall purchase out of general fund monies a Public Officials Treasurer's Bond in the amount of \$40,000 for the Tax Collector.

D. The Board shall purchase out of Fair Board monies a Public Officials Bond in the amount of \$10,000 for members of the Columbia County Fair Board.

SECTION 5. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 6. REPEALER.

Ordinance No. 83-1 entitled "Undertaking for Certain County Officials" is repealed.

SECTION 7. EMERGENCY CLAUSE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its adoption.

ADOPTED THIS 2nd DAY OF March, 1988.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Michael J. Soper
Chairman

By: Max W. Dillard
Commissioner

By: John R. Peterson
Commissioner

Attest:

By: Roberta Stubbs
Recording Secretary

First Reading: March 2, 1988
Second Reading: March 2, 1988
Effective Date: March 2, 1988