

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending Ordinance)
No. 96-8 In the Matter of Authorizing the) Ordinance No. 2023-6
Allocation of County Funds for Public)
Purposes)

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

Section 1. Title

This Ordinance shall be known as Ordinance No. 2023-6 In the Matter of Amending Ordinance No. 96-8.

Section 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035.

Section 3. PURPOSE

The purpose of this Ordinance is to amend Ordinance No. 96-8, authorizing the allocation of County funds to private, non-profit corporations for public purposes.

Section 4. HISTORY

The Board of County Commissioners adopted Ordinance No. 96-8 in 1996. The purpose of the Ordinance was to authorize the allocation of County funds to private, non-profit corporations for public purposes by establishing a process to comply with Article XI, Section 9 of the Oregon Constitution. Article XI, Section 9 of the Oregon Constitution provides that no county shall raise money for, or loan its credit to, or in aid of, any joint company, corporation or association. However, public funds may be appropriated to a private non-profit corporation if the funds must be used to promote a public purpose. A public purpose is any activity encouraged by a governmental subdivision which has the objective of enhancing the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the County. Ordinance No. 96-8 established a process by which the County can make allocations of public funds to private, non-profit corporations, including the requirement to have a public hearing. There is no obligation under Article XI, Section 9 to have a hearing before making fundings that funds will be used to promote a public purpose.

SECTION 5. AUTHORIZATION

Ordinance No. 96-8 is hereby amended as follows:

Section 5, Authorization, is amended to read as follows:

Deletions are ~~stricken~~
Additions are in **bold**

"The Board of County Commissioners is authorized to allocate County funds to private, non-profit corporations subject to the following conditions:

- a. The Board must make a finding ~~after a public hearing~~ that the funds will be used to promote a public purpose. That finding may be made by the adoption of an order or resolution of the Board, or may be made as part of the recitals in a contract with the private, non-profit ~~private~~ corporation.
- b. The arrangement with private, non-profit corporations should be a matter of contract, although this is not absolutely essential."

Section 6. SEVERABILITY

If for any reason any court of competent jurisdiction holds any portion of this Ordinance invalid, such portion shall be deemed a separate, distinct and independent portion, and any such holdings shall not affect the validity of the remaining portions thereof.

Section 7. EFFECTIVE DATE

This Ordinance shall take effect on the 91st day after its adoption.

Dated this 18 day of October, 2023.

Approved as to form

By: [Signature]
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Casey Garrett, Chair

Attest:

By: [Signature]
Recording Secretary

By: [Signature]
Kellie Jo Smith, Commissioner

By: [Signature]
Margaret Magruder, Commissioner

First Reading: Oct. 4, 2023
Second Reading: Oct. 18, 2023
Effective Date: January 18, 2024