

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing )  
the Allocation of County Funds) )  
for Public Purposes )  
\_\_\_\_\_ )

ORDINANCE NO. 96-8

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

SECTION 1.      TITLE.

This ordinance shall be known as 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 authorize the allocation of County funds to private, non-profit corporations for public purposes.

SECTION 4.      FINDINGS.

- a. 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.
- b. In Opinion No. 7783 (40 Op.A.G. 11), the Oregon Attorney General advised that public funds may be appropriated to a private non-profit corporation by the state or a governmental subdivision of the state if two requirements are met. First, 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 particular governmental subdivision. To the extent an authorized expenditure of public funds by a county enhances a public purpose, that allocation does not violate Article XI, Section 9 of the Oregon Constitution. Second, in a non-home rule county, an ordinance adopted

pursuant to ORS 203.035 to authorize the allocation of public funds to private, non-profit corporations for public purposes would be the appropriate means authorize such allocations. Finally, the arrangement with private, non-profit corporations should be a matter of contract, although this is not absolutely essential.

- c. This ordinance shall serve to satisfy the second requirement, as provided by the Attorney General.

SECTION 5. AUTHORIZATION.

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 a part of the recitals in a contract with the private, non-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. EMERGENCY; EFFECTIVE DATE.


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 upon its adoption.

DATED this 11th day of March, 1997, NUNC PRO TUNC, December 26, 1996.


Approved as to form by

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

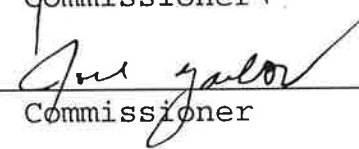
By:   
Office of County Counsel

By:   
Chairman

Attest:

By:   
Commissioner

By:   
Recording Secretary

By:   
Commissioner

First Reading: December 26, 1996  
Second Reading: December 26, 1996  
Effective Date: December 26, 1996