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April 9, 2026

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Second Reading of Ordinance 04-2026, “An Ordinance Amending County Code Chapter 2.03: Hospital Facility Authority, and Declaring an Emergency.” No fiscal impact. No County General Funds are involved.

Previous Board Action/Review: This matter previously came before the Board at a Issues on January 20, 2026. March 19, 2026, first reading of Ordinance 04-2026 to Amend Chapter 2.03
Performance Clackamas: Build Public trust through good government, and ensuring safe, healthy, and secure communities.

Counsel Review: JM 3/31/2026

Procurement Review: N/A

Contact Person: Jeffrey D. Munns

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EXECUTIVE SUMMARY: The formation of the Hospital Facility Authority was presented at Issues on January 20, 2026. At that time the Board voted 5-0 to reform the HFA. The HFA was re-formed with the five members of the Board of County Commissioners. This request was due to the inability to recruit sufficient numbers of volunteers to serve on this board.

Bond counsel for the facilities and outside bond counsel for the HFA have requested that County Code Chapter 2.03, Hospital Facility Authority, be amended to reflect the current five-member Board of Directors. The current Ordinance requires seven. Although a seven-member board may act with as few as four members present to constitute a quorum bond counsel requests this change be made. ORS 441.535 provides that the Hospital Authority shall have no fewer than five members and no more than eleven members, and that the term is for no more than six years. This change also reduces the quorum requirement for the HFA to three.

On March 19, 2026, the proposed revisions to Chapter 2.03 were presented to the Board. The Board unanimously voted to read the Ordinance by title only. The ordinance was assigned number 04-2026 and read by title only. The Board then voted unanimously to set April 2, 2026, as the date for the second reading of Ordinance 04-2026.

This Ordinance includes an emergency declaration to allow the amendment to Chapter 2.03 to be

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effective upon adoption and prior to the issuance of bonds by the HFA.

RECOMMENDATION: Staff recommend the Board read Ordinance 04-2026 to amend Chapter 2.03 of the code by title only, declaring an emergency, and to hold the second public hearing on April 9, 2026, to consider public comment. Staff recommend the Board approve Ordinance 04-2026.

Respectfully submitted,



Jeffrey D. Munns
Assistant County Counsel

ORDINANCE NO. 04-2026

**An Ordinance Amending Clackamas County Code Chapter 2.03,
Hospital Facility Authority, and Declaring an Emergency**

WHEREAS, the Board finds it necessary to amend Chapter 2.03, Hospital Facility Authority, to revise the number of board members and terms to align more closely with State law; The amendments are shown in Exhibit A; and,

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 2.03, Hospital Facility Authority, of the Clackamas County Code is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2: The Board of Commissioners hereby finds and declares that an emergency exists because the immediate effect of this ordinance is necessary to allow for the amendments to become effective upon approval to allow for bond issuance earlier than 90 days after approval.

Section 3: Effective date. The amendments to Chapter 2.03 authorized by this ordinance and shown on the attachments shall become effective following the second reading and adoption of this Ordinance on April 9, 2026.

ADOPTED this 9th day of April 2026.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Chapter 2.03

2.03 HOSPITAL FACILITY AUTHORITY

2.03.010 Declaration of Public Need

After due consideration, and deeming it necessary, in the public interest for the health and general welfare of the state, and the community, and the purpose of increasing bed capacity, adding major new facilities, categories of medical service and combining medical specialties, supporting a regional health care concept in compatibility with the general health care development in the community, adding to inpatient and outpatient care, administration service and support, providing for health care and housing for seniors including, without limitation, adult congregate living facilities, granting savings to the community, as a result of centralization of services and to provide health care to the community in a manner which is economically practicable to help maintain high quality standards which are appropriate to the timely and economic development of adequate and effective health services in the area, the Board of County Commissioners for Clackamas County determines that it is wise and desirable to create a Public Hospital Facility Authority.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 03-2022, 7/21/22]

2.03.020 Creation of Hospital Authority

There is hereby created, pursuant to ORS Chapter 441, and a public authority to be known as "Hospital Facility Authority of Clackamas County, Oregon." [Codified by Ord. 05-2000, 7/13/00]

2.03.030 Board of Directors; Composition; Terms

The authority shall be managed and controlled by a Board of Directors composed of **no less than 5 and no more than eleven** ~~seven~~ members. The future term of office of the Board members shall be **six** ~~four~~ years. Any vacancy in said Board of Directors shall be filled by appointment made by the Board of County Commissioners for Clackamas County for the unexpired portion of the term. The members of this Board shall receive no compensation, except that they may be reimbursed for travel and other out-of-pocket expenses they incur as members of the Board of Directors.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2005, 5/5/05]

2.03.040 Powers and Duties of Board

The Board of Directors shall have all those powers and duties set forth and provided for in ORS Chapter 441, as amended from time to time.

[Codified by Ord. 05-2000, 7/13/00]