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March 12, 2026

BCC Agenda Date/Item: _____

Board of Clackamas County
Commissioners

Approval of a Board Order designating the District Attorney’s Office as responsible for civil commitment proceedings. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review	June 26, 2025, Board Order 2025-047, Business Meeting Agenda Item 202506266 II.A		
Performance Clackamas	Which indicator of success does this item affect? Ensuring Safe, Healthy, and Secure Communities		
Counsel Review	Yes, JM	Procurement Review	N/A, Item is a Board Order
Contact Person	Billy J. Williams	Contact Phone	(503) 655-8362

EXECUTIVE SUMMARY: Chapter 426 of the Oregon Revised Statutes (ORS) regulates the civil commitment process. More specifically, ORS 426.005 through ORS 426.395 regulates the commitment of a “person with mental illness.” ORS 426.100(5) provides that the state’s interest shall be represented in commitment proceedings by either the District Attorney or a counsel designated by governing body of the county that will be obligated to pay for the proceedings.

The Clackamas County District Attorney’s office has represented the state’s interests in civil commitment proceedings for many years prior to re-assigning this work to County Counsel’s Office in Board Order 2025-047. County Counsel’s Office does not presently have capacity to perform these services and John Wentworth, Clackamas County District Attorney, has agreed to perform these services on behalf of the County.

A shift in the assignment of this work from County Counsel’s Office to the District Attorney’s Office will also reduce the fiscal impact on Clackamas County. In County Counsel’s Office

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this work was assigned to an Assistant County Counsel. The District Attorney's Office normally is able to assign this work to certified law students, and more junior Assistant District Attorneys. The amount saved by utilizing staff paid at lower rate is difficult to estimate due to the short duration this work was performed by County Counsel's Office.

Further, there are often both civil commitment and criminal cases for the same individual and it will be more efficient for the District Attorney's Office to staff those potentially related matters.

RECOMMENDATION: Staff recommends approval of the Board Order designating pursuant to ORS 426.100(5) the District Attorney's Office is responsible for representing the state's interest in commitment proceedings that are the fiscal responsibility of Clackamas County.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Billy J. Williams".

Billy J. Williams
County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving an Order Designating the District Attorney’s Office as Responsible for Representing the State’s Interest in Commitment Proceedings



Board Order No.

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Whereas, this is before the Clackamas County Board of Commissioners (the “Board”) at this time, and it appearing that the Board may designate the District Attorney’s Office as responsible for representing the state’s interest in civil commitment proceedings. The Board previously designated the Office of County Counsel to represent the State’s interest in Board Order 2025.047; and

Whereas, under ORS 426.100(5), “the responsibility for representing the state’s interest in commitment proceedings” is “[t]he district attorney if requested to do so by the governing body of the county” or “[i]n lieu of the district attorney [. . .], a counsel designated by the governing body of a county shall take the responsibility.”; and

Whereas, designating the District Attorney’s Office as responsible for representing the state’s interest in commitment proceedings would allow the Office of County Counsel to reallocate its resources; and

Whereas, the District Attorney’s Office is willing, capable, and ready to assume this responsibility of representing the state’s interest in commitment proceedings.

NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order and designate that the District Attorney’s Office is responsible for representing the state’s interest in commitment proceedings pursuant to ORS 426.100(5) and abrogates Board Order 2025-047.

DATED this 12th day of March 2026.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary