



**CURRY COUNTY
BOARD OF COMMISSIONERS**
94235 Moore Street
Gold Beach, Oregon
(541) 247-3296
BOC_Office@co.curry.or.us
www.co.curry.or.us

**AGENDA
WORKSHOP**

September 14, 2023

10:00 a.m.

**TO BE HELD AT CITY OF BROOKINGS EOC AT 888 ELK DRIVE, BROOKINGS
OREGON**

Items may be taken out of sequence to accommodate staff availability and the public.

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- 2. AMENDMENT AND APPROVAL OF THE AGENDA**
- 3. PRESENTATION**
 - A. Public Health
 - B. Mental Health
- 4. ADJOURN**



CURRY COUNTY BOARD OF COMMISSIONERS
REQUEST FOR AGENDA ITEM
Workshop

Agenda Date:		Agenda Item Title:	
September 14, 2023		Public and Mental Health	
Financial Impact:		Description and Background:	
None		<p>On April 28, 2021, a Resolution was passed transferring local public health authority responsibility to the Oregon Health Authority. On May 6, 2021 a resolution was passed to relinquish local mental health authority to the Oregon Health Authority as well. Commissioners have brought up the desire to return the authority of Public and Mental Health to the County. A workshop was held on August 9, 2023 in regards to this subject. This will be a continuation.</p>	
Category:			
Attachments:			
<ol style="list-style-type: none"> 1. Resolution R2021-11 2. April 28, 2023 Minutes 3. Resolution R2021-12 4. May 6, 2023 Minutes 5. ORS 431.415 Duties of Governing Bodies of Local Public Health Authorities 6. ORS 431.417 Distribution of Moneys to Local Public Health Authorities 7. ORS 431.418 Local Public Health Administrator 8. ORS 431.510 Facilities and Funds for Local Public Health Authorities 			
Contact Person – Name and Department:		Date Submitted:	

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amended Resolution)
Transferring Local Public Health Authority)
Responsibility from Curry County to the) RESOLUTION NO. R2021-11
Oregon Health Authority, State of Oregon)

WHEREAS; ORS 431.170 directs the Oregon Health Authority (OHA) to take direct charge of the functions that are necessary to preserve the public health in a Local Public Health Authority whenever a local public health administrator fails to administer or enforce ORS 431.01 (findings) to 431.550 (Power of Oregon Health Authority to collect information from local public health administrators) and 431.990 (penalties) and any other public health law or rule of this state as described in ORS 431.150 (enforcement of public health laws generally); and

WHEREAS; ORS 431.382 allows a governing body of a Local Public Health Authority to transfer authority to OHA if the county cannot fulfill its obligations under law or contract for public health services and activities within its jurisdiction; and

WHEREAS, *The 2018 Public Health Modernization: Report to Legislative Fiscal Office stated that an additional \$47.7M was needed to support the 2019-21 biennium. The Oregon Legislature only allocated an additional \$10M for public health modernization in the 2019-21 biennium; and*

WHEREAS; Curry County Board of Commissioners received an email (letter) from OHA dated April 8, 2021, indicating the intent to take direct charge of the public health functions in Curry County necessary to preserve public health, which includes all communicable disease and Covid-19 response work, all Covid-19 vaccination efforts, and all environmental health services work, should the county not provide necessary documentation to the OHA that the county is fulfilling its obligations; and

WHEREAS, the Local Public Health Authority in Curry County currently has a staff of one (1), which is the Public Health Administrator; and

WHEREAS; on April 16, 2021 the Curry County Board of Commissioners voted to transfer its Local Public Health Authority, ORS 431.382, over to OHA; and

NOW THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY RESOLVES TO transfer all Local Public Health Authority duties to the Oregon Health Authority *to not take effect until 180 days after date on resolution mandating the transfer is adopted unless the Oregon Health Authority agrees to an earlier effective date.*

DATED this 28th day of April, 2021.

BOARD OF CURRY COUNTY COMMISSIONERS

Court Boice, Chair

John Herzog, Vice Chair

Christopher Paasch, Commissioner

Approved as to form:

Anthony Pope
Curry County Legal Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

Relinquishing Local Mental Health)
Authority (LMHA) back to the Oregon)
Health Authority (OHA), State of)
Oregon)

RESOLUTION NO. R2021-12

WHEREAS, the Curry County Board of Commissioners on this day held a Special Board Meeting to discuss the County returning the LMHA back to the OHA; and

WHEREAS, the County declines to operate or contract for a community mental health program; and

WHEREAS, following a lengthy discussion, the Board voted _____ in favor of the County relinquishing its' authority back to State; and

WHEREAS, by signing this resolution, and forwarding a signed copy to the OHA sets in motion the process for additional necessary paperwork to be completed/furnished by the County to the OHA; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CURRY COUNTY COMMISSIONERS to designate County Counsel to work with the OHA regarding required necessary paperwork to relinquishing its' LMHA back to the OHA.

DATED this 6th day of May, 2021.

CURRY COUNTY BOARD OF COMMISSIONERS

Court Boice, Chair

John Herzog, Vice Chair

Christopher Paasch, Commissioner

Approved as to Form:

ORS 431.415

Duties of governing bodies of local public health authorities

- fee schedules

- (1) Subject to the availability of funds paid pursuant to ORS 431.380 (Distribution of funds), each governing body of a local public health authority shall:
 - (a) In collaboration with the local public health administrator appointed under ORS 431.418 (Local public health administrator), develop public health policies and goals for the local public health authority;
 - (b) Adopt ordinances and rules necessary for the local public health authority to administer ORS 431.001 (Findings) to 431.550 (Power of Oregon Health Authority to collect information from local public health administrators) and 431.990 (Penalties), any other public health law of this state and any other public health matter not expressly preempted by a law of this state;
 - (c) Adopt civil penalties for violations of ordinances and rules adopted under paragraph (b) of this subsection, provided that any civil penalty adopted under this paragraph is for an amount that does not exceed \$1,000 per violation per day;
 - (d) Review and make recommendations on the local public health modernization plan adopted under ORS 431.413 (Powers and duties of local public health authorities); **and**
 - (e) Monitor the progress of the local public health authority in meeting statewide and local public health goals, including progress in applying the foundational capabilities established under ORS 431.131 (Foundational capabilities) and implementing the foundational programs established under ORS 431.141 (Foundational programs).
- (2) The governing body of a local public health authority shall adopt ordinances and rules necessary to carry out the duties of the local public health authority under subsection (1) of this section. The governing body of a local public health authority may not adopt an ordinance or rule or policy that is inconsistent with or less strict than a provision of ORS 431.001 (Findings) to 431.550 (Power of Oregon Health Authority to collect information from local public health administrators) and 431.990 (Penalties) or any other public health law of this state, or that is inconsistent with or less strict than a rule adopted under ORS 431.001 (Findings) to 431.550 (Power of Oregon Health Authority to collect information from local public health administrators) and 431.990 (Penalties) or any other public health law of this state.
- (3) The governing body of a local public health authority may adopt schedules of fees for public health services that are reasonably calculated to not exceed the cost of the services performed. The local health department shall charge fees in accordance with the schedule

✓ pr schedules adopted. [1961 c.610 §6; 1973 c.829 §22; 1977 c.582 §27; 2009 c.595 §562;

Original Source: Section 431.415 — Duties of governing bodies of local public health authorities; fee schedules,
https://www.oregonlegislature.gov/bills_laws/ors/ors431.html (last accessed Jun. 16, 2023).

ORS 431.417

Distribution of moneys to local public health authorities

- rules

- (1) The Oregon Health Authority may by rule require each local public health authority to submit a plan, in a form and manner prescribed by the Oregon Health Authority, that describes how the local public health authority will use moneys made available under ORS 431.380 (Distribution of funds).
- (2) The Oregon Health Authority may enter into an agreement with each local public health authority that describes the work the local public health authority agrees to perform and the amount of state funding the local public health authority will receive under ORS 431.380 (Distribution of funds).
- (3) The Oregon Health Authority may enter into one or more agreements with a local public health authority for purposes of distributing funds, or providing incentives, to the local public health authority that are available through federal grants or other sources. Before entering into an agreement under this section, the Oregon Health Authority shall adopt by rule a process by which a local public health authority must submit the documentation necessary to receive incentives under an agreement authorized by this subsection. [Formerly 431.385; 2017 c.627 §6]

Note: See note under 431.115 (Administrative duties of Oregon Health Authority).

Location: https://oregon.public.law/statutes/ors_431.417

Original Source: Section 431.417 — Distribution of moneys to local public health authorities; rules, https://www.oregonlegislature.gov/bills_laws/ors/ors431.html (last accessed Jun. 16, 2023).

ORS 431.418

Local public health administrator

- health officer
- duties
- salary

- (1) Except when a local public health authority has transferred its responsibility to the Oregon Health Authority under ORS 431.382 (Transfer of local public health authority's responsibility), a local public health authority shall appoint a qualified local public health administrator to supervise the activities of the local public health authority. In making an appointment under this subsection, the local public health authority shall consider standards for selection of local public health administrators prescribed by the Oregon Health Authority.
- (2) Intentionally left blank —Ed.
- (a) When the local public health administrator is a physician licensed under ORS chapter 677, the local public health administrator may serve as the local health officer for the local public health authority.
- (b) When the local public health administrator does not serve as the local health officer, the local public health administrator shall employ or otherwise contract for services with a local health officer who is a physician licensed under ORS chapter 677 to perform the specific medical responsibilities requiring the services of a physician.
- (c) A physician employed or whose services are contracted for under this subsection is responsible to the local public health administrator for the medical and paramedical aspects of the public health programs administered by the local public health administrator.
- (3) The local public health administrator shall:
- (a) Serve as the executive secretary of the local public health authority, act as the administrator of the local health department and supervise the officers and employees appointed under paragraph (b) of this subsection.
- (b) Appoint, subject to the approval of the local public health authority, administrators, medical officers, public health nurses, environmental health specialists and such employees necessary to carry out the duties of the local public health administrator under ORS 431.001 (Findings) to 431.550 (Power of Oregon Health Authority to collect information from local public health administrators) and 431.990 (Penalties) and any other public health law of this state.
- (c) Provide the local public health authority at appropriate intervals information concerning the activities of the local health department and submit an annual budget for the approval of the governing body of the county or, for a health district formed under ORS

Boc

Document generated by the Oregon Health Authority

- (u) Act as the agent of the Oregon Health Authority in enforcing state public health laws and rules of the authority, including such sanitary inspection of hospitals and related institutions as may be requested by the authority.
- (e) Perform any other duty required by law.
- (4) A local public health administrator shall serve until removed by the appointing local public health authority. A local public health administrator may not engage in an occupation that conflicts with the local public health administrator's official duties and shall devote sufficient time to fulfilling the requirements of subsection (3) of this section. However, if the governing body of a local public health authority is not established under ORS 431.443 (Formation of health districts) (3), the local public health authority may, with the approval of the Director of the Oregon Health Authority, require the local public health administrator to work less than full-time.
- (5) A local public health administrator shall receive a salary fixed by the appointing authority and shall be reimbursed for actual and necessary expenses incurred in the performance of duties. [1961 c.610 §7; 1973 c.829 §24; 1977 c.582 §29; 1981 c.127 §2; 1993 c.26 §1; 2003 c.14 §242; 2003 c.547 §112; 2009 c.595 §564; 2015 c.736 §41; 2019 c.321 §4]

Location: https://oregon.public.law/statutes/ors_431.418

Original Source: Section 431.418 — Local public health administrator; health officer; duties; salary, https://www.oregonlegislature.gov/bills_laws/ors/ors431.html (last accessed Jun. 16, 2023).

ORS 431.510

Facilities and funds for local public health authorities

- (1) The governing body of a county shall provide adequate quarters and facilities for the office and operations of a local public health authority and shall appropriate sufficient moneys for the administration of the local public health authority and the operation of the local health department administered by the local public health authority.
- (2) If a health district is established under ORS 431.443 (Formation of health districts), the governing body of each participating county shall appropriate annually moneys specifically designated for the administration of a local public health authority described in ORS 431.443 (Formation of health districts) (2) or established under ORS 431.443 (Formation of health districts) (3) and the operation of the local health department administered by the local public health authority. [Amended by 1961 c.610 §13; 1973 c.829 §31; 2015 c.736 §43]

Location: https://oregon.public.law/statutes/ors_431.510

Original Source: Section 431.510 — Facilities and funds for local public health authorities, https://www.oregonlegislature.gov/bills_laws/ors/ors431.html (last accessed Jun. 16, 2023).