

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 12-08 - 29 - 01

IN THE MATTER OF AMENDING
CHAPTER 9.902 OF LANE MANUAL TO
ADD SUBSECTION (7) TO ADD
PROCEDURES FOR THE BOARD OF
HEALTH TO REVIEW AND VERIFY
WHETHER DANGERS TO THE PUBLIC
HEALTH EXIST PURSUANT TO ORS
222.860 [LM 9.902]

WHEREAS, the Lane County Board of Commissioners has the authority to approve amendments to the Lane Manual; and

WHEREAS, certain additions to Lane Manual Chapter 9.902 are desired to add procedures for the Board of Health to hold a public hearing to consider and review evidence to verify whether dangers to the public health exist pursuant to ORS 222.860.

NOW, THEREFORE, IT IS HEREBY ORDERED, Lane Manual Chapter 9 is amended by adding the following sections:

DELETE THESE SECTIONS

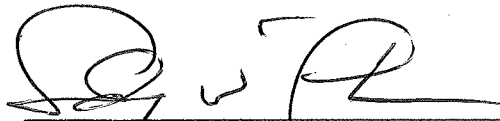
9.902 (1) – (5)
as located on pages 9-12 & 9-13
(a total of 2 pages)

INSERT THESE SECTIONS


9.902 (1) – (7)
as located on pages 9-12 & 9-13
(a total of 2 pages)

Amended section 9.902 is attached hereto and incorporated herein by reference.

ADOPTED this 29th day of August, 2012.



Sid Leiken, Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 8/21/12 Lane County


OFFICE OF LEGAL COUNSEL

9.902 Procedures of Board of Health

The Board of Health has authority to adopt fees for public health services provided by the county. It has the authority to adopt general policies and rules to implement Department responsibilities so that the Local Public Health Authority work can be completed. The Department's responsibilities include performance of its duties and functions set forth in public health statutes and state rules and performing, or arranging for performance of the activities included in the annual public health plan. Depending upon specific provisions, the Department's responsibilities may include to assist with administering and enforcing existing public health laws including local public health ordinances, and rules of the Local Public Health Authority and Oregon Health Authority (and those of Oregon Department of Human Services until Oregon Health Authority assumes full duties).

The Board, acting as the Board of Health will use the following procedures:

- (1) Ordinances shall be adopted pursuant to LM 9.901(1).
- (2) Policies may be adopted by resolution or order, and fees by order, using the County's regular processes. Approved fees shall be published in Lane Manual. Policies being considered shall include information or findings concerning the public health interest and identifying the duty(ies) of the Department which are the subject of the policy.
- (3) For rules that are not ordinances, the regular County process for adopting and for publishing in Lane Manual will be used. Policies may be adopted at the same time as adoption of rules. The same information or findings in (1) should be included in joint policies/rules, in addition to the proposed rules.
- (4) Nothing in these procedures prohibits the Board of Health from conducting a public hearing before adopting rules or policies, but such a hearing is not required.
- (5) The Board acting as the Board of Health may act to amend or repeal its policies, rules or fees by order using the county's regular process.
- (6) There may be joint meetings. The Board acting as of the Local Public Health Authority may decide to consider the adoption of a rule which, in part, specifies duties of the Department. The Board, acting as the Board of Health may also wish to consider the rule as to implementation by the Department. A joint meeting may be held, and any public hearing may also be jointly conducted; however, the decisions shall be made separately.
- (7) In the event that a proposal for annexation is adopted under ORS 222.860 alleging a danger to public health, the Board of Health will, within a reasonable time not exceeding 90 days, hold a public hearing to consider evidence and take public testimony regarding the allegations set forth in the proposal. Based upon the evidence and testimony received, and the Board's knowledge of the existing conditions, the Board will verify whether or not the conditions alleged in the proposal to be causing a danger to public health exist. *(Revised by Order No. 10-9-15-1; Effective 9.15.10)*

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