

# Powell County Board Of Health Bylaws

## **ARTICLE ONE**

### **Creation**

The Powell County Health Board is created pursuant to Section 50-2-104 of the Montana Code Annotated (MCA).

## **ARTICLE TWO**

### **Jurisdiction**

The Health Board has jurisdiction as provided by Montana law for County Health Boards in Powell County.

## **ARTICLE THREE**

### **Powers and Duties of the Health Board**

**Section 1. Statutory Powers and Duties.** The following are based on Section 50-2-116 of the Montana Code Annotated.

#### **Part A. The Health Board Shall:**

1. Appoint and fix the salary of a local health officer who is a physician; a person with a master's degree in public health; or a person with equivalent education and experience, as determined by the department.
2. Elect a presiding officer and other necessary officers;
3. Employ qualified staff;
4. Adopt bylaws to govern meetings;
5. Hold regular meetings at least quarterly and hold special meetings as necessary;
6. Identify, assess, prevent and ameliorate conditions of public health importance as required by Montana law;
7. Protect the public from the introduction and spread of communicable disease or other conditions of public health importance including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health.
8. Supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction or removal of the conditions;
9. Bring and pursue actions and issue orders necessary to abate, restrain or prosecute the violation of public health laws, rules and local regulations;
10. Identify to the department an administrative liaison for public health; and

11. Subject to the provisions of 50-2-130. Adopt necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, Chapter 6, or Title 76, Chapter 4.

**Part B. The Health Board may:**

1. Accept and spend funds received from a federal agency, the state, a school district or other persons or entities;
2. Adopt necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities.
3. Adopt regulations that do not conflict with rules adopted by the department;
  - a. For the control of communicable disease;
  - b. For the removal of filth that might cause disease or adversely affect public health;
  - c. Subject to the provisions of 50-2-130, for the sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;
  - d. Subject to the provisions of 50-2-130 and Title 50, Chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments.
  - e. For the establishment of institutional controls that have been selected or approved by the United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, title 75, Chapter 10, Part 7; and
  - f. To implement the public health laws;
4. Promote cooperation and formal collaborative agreements between the board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title;
5. Provide, implement and facilitate, or encourage other public health services and functions as considered reasonable and necessary; and
6. Subject to the provision of 50-2-119, employ a qualified nurse for nursing services to persons under a physician's care who are confined to their homes.

## **ARTICLE FOUR**

### **Board Membership**

**Section 1. Members.** The Health Board is composed of at least 5 people appointed by the Powell County Commissioners.

**Section 2. Terms.** Each member is appointed for 3 years. Section 50-2-106(3), MCA. The appointments shall be staggered; each member shall hold office until the next regular meeting at the end of the member's term. Members will take their oath of office at the first meeting after they are appointed or reappointed. Members serve at the pleasure of the appointing governing body. Section 50-2-106(2), MCA.

**Section 3. Absenteeism.** As the proper functioning of the Health board is seriously impaired by the absence of its members, absenteeism is the responsibility of the governing body which appointed that particular member. If a member has two consecutive absences from regularly scheduled meetings during the year, the appointing governing body shall be informed and a replacement requested.

**Section 4. Advisory Members.** The Health Board may appoint non-voting advisory members to serve at the pleasure of the board.

**Section 5. Vacancies.** Vacancies for the voting members shall be filled by the appointing governing body for the unexpired portion of the term. The Vice-Chairperson shall succeed as Chairperson in the event of a vacancy.

**Section 6. Compensation.** Members and advisory members are not compensated other than for necessary expenses which must be approved by the Health Board.

## **ARTICLE FIVE**

### **Officers**

**Section 1. Elections.** Officers shall be elected at the first regular scheduled meeting in each fiscal year, and shall serve until the first regular meeting in the following fiscal year. Officers of the Health Board elected to fill vacancies shall serve until the first regular meeting in the following fiscal year.

**Section 2. Chair.** The Health Board shall elect a Chair who shall conduct all meetings and business of the Board.

**Section 3. Vice Chair.** The Health Board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.

**Section 4. Secretary.** The secretary shall keep minutes of all meetings, see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law and bring a copy of these by-laws to every meeting.

## **ARTICLE SIX**

### **Meetings**

**Section 1. Annual Organizational Meetings.** An annual organization meeting is held each July to elect officers and appoint advisory members. There will be a review of the broad objectives which guide the board.

**Section 2. Regular Meetings.** To be held quarterly.

**Section 3. Special Meetings.** Special meetings shall be at the call of the Chair, the request of the Health Officer, or the request of three (3) members. Meetings may also be called for viewing places of potential health hazards.

**Section 4. Quorum.** Three (3) members constitute a quorum. If no quorum convened, the members may discuss routine matters but may not hear testimony or take formal action on any matter requiring a motion and a vote.

**Section 5. Manner of Action.** An act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Health Board, except where otherwise provided by law or by these Bylaws, There is no proxy voting.

**Section 6. Parliamentary Procedure.** For all procedural matters not specifically covered in these Bylaws, the controlling parliamentary authority for the Health board is Robert's Rules of Order, newly revised.

- a. The Chair, being a co-equal member of the Board, shall in addition to presiding, have a rights to participate in debate, and shall vote on all motions, and not only where the vote of the chair would create or break a tie.
- b. A motion, once stated and seconded, limits the debate to points relevant to the motion. Prior to a formal motion being states, general discussion of and

the presentation of information relevant to an agenda item being considered is an order.

- c. Before the consideration of any measure or the taking of any action, concerning which a public has not been previously held, or will not be held, the Chair may allow members of the audience to be heard. No member of the audience may be heard during or after the Board discussion. The Chair may reasonably limit audience participation at this time.
- d. Reconsideration of any action of the Board may be allowed at any time, upon motion of any member of the Board, such motion being approved by at least there (3) Board members.
- e. Routine matters, such as setting meeting times and adjournment, setting future agenda items, or appointment of committees, may be by consensus rather than by motion and vote.

**Section 7. Notice of Meetings.** The Secretary shall notify all members of all meetings either orally or in writing. No special meeting shall be held unless diligent efforts have been made to notify all members.

**Section 8. Open meeting Requirements.** All meetings of the Health Board are open to the public. Section 2-3-203 (1), MCA. Meetings may be closed to the public when the discussion relates to a matter of individual privacy and then only when where the Chair determines on the record that the demands of individual privacy clearly exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting remains open to the public. Section 2-3-203 (2) (3), MCA.

For the purpose of permitting and encouraging the public to participate in agency discussions that are of significant interest to the public, the agenda will include an item for public comment. Section 2-3-103 (1), MCA.

To comply with the spirit and intent of the open meeting and public participation laws, public notice of not less than two (2) business days shall be given of all Board meetings, regular and special. Two-business (2) days notice need not be given where the Board must deal with an emergency situation affecting the public health, welfare, or safety. Section 2-3-112 (1), MCA.

**Section 9. Agenda.** Agenda items should be submitted to the Secretary at least seven (7) days before a meeting. This rule may be suspended with the affirmative vote of a

majority of the members as the board deems necessary to deal promptly and effectively with unforeseen issues.

**Section 10. Minutes.** Minutes of all Health Board meetings shall be kept by the Secretary or designee, and shall be signed by the Secretary and by the Chair after approval by the board at the next meeting. Minutes of all open meetings, and portions of meetings that are open to the public, shall be kept available for inspection by the public. The Secretary shall keep separate minutes of all discussions and votes held during executive sessions. The minutes need not have detailed reports of discussions but shall have all the motions and a roll call vote. The minutes should include the names of members present and members absent, staff and public present.

## **ARTICLE SEVEN**

### **Hearings**

**Section 1. Notice of Hearings.** Notice of hearings shall be given to the public, Health Board members, staff and to the grievant, applicant or person appealing a department decision.

**Section 2. Procedure for Hearings.** These procedures shall be followed for all quasi-judicial and quasi-legislative hearings:

- a. The Health Board Chair, or designee, shall preside.
- b. Hearings shall be tape recorded. Preservation of the tape recordings is the responsibility of the Health Department. Tape recordings shall be preserved for three (3) years.
- c. The Chair shall state the issue at the opening of the hearing. Comments shall be limited to the issues stated.
- d. All questions and comments must be directed through the Chair.
- e. Persons giving testimony must give their name, address and whom they represent.
- f. Before giving testimony on material facts, all witnesses shall be sworn by an officer authorized to administer oaths.
- g. Copies of prepared statements shall be given to the Chair and shall become part of the record. Statements received by mail shall be read by the Chair and shall become part of the record. If lengthy, they may be summarized by the Chair.

#### **Order of Presentation:**

1. Staff report including proof of notice and questions by Board;

2. Comments by the Petitioner and questions by the Board;
3. Written comments read by the Chair;
4. Public comments and questions by the Board;
5. Staff's comments;
6. Petitioners rebuttal comments and questions by the Board;
7. Questions from Board to any person providing comments and close factual record;
8. Board deliberation and decision. A record of the vote of each member present and voting shall be entered as to the decision. The decision shall be reduced to writing and signed by the Chair and Secretary. Board members may attach or append comments or exhibits to the written decision. Copies of the decision and appendices shall be provided to the parties.

The chair shall determine the amount of time allotted to each segment. A list of the public wishing to comment shall be circulated before the Hearing and each commentator is allocated an equal share of the public comment time.

- h. If the time has not expired prior to the closing public comment, the Chair shall make a final call for further comment. When the time limit is reached or when there is no response to the final call for public comment, the hearing will be closed to public comment and the matter will return to the Board for discussion and action. During the Board discussion, the Chair may direct questions to staff, petitioner, or members of the public.
- i. The chair shall ensure an orderly hearing and has the authority to terminate the hearing if the discussion becomes unruly or unmanageable.
- j. Any party to a hearing may appear in person or by representative.

## **ARTICLE EIGHT**

### **Fiscal Year and Budget**

The fiscal year begins on July 1<sup>st</sup> each year. The Board is financed in accordance with Section 50-2-111, MCA.

The Board shall consider, approve, and present for consideration of the Commissioners, a preliminary budget on or before the first day of May each year.

**ARTICLE NINE**

**Amendment to Bylaws**

The Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a majority of the Board present at any meeting if at least two (2) week's written notice is given to each member of the Board of the intention, at such a meeting, to alter, amend or repeal or adopt new Bylaws.

**ARTICLE TEN**

**Approval of Bylaws**

These Bylaws were approved by the Powell County Board of Health members on \_\_\_\_\_, 2011.