

TETON COUNTY BOARD OF HEALTH

BY-LAWS

Adopted by the Teton County Board of Health on

October 19, 2015

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PURPOSE

The purpose of the Teton County Board of Health shall be:

- To carry out for the County of Teton and its political subdivisions, those responsibilities required, pursuant to Public Law, **Section 50, Montana Codes Annotated (MCA)** and related regulations, rules, and local regulations, of the Montana Department of Public Health and Human Services.
- To implement further related activities as may hereafter be legally required by federal, state, local authorities.
- The responsibilities of a Health Board member are varied. Members may be required to make decisions about environmental public health matters, learn about and approve health education programs, decide what clinical services are needed and can be provided, work with community leaders, act as a liaison between the health department and the public, advise a governing body, e.g., county commissioners or city councils, on effective public health policy, propose health-related ordinances or statutes, and approve financial budgets and expenditures.

BUSINESS OFFICE

The Board of Health’s principle office shall be located the Teton County Public Health Department at 905 4th Street NW, Choteau, MT 59422.

ARTICLE ONE: CREATION

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

ARTICLE TWO: JURISDICTION

The Health Board has jurisdiction as provided by Montana law for county health boards in Teton County.

ARTICLE THREE: GENERAL 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 a Health Officer who is a physician or person with a master's degree in public health or the equivalent and with appropriate experience, as determined by the Montana Department of Health and Environmental Sciences, and shall fix the salary;
2. Elect a presiding officer (chair) and other necessary officers;
3. Identify to the Montana Department of Public Health and Human Services an administrative liaison for public health. The liaison must be the highest ranking public health professional employed by the jurisdiction.
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 through:
 - a. Epidemiological tracking and investigation;
 - b. Screening and testing;
 - c. Isolation and quarantine measures;
 - d. Diagnosis, treatment, and case management;
 - e. Abatement of public health nuisances;
 - f. Inspections;
 - g. Collecting and maintaining health information;
 - h. Education and training of health professionals, or other public health measures as allowed by law;
7. Protect the public from the introduction and spread of communicable disease or other conditions of public health importance;
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 legal actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;
10. Adopt necessary sewage control 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 subject to state review.

Part B. The Health Board may:

1. Accept and spend funds received from a federal agency, the state, a school district, or other person 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. To implement the public health laws;
 - b. For the control of communicable diseases;
 - c. For the removal of filth that might cause disease or adversely affect public health;
 - d. Subject to **Section 50-2-130, MCA**. For 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, MCA.
 - e. Subject to **Section 50-2-130, MCA 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;
 - f. For the establishment of institutional controls that have been selected or approved by the :
 - i. 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
 - ii. 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, part7; and
4. To implement to public health laws;
 - a. And promote cooperation and formal collaborative agreements between the local 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 title 50.
5. A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

ARTICLE FOUR: BOARD MEMBERS

Section 1. Members. **Section 50-2-104.** The Health Board is composed of voting seven members:

- Five board members appointed by the Teton County Commissioners. All members must reside within the jurisdictional area of Teton County.
- The Health Officer
- One Teton County Commissioner

Section 2. Terms.

Section 50-2-104(3), MCA. Each board member is appointed for three (3) years. The county commissioners shall establish the staggered order for terms and all rules necessary to establish and maintain the board. Members serve at the pleasure of the Teton County Commissioners.

Section 50-2-104(2), MCA. The board member term limit is set to a maximum of two consecutive terms. A member can take one term off and then be appointed once again for two terms. At the discretion of the Teton County Commissioners this term limit may be waived if there is no qualified applicant.

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 Teton County Commissioners which appointed that particular member. If a member has three consecutive absences from regularly scheduled meetings during the year, the commissioners 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. Resignation. Any Board of Health member may resign at any time by giving written notice to the county commissioners and the county health department director. Such resignation, which may or may not be made contingent of formal acceptance, takes effect on the date of receipt or any time later specified on it.

Section 6. Vacancies. Vacancies for voting members shall be filled by the commissioners for the unexpired portion of the term.

Section 7. Compensation. Members and advisory members are not compensated other than for necessary expenses which must be approved by the Health Board and Teton County Commissioners.

ARTICLE FIVE: OFFICERS

Section 1. Elections. Officers shall be elected at the first regular 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 Health Board shall elect a Secretary who shall:

- Keep accurate minutes of the meetings of the Health Board.
- Be in charge of official Board of Health correspondence.

ARTICLE SIX: MEETINGS

Section 1. Annual Organizational Meetings. An annual organizational meeting is held at the first regular meeting in each fiscal year to:

- Elect officers and appoint advisory members; and

- Review the board objectives which guide the Board.

Section 2. Regular Meetings. The Health Board will meet once a quarter. The health department director and sanitarian are requested to be at all regular meetings of the Health Board.

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

Section 4. Quorum. Four voting members constitute a quorum for all meetings. If any meeting is convened where there is not a quorum, the members present may discuss routine matters but may not hear testimony or take formal action on any matter requiring 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 Board of Health, except where otherwise provided by law or by these by-laws. There is no proxy voting.

Section 6. Parliamentary Procedure. For all procedural matters not specifically covered in the Bylaws, the controlling parliamentary authority for the Health Board is *Robert's Rules of Order, Newly Revised, 11th Edition*.

- The Chair, being a co-equal member of the Board, shall in addition to presiding, have a right 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.
- A motion, once stated and seconded, limits the debate to points relevant to the motion. Prior to a formal motion being stated, general discussion of, and the presentation of information relevant to an agenda item being considered is in order.
- Before the consideration of any measure or the taking of any action, concerning which a public hearing 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 any time.
- 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 three Board members.
- 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 Teton County Health Department Director shall notify all members of all meetings either orally, in writing or by email. No special meeting shall be held unless diligent efforts have been made to notify all members.

Section 8. Open Meetings Requirements.

Section 2-3-203(1), MCA. All meetings of the Health Board are open to the public, and notice of all meeting must be properly posted.

Section 2-3-203(2)(3), MCA. Meetings may be closed to the public when the discussion relates to a matter of individual privacy and then only where the Chair determines on the record that the demands

of individual privacy clearly exceed 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 2-3-112(1), MCA. To comply with the spirit and intent of the open meeting and public participation laws, public notice of not less than two business days shall be given of all Board meetings, regular and special. The agenda will be posted on the bulletin board located by the front door of the Teton County Courthouse and on the bulletin board at the Choteau Post Office. Two business days' notice need not be given where the Board must deal with an emergency situation affecting public health, welfare, or safety per Teton County Resolution 2015-20.

Section 9. Agenda. Agenda items should be submitted to the Teton County Health Department Director 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, and shall be signed by the Chair after approval by the Board at the next meeting and delivered to the Teton County Clerk and Recorder. Minutes of all Health Board shall be kept available for inspection by the public at the Teton County Courthouse. The secretary shall keep minutes of all discussions and votes held during executive sessions. The minutes need not have detailed reports of discussions but shall have all 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. The following procedures shall be followed for all quasi-judicial and quasi-legislative hearings:

- The Health Board Chair, or designee, shall preside.
- Hearings shall be recorded. Preservation of the recordings is the responsibility of the Health Department Director. Recordings shall be preserved for three (3) years.
- All questions and comments must be directed through the Chair.
- Persons giving testimony must give their name, address, and who they represent.
- Before giving testimony on material facts, all witnesses shall be sworn by an officer authorized to administer oaths.
- 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 a part of the record, if lengthy, they may be summarized by the Chair.
- Order of Presentation:
 - Staff Report including proof of notice and questions by Board;
 - Comments by the petitioner and questions by the Board;

- Written comments read by the Chair;
- Public comments and questions by the Board;
- Staff's comments;
- Petitioner's rebuttal comments and questions by the Board;
- Questions from Board to any person providing comments and close factual record;
- 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. Board directors 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 be allocated an equal share of the public comment time.
- 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.
- The Chair shall ensure an orderly hearing and has the authority to terminate the hearing if the discussion becomes unruly or unmanageable.
- Any party to a hearing may appear in person or by representative.

ARTICLE EIGHT: LOCAL HEALTH OFFICER

Section 1. Local Health Officer. **Section 50-2-117(a)(b), MCA.** The Local Health Officer shall be appointed and confirmed by the voting majority of the Board of Health for a three (3) year term starting the first Board of Health meeting of the fiscal year. If a local health board does not appoint a health officer, the Montana Department of Public Health and Human Services may appoint a health officer 30 days after notification in writing has been given to the local health board. A health officer appointed by the department has the same authority as a health officer appointed by a local health board.

Section 2. Responsibilities.

1. **Section 50-2-118 (1-5), MCA.** The Health Officer, under the direction and supervision of the Health Board, in order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their representatives shall:
 - a. Make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;
 - b. Take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events.
 - c. Report communicable diseases to the department as required by rule;
 - d. Establish and maintain quarantine and isolation measures as adopted by the local board of health;

- e. Pursue action with the appropriate court if this chapter or rules adopted by the local board or the Montana Department of Public Health and Human Services under this chapter are violated.
2. **Section 50-2-120, MCA.** A state or local health officer may request a sheriff, constable, or other peace officer to assist the health officer in carrying out the provisions of this chapter. If the officer does not render the service, the officer is guilty of a misdemeanor and may be removed from office.
3. **Section 50-2-121, MCA.** On written order of a local health officer, a diseased prisoner who is held in a jail and who is considered dangerous to the health of other prisoners may be removed to a hospital or other place of safety. If the prisoner was committed to jail by order of a court, the order for removal and treatment must be signed by the local health officer and filed with the court. When the prisoner recovers from the disease, the prisoner must be returned to the jail. A prisoner removed to a hospital or clinic for treatment may not be considered to have committed an escape.
4. **Section 50-2-122, MCA.** Obstructing a local health officer in the performance of duties unlawful. It is unlawful to:
 - a. Hinder a local health officer in the performance of duties under Montana law;
 - b. Remove or deface any placard or notice posted by the local health officer; or
 - c. Violate a quarantine regulation

ARTICLE NINE: PUBLIC HEALTH AND ENVIROMENTAL HEALTH EMPLOYEES

Responsibility for hiring of the Teton County Public Health Director and Sanitarian will rest solely with the Teton County Commissioners. Health Department employees and Sanitarian are subject to the Teton County Personnel Manual for administrative purposes.

ARTICLE TEN: LEGAL ASSISTANCE

Section 50-2-115, MCA. The County Attorney represents the Health Board on matters relating to the functions, powers, and duties of the Health Board.

Section 50-2-123, MCA. If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the county.

Section 50-1-103, MCA. Except as otherwise provided in the public health laws administered by the Montana Department of Public Health and Human Services, through the attorney general or appropriate county attorney, sue in district court to enjoin any violation of the public health laws, rules, or order adopted or issued under public health laws administered by the Montana Department of Public Health and Human Services.

ARTICLE ELEVEN: INDEMNIFICATION OF DIRECTORS

Except as otherwise limited by Montana Codes Annotated, Teton County may indemnify any director or officer or former director or officer of the health board against claims, liabilities, expenses, and costs necessary incurred by the director or officer in the connection with the defense, compromise or

settlement of any action, suit, or proceeding, civil or criminal, in which such director or officer is made a party by reason of being or having been such director or officer, except in connection with a proceeding by or in the right of the health board in which the director or officer was adjudged liable to the health board, or in connection with any other proceeding that charges improper personal benefit to the director or officer, whether or not involving action in the director's or officer's official capacity, in which the director or officer is adjudged liable on the basis that personal benefit was improperly received by the director or officer; provided that indemnification of a director or officer shall only be to the extent not otherwise compensated, indemnified or reimbursed by insurance.

ARTICLE TWELVE: EXEMPT ACTIVITIES LIMITATION

Nonwithstanding any other provision of these bylaws, no director, officer or representative of this health board shall take any action or carry on any activity by or on behalf of the health board not permitted to be taken or carried on by a health board under Montana law, regulations, policy as they now exist or as they hereafter may be amended.

ARTICLE THIRTEEN: ANNUAL REPORT

The health board shall generate an annual report of activities and accomplishments following the end of the fiscal year. The report should be considered public record and be provided to the County Commissioners.

ARTICLE FOURTEEN: AMENDMENTS TO BYLAWS

The bylaws may be altered, amended or repealed and new bylaws may be adopted by a 2/3 majority vote of the Board of Directors present at any meeting if at least two weeks written notice is given to each member of the Board of Directors of the intention, at such meeting, to alter, amend or repeal or to adopt new bylaws. The Teton County Commissioners have to give approval to any alteration, amendment, repeal or new bylaw(s) prior to implementation.

ARTICLE FIFTEEN: APPROVAL AND ADOPTION OF BYLAWS

These bylaws were approved and adopted by the Teton County Health Board of Health on October 19, 2015, effective upon adoption.



Tim Sinton, Chair
Teton County Board of Health