

BYLAWS FOR THE MISSOULA CITY-COUNTY BOARD OF HEALTH

SECTION 1 General Powers and Duties

- (a) The Board has the powers, and exercises the duties and functions conferred upon it by law, specifically by Section 50-2-116, MCA.
- (b) The Board is responsible for appointing, and for terminating the appointment of, the Health Officer of the Missoula City-County Health Department.
- (c) The Board hears and acts upon grievances of citizens, and hears and acts on grievances of any employee of the Missoula City-County Health Department.
- (d) The Missoula City-County Board of Health also constitutes the Missoula City-County Air Pollution Control Board. When acting in the capacity of the Missoula City-County Air Pollution Control Board, these bylaws apply to the Board, except that when acting in the aforementioned capacity, the Board has the powers, and exercises the duties and functions, conferred upon it under the Local Air Pollution Control Program of Missoula City and County (promulgated pursuant to Section 75-2-301, MCA), or conferred upon it by other federal or state law or regulation.
- (e) The Missoula City-County Board of Health, with the addition of one representative of the Conservation District appointed as per Section 2 below, constitutes the Missoula Valley Water Quality District Board. When acting in the capacity of the Missoula Valley Water Quality District Board, these bylaws apply, except that when acting in the aforementioned capacity, the Board has the powers, and exercises the duties and functions, conferred upon it under the Local Water Quality District of Missoula City and County (promulgated pursuant to Section 7-13-4517, MCA and as agreed in the Missoula Valley Water Quality District interlocal agreement between the City of Missoula and Missoula County), or conferred upon it by other federal or state law or regulation.

SECTION 2 Membership and Attendance

- (a) The Board shall be composed of seven (7) members as set forth in the interlocal agreement between the City of Missoula and the County of Missoula.
- (b) The Missoula Valley Water Quality District Board shall be composed of the seven members of the Board of Health plus one additional member representing the Conservation District, appointed by the County Commission as set forth in 7-13-4516 (5) MCA and the Missoula Valley Water Quality District interlocal agreement between the City of Missoula and Missoula County, Section 3.
- (c) The at-large member of the Board, who must be a medical doctor residing in Missoula County, licensed to practice medicine in the State of Montana, shall be appointed by the Board. An applicant for the position of at-large member may be a qualified individual applying on his or her own behalf, or may be the nominee of any medical society or medical association in Missoula County.

- (d) The Board shall give reasonable public notice of a vacancy in the position of the at-large member of the Board at least two months prior to the end of the term of the present at-large member. The Board shall accept applications for at least two weeks and shall appoint the at-large member as the Board shall determine, subject to the approval of the City Council and Board of County Commissioners.
- (e) As the proper functioning of the Board is seriously impaired by the absence of its members, the following rules regarding absenteeism shall apply;

Absenteeism is the responsibility of the governing body who appointed that particular member.

Two consecutive absences from regularly scheduled meetings during the year shall cause the appropriate governing body to review the appointment of that member and replace that member when considered appropriate.

SECTION 3 Election of Officers

- (a) The Health Board and Air Pollution Control Board shall elect a chairperson who shall serve as Chair of both boards and conduct all meetings and business of the Board and a vice chairperson who shall conduct all meetings and business of the Board in the absence of the chairperson. Elected officials representing the City Council and County Commission may not hold office on the Board.
- (b) The Board shall also elect a vice chairperson, who shall conduct all meetings of the Board in the absence of the chairperson.
- (c) Officers of the Board shall be elected at the first regular meeting occurring in each fiscal year, and shall serve until the first regular meeting in the following fiscal year commencing immediately after such election, or until their successors are elected. Officers of the Board elected after the first regular meeting in each fiscal year shall serve until the first regular meeting in the following fiscal year.
- (d) The election of officers shall be in accordance with Section 9 of these bylaws.

SECTION 4 Regular Meetings

- (a) Regular meetings of the Board of Health may be held once a month, unless there are no agenda items to come before the Board. The Board shall hold regular meetings at least quarterly.
- (b) Meetings of the Missoula City-County Air Pollution Control Board and the Missoula Valley Water Quality District Board may be held as needed.
- (c) Separate agendas and minutes shall be used and kept for the meetings of the Missoula City-County Board of Health, the Missoula City-County Air Pollution Control Board, and the Missoula Valley Water Quality District Board.

SECTION 5 Special Meetings

- (a) Special meetings may be called as necessary, by or at the request of the chairperson, or by or at the request of any two members of the Board, and may be held at any predesignated place and time for any lawful purpose including the viewing of any places of potential health hazard by members of the Board.
- (b) Special meetings of the Missoula City-County Air Pollution Control Board and the Missoula Valley Water Quality District Board may likewise be called, in accordance with subsection (a) above.

SECTION 6 Public Participation and Open Meeting Requirements

- (a) The Secretary of the Board 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 of the Board.
- (b) All meetings of the Board are open to the public, in accordance with Section 2-3-203 (1) MCA. Meetings of the Board may be closed in accordance with 2-3-203 (3) to discuss a matter related to individual privacy if the chairperson determines 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 matter pertains, and in that event, the meeting must be open. A meeting may be closed to discuss strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the agency, unless the only parties are public bodies.
- (c) In order to provide notice to the public of all Board meetings, regular and special, the following postings of Board agendas shall occur. Prior to the beginning of each calendar year, the Board shall publish a schedule of the time, date, and place of regular meetings for the year. Notice of this schedule will be posted on the Health Department's web page for the Board of Health. The notice shall state the proposed time, date, and place of each monthly meeting for the year and provide information about how to obtain agendas for each month's meeting.

At least two (2) days prior to each month's meeting, the agenda will be posted on the Health Department's web page for the Board of Health and the outside door of the Missoula City-County Health Department at 301 West Alder, and will be provided by e-mail to local media representatives.

- (d) Items to be placed on the agenda must be submitted to the Secretary of the Board at least eight (8) days before the meeting at which the item will be before the Board. Except, that with the affirmative vote of a majority of members, this rule may be suspended as the board deems necessary to deal promptly and effectively with unforeseen issues.
- (e) In accordance with Section 2-3-103 MCA, an item allowing public comment will be included on each month's agenda. Public comment will be heard during this time on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Board. The Board may not take action on the

matters discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment will be incorporated into official minutes of the meeting.

- (f) Before the consideration of any final action by the Board, a reasonable opportunity for public comment will be provided. The Chair of the Board may set a time limit for the public comment period. After public comment has been heard and the appropriate motion made, the Board shall debate the action.

The procedure for taking public comment for each agenda item should be as follows:

- Staff Presentation
- Questions from the Board
- Public Comment
- Parliamentary Debate
- Vote

SECITON 7 Grievances, Variances, and Administrative Appeals

- (a) Appropriate notice as provided in Section 5 shall be given to the public, Board members, staff and to the grievant, applicant or person appealing in all cases of citizens or employees, variances, or administrative appeals. The Board shall conduct a hearing to give the grievant, applicant, or person appealing an opportunity to present evidence in support of his complaint and to give the opposing party an opportunity to present evidence in rebuttal.

SECTION 8 Quorum

- (a) A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting.

SECTION 9 Board Decisions and Voting

- (a) The act or affirmative vote of the majority of the members of the Board present at a meeting at which a quorum is present shall be the act of the Board.
- (b) There shall be no absentee voting by members of the Board.

SECTION 10 Minutes and Record Keeping

- (a) Minutes of all regular and special meetings of the Board shall be kept by the Secretary or his representative, and shall be signed by the Secretary and by the Board Chair. Minutes of all open meetings, and portions of meetings that are open to the public, shall be kept available for inspection by the public.
- (b) The minutes shall contain a complete and accurate record of all motions made, and votes thereon, and shall also contain such summary of proceedings and debate as the Board considers convenient.

SECTION 11 Rules and Regulations

- (a) The Board may adopt or ratify such rules and regulations as it is empowered by law to adopt.

SECTION 12 Fiscal Year and Budget

- (a) The fiscal year begins on the first day of July of the calendar year.
- (b) The Board is financed in accordance with Section 50-2-111, MCA.
- (c) The Board shall consider, approve, adopt, and present for the consideration of the local governing bodies, a preliminary budget for each fiscal year on or before the first day of May each year. As required by appropriate Municipal and County budget law, the local governing bodies may make any revisions, reductions, additions or changes to the preliminary budget that they deem advisable.

SECTION 13 Health Officer

- (a) The Board shall appoint a Health Officer who is a physician or a person with a Master's Degree in public health or equivalent and appropriate experience as determined by the State Department of Health and Environmental Sciences and fix his salary, as required by Section 30-2-116 (a) MCA. The Board shall confer with the Missoula Board of County Commissioners prior to fixing such salary. The Board shall submit the salary of the Health Officer with the preliminary budget required under Section 12(c) of these bylaws.
- (b) The Health Officer shall:
 - (1) act as Secretary to the Board;
 - (2) without limitation of what follows, exercise the powers and perform the duties conferred upon him by law;
 - (3) be responsible for the employment, and termination of employment, of all employees of the Missoula City-County Health Department;
 - (4) manage and supervise the Missoula City-County Health Department; the Air Pollution Control Program; and the Missoula Valley Water Quality District.
 - (5) sign contracts, accept, account for and disburse funds, and purchase equipment and supplies for the Missoula City-County Health Department, provided that all contracts entered into, by, or on behalf of the Board must also be signed by the Chair of the Board of County Commissioners, and all grant requests or applications must also be signed by the Chair of the Board of County Commissioners.

SECTION 14 Parliamentary Procedure

- (a) For all matters not specifically covered by the rules stated in these bylaws, the controlling parliamentary authority for the Board shall be Robert's Rules of Order in its latest edition.
- (b) The chairperson, 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 as a matter of course, and not only where the vote of the chairperson would create or break a tie.
- (c) No seconds to motions are required. A motion, once stated, 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.
- (d) 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 chairperson shall allow members of the audience to be heard on the questions. After they have been heard, the Board shall finally debate the measure. No member of the audience shall be heard during or after the Board debate on the measure or action, and the chairperson may reasonably limit audience participation at any time.
- (e) Reconsideration of any action of the Board may be allowed at any time, upon motion of any member of the Board. In order to reconsider a previous action of the Board, a majority of those members present must vote to reconsider.

SECTION 15 Amendment of Bylaws

- (a) The bylaws of the Board of Health may be amended at any regular meeting of the Board by a two-thirds vote, provided that the proposed amendment has been submitted in writing at the previous regular meeting.

SECTION 16 Board Members' Ethical Responsibilities and Code of Conduct

- (a) Board members shall at all times observe and comply with all ethical standards and obligations imposed by constitution, statutes or other provisions of law in accordance with the duties and responsibilities of the Board.
- (b) Board members shall speak to the specific issue being discussed and refrain from making any personal attacks on other Board members, staff members, or public during Board debate, discussion, or comment.
- (c) The Board may adopt a process for response to the grievances arising out of this section that may include individual counsel through the Board Chair or other designated member and/or referring the issue to the appointing bodies of the member(s) involved.

Revisions approved and adopted by the Missoula City-County Board of Health, January 21, 2010