

BY-LAWS FOR LEWIS AND CLARK COUNTY, CITY OF EAST HELENA, AND CITY OF
HELENA PUBLIC HEALTH BOARD JOINT GOVERNING BODY

ADOPTED JUNE 16, 2023

Article I

BACKGROUND

In 2022, the governing bodies of Lewis and Clark County (County), the City of East Helena (East Helena), and the City of Helena (Helena) adopted an interlocal agreement (Interlocal Agreement) to establish the Lewis and Clark County City-County Board of Health (Board of Health), the Lewis and Clark County Health Department, and the Joint Governing Body (Governing Body).

The creation of the Governing Body was to comply with Mont. Code Ann. § 50-2-116(1)(a), 116(2)(d), and 116(4)(a). In accordance with Mont. Code Ann. § 50-1-101(8), the Governing Body may be the entity identified as the governing body as established in the interlocal agreement created by the County, East Helena, and Helena.

Article II

NAME AND LOCATION

Section.1 Name

The name of this governing body shall be the “Joint Governing Body” as described in the Interlocal Agreement.

Section 2. Location

The Governing Body shall meet at 316 North Park Avenue, Helena, Montana on the third floor chambers. The Governing Body may also conduct its meetings in whole or in part electronically using platforms such as Zoom, Microsoft Teams, Skype, etc.

Article III

Authority, Powers, and Duties

Section 1. Authority

The Governing Body is authorized under Mont. Code Ann. § 50-1-101(8)(c) and created by Article IV. B. in the Interlocal Agreement.

Section 2. Governing Body Powers and Duties

In accordance with the Interlocal Agreement, the Governing Body has the authority to:

- A. To approve or reject a recommendation made by the Lewis and Clark County City-County Board of Health for the appointment of a local Health Officer pursuant to Mont. Code Ann. § 50-2-116(1)(a). The decision of the Governing Body to accept or reject the recommendation of the Board on the appointment shall be made no later than thirty (30) days from the recommendation of the Board.
- B. To approve or reject a recommendation by the Board for the adoption of Board of Health regulations as set forth in the Interlocal Agreement and pursuant to Montana law. The decision of the Governing Body to accept or reject the proposed recommendation of the Board on the adoption of Board of Health regulations shall be made no later than 45 days from the proposal of the Board.
- C. Hold a public meeting for consideration to amend, rescind, or otherwise change a directive, mandate, or order issued by the Board or the local health officer in response to a declaration of emergency or disaster by the governor or principal executive officer of a public subdivision as allowed in Sections 10-3-~~302~~, 303, 402, 403 of the Montana Code Annotated.

ARTICLE IV

COMPOSITION OF GOVERNING BODY

Section 1. Composition

Under the provisions of the Interlocal Agreement, the Governing Body shall consist of 2 members of the Board of County Commissioners, 2 members of the City of Helena Commission, and the Mayor of the City of East Helena.

Section 2. Selection of Governing Body Members

The Board of County Commissioners and the City of Helena Commission shall decide how their respective representatives are chosen.

ARTICLE V

Board officers, terms, and duties

Section 1. Officers

The officers of the Governing Body shall be a Chair and Vice Chair.

Section 2. Election of Officers

The Chair and Vice Chair shall be elected by a majority of the quorum at the annual meeting in January.

Section 3. Board Chair

The Chair presides over all regular and special meetings of the Governing Body. The Chair signs documents and communications on behalf of the Governing Body. The Chair has the authority to appoint Governing Body members to committees.

Section 4. Board Vice Chair

In the absence of the Chair, the Vice Chair has such responsibility and authority as provided to the Chair.

Section 5. Office Succession

If the office of the Chair becomes vacant, then the Vice Chair shall become Chair immediately and shall complete the unexpired term. The Board shall elect a new Vice Chair at the next regular meeting.

Section 7. Terms of Office

All offices shall serve a term of one year. Any officer may serve for successive terms. After elections are held at the first regularly scheduled meeting, the terms of office shall commence and expire at the end of that calendar year.

Article VI

Meetings, Public Participation, and Procedures

Section 1. Open Meetings

- A. All Governing Body meetings shall be open to the public, except when the Governing Body decides to close the meeting or a portion of the meeting if the presiding officer 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 discussion pertains and, in that event, the meeting must remain open.
- B. All meetings shall have an agenda as described in Art. VI, Section 4.
- C. All meetings shall have public notice at least 48 hours in advance of the meeting. Public notice shall include the date, time, location, and agenda of the meeting.
- D. Action by the Governing Body shall not be official unless authorized by a majority of the Governing Body. A decision from the Governing Body must be made after public comment is offered during a Governing Body meeting.
- E. Minutes of all meetings shall be taken, kept, retained, available, and disseminated in accordance with applicable Montana laws. The meetings shall be recorded and the recording shall constitute the official meeting minutes. A copy of the minutes shall be provided by the Board of Health and retained by the County, East Helena, and Helena.

Section 2. Meetings

- A. Meetings pursuant to Article III Section 2. A.

A meeting held to accept or reject the appointment of a Local Health Officer must be held and decided no later than 30 days from the Board of Health's recommendation. Once notified of the Board of Health's recommendation, the Chair shall inform clerks of the County, East Helena, and Helena with a proposed date and time for the Governing Body meeting.

B. Meetings pursuant to Article III Section 2. B.

A meeting held to accept or reject proposed Board of Health regulations must be held and decided no later than 45 days from the Board of Health's proposal. Once notified of the Board of Health's recommendations for regulations, the Chair shall inform clerks of the County, East Helena, and Helena with a proposed date and time for the Governing Body meeting.

C. Meetings pursuant to Article III Section 2. C.

A meeting for consideration to amend, rescind, or otherwise change a directive, mandate, or order issued by the Board or the local health officer in response to a declaration of emergency or disaster by the Governor or principal executive officer of a political subdivision as allowed in Mont. Code Ann. §§ 10-3-~~302~~, 303, 402, 403 may be called for by the Chair, any two (2) members of the Governing Body, or the Mayor of East Helena by notifying clerks of the County, East Helena, and Helena with a proposed date and time for the Governing Body meeting.

D. The Governing Body shall meet annually in January to elect presiding officers. The Chair shall call the meeting by notifying clerks of the County, East Helena, and Helena with a proposed date and time for the meeting.

Section 3. Notice of Meetings.

A. Each meeting held by the Governing Body shall at a minimum be posted and noticed in accordance with County, East Helena, and Helena procedures. This Section shall not apply to a Governing Body decision to deal with an emergency situation affecting the public health, welfare, or safety. Mont. Code Ann. § 2-3-112.

Section 4. Agenda

Each Governing Body meeting shall have an agenda. Each agenda shall contain a provision allowing for public comment on anything not on the agenda but within the Governing Body's jurisdiction. If the meeting is for the purposes of Article VI, Section 2, A and/or B, Public Health shall prepare the agenda. If the meeting is for the purposes of Article VI, Section 2, C, the entity calling for the meeting shall prepare the agenda or, if the two members are from different entities, then either entity may prepare the agenda. The Governing Body may only take action on those items listed on a posted and publicly noticed agenda.

Section 5. Roll of Board of Health

The Board of Health or its designee(s) shall prepare the agenda for meetings required by Article VII, Section 2, A and/or B. A and shall keep and prepare audio recordings and minute summaries for all Governing Body meetings.

Article VIII

Amendments to ByLaws

These By-Laws may be altered by the Governing Body by initiative by any member of the Governing Body. Such amendments must be placed on an agenda and approved by majority vote.

Article IX

Parliamentary Procedure

The Governing Body shall follow Roberts Rules of Order, in its latest edition, at its meetings.

Article X

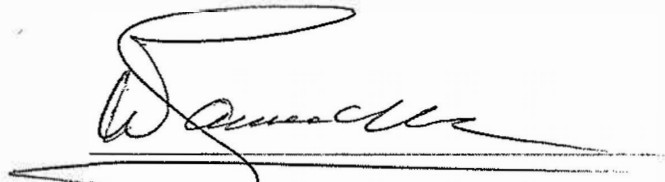
Legal Advisor to the Governing Body

The County, East Helena, and Helena may seek legal advice of their respective legal representatives.

LEWIS AND CLARK COUNTY, MONTANA CITY OF HELENA, MONTANA



Chairman, Board of County Commissioners



Mayor, City Commission

CITY OF EAST HELENA, MONTANA



Mayor, City Commission