

BY-LAWS OF THE LEWIS AND CLARK

CITY-COUNTY BOARD OF HEALTH

SECTION 1. General Powers and Duties

- a) The Board of Health (“Board”) has the powers and exercises the duties and functions conferred upon it by the legislature of the State of Montana and the Interlocal Agreement forming the Lewis and Clark County City-County Board of Health. Title 50 of Montana Code Annotated, including revisions and amendments, is made a part of these by-laws.
- b) The Board shall recommend to the Local Governing Body the appointment of a Health Officer. The Board shall supervise and control the Health Department including the Health Officer.
- c) Per Interlocal Agreement signed February 14, 2022, the Local Governing Body consists of two (2) County Commissioners, two (2) City Commissioners, and the Mayor of East Helena.
- d) The Chairman may appoint, subject to a confirmation by the Board, an Executive Committee which may make decisions between regular meetings. Such decisions shall be deemed to be the decisions of the Board. An affirmative vote of a majority of the Executive Committee shall be the act of the Executive Committee and of the Board. The Executive Committee shall report at the next Board meeting of any decisions taken. Any such decision shall be deemed ratified and approved unless the Board at the next meeting held, modifies or reverses any such decision of the Executive Committee.

SECTION 2. Membership

- a) The Board shall be composed of nine members appointed by the governing bodies of Lewis and Clark County and the Cities of Helena and East Helena in accordance with the Interlocal Agreement signed February 14, 2022.

SECTION 3. Election of Officers

- a) The Board shall elect a chairman who shall conduct both regular and special meetings of the Board.
- b) In addition, The Board shall elect a vice-chairman who shall conduct all meetings of the Board in the absence of the chairman.
- c) Officers of the Board shall be elected at the first regular meeting of each fiscal year and shall serve for a period of one year, commencing immediately upon election.

- d) The election of officers shall be in accordance with Section 8 of these by-laws.

SECTION 4. Regular Meetings

- a) A regular meeting of the Board will be held on the fourth (4th) Thursday of each month, or at least quarterly as required by 50-2-116 (d), MCA.
- b) All regular meetings of the Board shall be open to the public in accordance with 2-3-203, MCA. Meetings regarding the employment, appointment, promotion, dismissal, demotion or resignation of any employee may be closed unless the employee requests an open meeting.

SECTION 5. Special Meetings

- a) Special meetings may be called as necessary by or at the request of the chairman, or any two members of the Board, and may be held at any predesignated place and time for any purpose including the viewing of any places of potential health hazard.
- b) Notice of special meetings shall be given to all members of the Board as provided in Section 6 of these by-laws. No special meeting shall be held unless all members of the Board have been given notice of it.

SECTION 6. Notice of Meetings

The Health Officer shall notify all members of all special meetings. A written agenda for the meeting shall accompany notification if time permits. The Health Officer shall also remind all members of the Board of each regular meeting and shall send a written agenda for the regular meeting to all members of the Board. The failure to remind or to send a written agenda shall not affect the legality of any regular meeting.

SECTION 7. Quorum

A majority of the members appointed to the Board shall constitute a quorum for the transaction of business at any meeting.

SECTION 8. 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, except that a vote of not less than two-thirds of all members shall be required to amend or add to these by-laws.

- b) There shall be no voting by proxy.
- c) Any vote on the adoption or alteration of rules or regulations requires a majority of Board members to vote in affirmative.

SECTION 9. Minutes and record keeping

- a) Minutes of all regular and special meetings of the Board declared to be open shall be kept by the Health Officer, or their representative, and shall be signed. Minutes shall be available for inspection by the public.
- b) The minutes of all meetings shall be saved electronically per records retention laws.
- c) Rules, regulations, and policies adopted by Board shall be kept electronically per records retention laws.

SECTION 10. Policies, Rules and Regulations

- a) The Board may vote on the adoption of Board of Health Regulations, and a vote in the affirmative serves as a recommendation to the Local Governing Body.
- b) The Local Governing Body shall approve or reject a recommendation by the Board for the adoption of Board of Health regulations within 45 days of the recommendation. Regulations are effective upon approval by the Local Governing Body.
- c) The Board may adopt resolutions or policy statements of public health importance. Such statements shall be posted for public viewing.
- d) The Board may adopt rules necessary to implement and enforce Board of Health Regulations.

SECTION 11. Fiscal Year and Budget

- a) The fiscal year of the Board begins on the first day of July.
- b) The Board and the Department is financed as provided by law.
- c) The Board shall approve, adopt and present a preliminary budget for each fiscal year on or before the first day of May of each such year or at such time as specified by the County of Lewis and Clark or other funding agency.

SECTION 12. Health Officer

- a) The Board shall recommend to the Local Governing Body the appointment of a Health Officer. The Board shall supervise and control the Health Department including the Health Officer.

b) The health officer shall:

- 1) act, personally or through their representative, as secretary at all meetings of the Board;
- 2) keep meeting minutes and Rules and Regulations electronically per records retention laws.e;
- 3) shall, along with all health department employees, be county employees for administrative purposes.
- 4) shall, subject to applicable collective bargaining agreements and personnel policies, have full responsibility for the hiring, terminating, and supervision of health department employees.
- 5) be a member of the Lewis and Clark County Senior Leadership/Management teams.
- 6) manage and supervise the Lewis and Clark City-County Health Department;
- 7) sign contracts, accept, account for, and disburse funds and purchase equipment and supplies for the Lewis and Clark City-County Health Department per county procurement and contracting policies.

SECTION 13. Amendment to the By-Laws

These by-laws, except those sections or part of sections based upon statutory authority, may be altered, or repealed and new by-laws adopted by the Board in accordance with Section 8 of these by-laws.

SECTION 14. Parliamentary Procedure

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

LEWIS AND CLARK CITY-COUNTY
HEALTH DEPARTMENT

By _____
Chairman

By _____
Vice-Chairman

Revisions:

Passed first reading by the Board of Health: April 28, 2022

Passed second reading and approved by the Board of Health: May 26, 2022

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