

# **Hancock County Board of Health**



## **BYLAWS**

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## **HANCOCK COUNTY BOARD OF HEALTH BY-LAWS**

### **ARTICLE I: NAME AND AUTHORITY**

The Name of the organization shall be the Hancock County Board of Health (hereinafter referred to as the Board). The Board is a single county Board of Health serving Hancock County, West Virginia. The Board is organized under Chapter 16, Section 2-3 of the West Virginia Code.

### **ARTICLE II: AUTHORIZATION AND PURPOSE**

#### **Section 1. Authority.**

The Board is authorized by and shall operate pursuant to West Virginia Code 16-2-1 thru 16-2-15. The board shall also comply with all other applicable federal and state laws and regulations.

#### **Section 2. Jurisdiction.**

The Board is the governing body of the Hancock County Health Department, a health department operating under the direction of a local health officer and the Board of Health, which has jurisdiction over all public health matters in Hancock County, West Virginia.

#### **Section 3. Purpose.**

The Board is responsible for directing, supervising and carrying out matters relating to public health within its jurisdiction.

### **ARTICLE III: BOARD OF HEALTH**

#### **Section 1. Duties.**

The business, property and affairs of an operating agency known as the Hancock County Health Department (herein after referred to as the Department) shall be managed by the staff of said Department. These activities shall be overseen by the Board.

#### **Section 2. Number of Members.**

The membership of the Board shall consist of five (5) members appointed by the County

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Commission of Hancock County, West Virginia; no more than two members shall reside in the same Magisterial District and no more than two members may be appointed who are personally licensed or certified in, engaged in, or actively participating in the same business, profession or occupation. No more than three members may belong to the same political party. All members of the Board shall be citizens of Hancock County.

**Section 3. Tenure.**

The term of a Board member shall be for five (5) years. Any vacancy on the Board shall be filled by appointment, by the original appointing authority for the unexpired term. All members shall serve until their duly qualified successors have been appointed.

**Section 4. Oath of Office.**

Every person appointed or reappointed to serve on the Board shall be administered an oath of office when duly appointed or reappointed. The oath shall be administered by the county clerk or a judge. Every board member's oath of office shall be duly recorded in the Office of the Clerk of the County Commission before the member commences board service.

**Section 5. Attendance.**

No board member shall miss more than 3 meetings during any consecutive 12 month period. If a board member, without good cause, shall miss more than 3 meetings during such period, the Board in its sole discretion may find such absences constitute neglect of duty and grounds for removal from office under Section 6.

**Section 6. Vacancies.**

A vacancy occurring in Board membership may be filled by the appropriate appointing authority. A member appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor.

**Section 7. Removal from Office.**

No member of the Board of Health may be removed from office during the term, for which he is appointed, except for official misconduct, incompetence, neglect of duty or gross immorality.

However, if a duly appointed member of the Board of Health moves from the magisterial district in which he or she was appointed into another magisterial district in which two legally qualified members are already serving, such member would thereby vacate his or her position as a member of said Board. (Rev. October 1, 2019).

**Section 8. Compensation.**

Members of the Board of Health may be compensated one hundred dollars (\$100.00) for services in attending each meeting of the Board and may be reimbursed for actual and necessary travel and other expenses incurred in the performance of duties as a member of the Board. Any member compensation shall be made in compliance with WV Code 16-2-9.

**Section 9. Conflict of Interest.**

Each board member is required to sign a Conflict of Interest Statement.

**Section 10. Liability.**

No member of the Board of Health shall be personally liable for debts, liabilities, or other obligations of the Department.

**Section 11. Indemnification.**

A member of the Board shall be indemnified against expenses actually and necessarily incurred in connection with the defense of any action, suit, or proceeding in which the person is made party by reason of being or having been such Board member except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty. Such indemnification shall not be exclusive of any other rights to which such Board member may be entitled under any by-law, agreement, and Board action or otherwise.

**ARTICLE IV: MEETINGS OF THE BOARD**

**Section 1. Open Governmental Proceedings Act.**

The Board shall provide notice of its meetings and conduct its meetings in accordance with the Open Governmental Proceedings Act. All meetings (with the exception of certain executive sessions) shall be open to the public and shall be conducted in accordance with the West Virginia Open Government Proceedings Act, West Virginia Code 6-9A-1 thru 6-9A-12 and any regulations promulgated with respect thereto ("Open Government Proceedings Act"). All meetings of the Board shall be held in accessible facilities. A member of the public shall not be required to register his or her name and other information, to complete a questionnaire, or to perform any other involuntary action as a precondition for attending a Board meeting.

**Section 2. Quorum.**

The quorum of the Board for transacting business shall be a simple majority of the constituent membership of the board (i.e. 3 out of 5 members).

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### **Section 3. Manner of Acting.**

The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the Board of Health.

### **Section 4. Meeting Types, Notice, Agenda and Frequency.**

#### **a. Regular Meetings**

The Board shall meet in regular session every other month or as needed. Board members shall be provided written notice at least one (1) week prior to the meeting. With prior written consent, the member may receive this notice via e-mail. A copy of the agenda and any supporting documentation for the meeting shall be provided along with the notice.

#### **b. Special Meetings**

Special meetings of the Board may be called by the Chairperson, Medical Director or his/ her designee, or by two members of the Board upon written request to the Medical officer or his/her designee. Board members shall be provided in writing or in person, notice and the agenda for the meeting at least five (5) days prior to the meeting.

#### **c. Emergency Meetings**

Emergency meetings may only be called for urgent matters that cannot be delayed by at least three (3) days. Emergency meetings of the Board shall be called by the Chairperson, or by two members of the Board. Notice of the meeting shall be given as soon as practicable before the meeting and need not be written.

### **Section 5. Open Proceeding: Executive Sessions.**

Notwithstanding any other provision of law or regulation, all meetings of the Board shall be open to the public, excepting the provision of Chapter 6, Article 9A, Section 4 of the West Virginia Code of 1931, as amended. An executive session may be held upon a majority affirmative vote of the members present to discuss such subjects as are covered under current law. Any proposed or anticipated executive session must appear on the agenda for any meeting of the Board along with the general description and/or reason for said executive session. (Rev. October 1, 2019).

### **Section 6. Public Notice of the Meeting.**

All members of the Board will be notified of the date, time, and place of each meeting. Announcements of all meetings will be made available to the public and media.

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#### **a. Public Comment**

The Chairman or presiding board member shall provide time on the agenda to solicit and permit public comment on all agenda items during the open session of a Board meeting and public hearings. The Chairman or presiding member may ask members of the public who wish to address the Board to register in advance of speaking at a meeting. However, the Chairman may not require that a member of the public register more than 15 minutes prior to the commencement of the meeting. The Chairman or other member presiding at a meeting or public hearing may reasonably limit the time provided to a member of the public to address the Board as long as all members of the public commenting are treated fairly and are subject to the same or substantially the same limitation. The Chairman or other member presiding at a meeting or public hearing may have any member of the public removed who disrupts a meeting to the extent that the orderly conduct of the meeting is compromised.

Public comments during a Special and/or Emergency meeting shall be limited to the subject matter of said Special and/or Emergency meeting. (Rev. October 1, 2019).

#### **b. Board Actions**

All official actions of the Board shall be by motion or resolution. A motion or resolution will be valid if it receives the votes of a majority of Board members present and eligible to. The results of all votes shall be communicated to persons or entities likely to be affected by the action, or, in the event of a general regulation, to the public at large through the news media. The Board shall not vote on any motion or resolution except in a meeting that is open to public that has been properly noticed. (Rev. October 1, 2019)

#### **c. Hearing Continuances**

Any hearing being held at any Board meeting may be continued to any subsequent meeting if the Board adopts a motion to continue. A motion to continue must be approved by a majority of the members present and entitled to vote. The date, time and place of the continued hearing must be specified in the motion to continue. The Board must inform the public whether it is continuing public testimony or only Board member discussion and possible action. It may choose to take additional testimony at the discretion of the Chairman. Any continuance of a Board hearing must be properly noticed in accordance with the Open Government Proceedings Act.

#### **d. Adjournment**

The Board may postpone a portion of any meeting already in progress and reconvene at another time and/or place by adopting a motion to adjourn. The motion must specify where and when the meeting will resume. A majority of the Board members present and entitled to vote can approve a motion to adjourn. When a meeting is adjourned, a notice of adjournment shall be posted immediately on or near the door of the room where the meeting was held. The notice

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should include the date, time and place that the meeting will resume.

### **Section 7. Minutes and Records.**

The Board shall provide for the preparation of written minutes of all its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include the following information:

- The date, time and place of the meeting;
- The name of each Board member present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed; the name of the person proposing the same and their disposition;
- The results of all votes and, upon request of a member, the vote of each member, by name.

Minutes of executive session may be limited to material which is not inconsistent with the provisions of Chapter 6, Article 9A, and Section 4 of the West Virginia Code of 1931, as amended. All records and proceedings of the Board are public record and shall be available to the public during the usual and customary business hours of the Department and/or through the use of Freedom of Information Act (FOIA) requests. (Rev. October 1, 2019)

### **Section 8. Agenda.**

An agenda shall be prepared and made available to the public for regular and special meetings as part of the notice issued for the meeting. The agenda shall include time and date of the meeting, approval of the minutes of the previous meeting, items to be discussed, executive sessions with a general description and/or reason for the same, and any actions to be considered. (Rev. October 1, 2019)

### **Section 9. Remote Participation.**

Members of the Board may participate in a meeting by means of telephone conference, internet conferencing, or similar communication equipment so long as all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this method shall constitute the presence in person at such meeting of the person participating from a remote location.

### **Section 10. Public Hearings.**

#### **a. Purpose**

In its sole discretion the Board, or a subcommittee appointed by the Board, may conduct a public hearing to solicit written and oral public comments on proposed regulations, community health assessments or other matters falling within the authority of the Board.

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**b. Location**

Public hearings shall be held in a location accessible to the public such as courthouses, city council chambers, school buildings, or board of health offices with suitable meeting rooms.

**c. Notice**

Notice of the public of a public hearing shall be in writing by publishing a notice or Class I legal advertisement in a newspaper of general circulation within the service area at least 10 days prior to the meeting date.

**d. Voting**

Unless the public hearing is noticed in conjunction with a regular meeting of the Board, no discussion or vote shall be taken by the Board during a public hearing upon the subject matter of the public hearing.

**Section 11. Procedure**

The Board shall adopt its own rules of procedure but shall rely on Robert's Rule of Order for questions of parliamentary procedure, except where they are inconsistent with the standing rules of the Board or are contrary to existing laws of the State of West Virginia. (Rev. October 1, 2019)

**ARTICLE V: OFFICERS**

The Board shall elect from their own body a Chairperson who shall serve as such for a period of a year. (Rev. October 1, 2019)

The Board shall elect from their own body a Vice Chairperson who shall serve as such for a period of a year and shall serve in the absence of the Chairperson. (Rev. October 1, 2019)

The Chairperson and Vice Chairperson shall retain all voting privileges except in matters that directly affect the Chairperson and/or Vice Chairperson (e.g. appointment, removal, delegated powers, etc.). (Rev. October 1, 2019)

**ARTICLE VI: LOCAL HEALTH OFFICER**

The Board shall appoint a full-time or part-time local health officer with approval by the Commissioner of the Bureau of Public Health. The local health officer shall be a physician currently licensed in this state and knowledgeable in the science of public health.

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**Section 1. Term**



The local health officer serves at the will and pleasure of the Board for a term of one year and is eligible for reappointment at compensation determined by Board.

Should the local health officer not wish to extend the initial term of their appointment, he or she shall notify the Board in writing one (1) month prior to the expiration of said term.

Should the local health officer wish to resign from the position he or she shall notify the Board in writing one (1) month prior to the effective date of said resignation.

### **Section 2. Removal**

The local health officer may be removed from office by the Commissioner if the local health officer fails or refuses to carry out the lawful orders or rules of the secretary in the event the commissioner determines a public health emergency exists or if the local health officer fails or refuses to enforce public health laws and rules necessary to prevent and control the spread of communicable or reportable diseases dangerous to the public health. Upon removal, a successor local health officer shall immediately be appointed by the Board pursuant to West Virginia state law. (West Virginia Code §16-2-12)

### **Section 3. Powers and Duties**

The local health officer shall execute the powers and duties of said position as set forth West Virginia Code §16-2-12 and §16-2-13 and/or delegate such powers and duties to the Administrator of the Hancock County Health Department as allowable by law.

### **Section 4. Miscellaneous**

In the event that the local health officer ceases to serve in that capacity either by dismissal, resignation, or expiration of his or her term, any standing orders provided to the Hancock County Health Department by said local health officer shall remain in full force and affect for thirty (30) calendar days after such service of local health officer ends.

## **ARTICLE VII: CHANGES TO THE BY-LAWS**

These by-laws may be altered, amended, repealed or added to at any regular meeting or special meeting of the Board of Health by an affirmative vote of three (3) members of the Board voting at such meeting. Written notice of the proposed alterations, additions, amendments, or proposed repeal must be provided to each member no less than 14 days prior to the vote. (Rev. October 1, 2019)

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