

## CITY/COUNTY BOARD OF HEALTH

### BYLAWS

The City/County Board of Health of Livingston/Park County Montana shall operate under the authority of 50-2-101 through 50-2-124 of the MCA.

#### APPOINTMENTS

- (I) 1. The Park County Commissioners shall appoint one member to the City/County Board of Health who serves at their pleasure, and shall be a non-voting member.
2. The Mayor shall appoint with Council Approval, one member to the City/County Board of Health who serves at the pleasure of the appointing governing body, and shall be a non-voting member.
3. Additional members shall be appointed as indicated in (a) of this section as mutually agreed upon by the governing bodies.
- (a)(1) the county commissioners shall appoint 4 additional members to the board of health.
- (a)(1) the mayor shall appoint, with council approval, 3 additional members to the board of health.

#### TERMS

- (II) 1. Terms of appointed members shall be staggered and shall be for three years each, except that the terms of the governing body representatives be concurrent with their terms as elected officials.
2. Reappointment of expired terms shall follow requirements of section (I).
- (a)(1) a maximum of three full terms, beginning with the adoption of these bylaws, shall be in effect.
3. Reappointment to vacancies caused by anything other than expired terms shall terminate at the scheduled end of that vacant term. Reappointment to such vacancies shall follow the requirements of section (I).
4. Terms shall terminate immediately upon the third absence from a regular meeting in any calendar year.

#### CHAIRMAN OF THE BOARD

- (III) 1. The City/County Board of Health shall nominate and elect a chairman at the first regular meeting of each calendar year.
2. Terms of chairmanship shall be limited to two full terms beginning with the adoption of these bylaws.
3. Election to a vacancy caused by anything other than an expired term shall follow (III) 1. and shall terminate at the scheduled end of that vacant term.
4. The chairman shall be responsible for conducting the meetings according to Roberts Rules of Order and these bylaws.
- (a) (1) the chairman shall cause the minutes of the meeting to be recorded.
- (b) (1) the chairman shall be responsible for recording terms of the appointed members, notifying the governing bodies of resignations and requesting appointments as necessary following requirements of (1).

#### VICE CHAIRMAN OF THE BOARD

- (IV) 1. The City/County Board of Health shall nominate and elect a vice-chairman at the first regular meeting of each calendar year.
2. Terms of vice-chairmanship shall be limited to two full terms beginning with the adoption of these bylaws.
3. Election to a vacancy caused by anything other than an expired term shall follow (III) 1. and shall terminate at the scheduled end of that vacant term.
4. The vice-chairman shall be responsible for conducting the meetings according to Roberts Rules of Order and these bylaws in the absence of the chairman.

#### QUORUM

- (V) 1. Four voting members present shall constitute a quorum and is required for matters requiring a vote of the board.
2. Duties of the Board shall be as indicated in 50-2-116 MCA.

#### HEALTH OFFICER

- (VI) 1. The Board shall appoint a local health officer who is a physician or a person holding a master's degree in public health.
2. Duties shall be as indicated in 59-2-118 MCA

#### LEGAL ADVISER

- (VII) 1. The county attorney shall serve as legal adviser to the board.
2. The chairman shall request the presence of the county attorney at any scheduled meeting when deemed necessary.

#### CHANGES TO BYLAWS

- (VIII) 1. Bylaws may be changed or amended by a majority of the voting members.

APPENDIX I

CITY/COUNTY BOARD OF HEALTH

- I. Meetings will be held in the City/County Complex
- II. Meetings will begin at 7:30 p.m. on the 2nd Tuesday of each month at the discretion of the Chairman of the Board.
- III. The recommended agenda is as follows:
  - A. Call to order by chairman
  - B. Roll call
  - C. Approval of minutes of previous meeting
  - D. Nursing Report
  - E. Sanitarian's Report
  - F. Health Officer's Report
  - G. Chairman's Report
  - H. Old Business
  - I. New Business
  - J. Adjournment

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Park County, MT Filed 8/4/2014 At 3:10 PM

Denise Nelson, Clk & Rcdr By JB PS



**BY-LAWS FOR THE PARK CITY-COUNTY  
HEALTH DEPARTMENT**

**Amended January 29~~th~~, 2018**

**ARTICLE I – NAME**

The official name of the organization is “The Park City-County Health Board (Board)”. ~~(Board)~~

**ARTICLE II – OFFICIAL SEAT**

The official seat of the Board is in the City-County Complex of Livingston, Montana, and meetings will be held there except for occasions when the Board, by a majority vote of those present at any regular or special meeting otherwise directs.

**ARTICLE III – STATUTORY POWERS AND DUTIES**

The Board shall operate pursuant to Section 50-2-106, Montana Code Annotated (MCA), and the Interlocal Agreement between the City of Livingston and Park County. The Board has those duties set forth at Section 50-2-116, MCA.

**ARTICLE III – BOARD MEMBERS**

**Section 1. Members**

Board members shall be residents of Park County, Montana. The Board consists of seven (7) members total:

One Commissioner shall be appointed by the Park County Commission;

One Commissioner shall be appointed by the Livingston City Commission;

Three additional members shall be appointed by the Park County Commission; and

Two additional members shall be appointed by the City of Livingston Commission.;

**Section 2. Terms**

Terms of appointed members must be staggered and must be for 3 years each, except that the terms of the governing body representatives shall be concurrent with their terms as elected officials.

### Section 3. Absenteeism

Members with two consecutive absences from regularly scheduled meetings may be replaced by the governing body that appointed the member. With good cause, participation by telephone or Voice Over Internet Protocol (VOIP) is not considered absent.

### Section 4. Vacancies

Vacancies for voting members shall be filled by the governing body that appointed the former member. The newly appointed member shall serve for the unexpired portion of the member's term.

## **ARTICLE IV – OFFICERS**

### Section 1. Officers

The elective officers of the Board include a Chair and a Vice-Chair. The Director of Environmental Health, or appointed staff, will serve as Secretary of the Board.

### Section 2. Nomination and Election of Officers

Nomination of elective officers will be made from the floor at the annual election meeting which will be held on the first regular meeting of each calendar year. The election will follow immediately thereafter. A nominee receiving a majority vote of those present, either physically, by telephone, or VOIP at the election will be deemed elected.

### Section 3. Terms of Officers

The elective officers take office at the first regular meeting of the calendar year, usually January, and serve for a term of one year.

### Section 4. Vacancies in Offices

Vacancies in elective offices will be filled immediately at a regular meeting by regular election procedure for the unexpired portion of the term.

### Section 5. Salary and Compensation

Board members shall serve without salary or compensation, but may be entitled to documented expenses for mileage, per diem and expenses.

### Section 6. Duties of Officers

#### (a) Chair

The Chair will preside at all meetings and public hearings of the Board and will call special meetings when they deem necessary or is required. The Chair shall sign minutes and all official papers and plans involving the authority of the Board which are transmitted to the City of Livingston Commission and the Park County Commission. The Chair may discuss all matters before the Board and make motions on all voting thereon. The Chair ~~will~~ may perform all the duties normally conferred by parliamentary usage on such officers and will

perform such other duties as may be ordered by the Board except as otherwise provided in these by-laws, in Board resolutions, in city or county ordinances, or state law.

(b) Vice Chair

The Vice Chair will assume the duties and powers of the Chair in their absence. If the Chair and Vice Chair are both absent, the remaining Board members may elect a temporary chair by a majority vote of those present at a regular or special meeting. The temporary chair will assume the duties and powers of the Chair and Vice Chair for that meeting.

(c) Secretary

The Secretary will keep the minutes of all regular, and special, and committee meetings of the Board, and such minutes will be approved by the Board. All meetings will be recorded with audio equipment. The Secretary will give notice of all regular, and special, and committee meetings to Board members, prepare the agenda of regular, and special, and committee meetings, serve proper and legal notice of all public hearings, and draft and sign the routine correspondence of the Board. The Secretary will maintain a file of all official records of the Board and perform other duties that are normally carried out by a Secretary and as the Board may direct.

## ARTICLE V – MEETINGS

### Section 1. Regular Meetings: Time and Place

A regular quarterly meeting for administrative, routine, and hearing-type matters will be held on the 2<sup>nd</sup> Tuesday of January, the month following each April, July, and October quarter at 5:30 p.m. in the City-County Complex, except as otherwise directed by the Board. Committees of the Board, made up of members totaling less than a quorum of the Board, may meet outside regular Board meetings. The Board may designate a different location or time for a public hearing by majority vote of the Board members physically present at the meeting or participating via telephone or VOIP.

**Commented [SP1]:** When is quarterly. If it is the same four months every year it would be better to spell the months out in the by-laws.

### Section 2. Recessed Meetings

Any regular meeting may be recessed to a definite time and place by a majority vote of the Board members physically present at the meeting or participating via telephone or VOIP.

### Section 3. Special Meetings

Special meetings may be called by the Chair or by a majority of the Board members at any duly constituted meeting.

### Section 4. Notice of Meetings

The Secretary will give written notice of all regular, and special, and committee meetings to the members of the Board at least one week prior to the time of the scheduled meeting. A notice and agenda of all regular, and special, and committee meetings will be posted at least forty-eight hours prior to the meeting. The notice and meeting agenda will be posted on the Environmental Health Department page of the Park County website and posted by attachment to the Park County Commission's legislative agenda.

Petitions and communications from the attending audience and matters brought to the meeting by the department and Board members, which are not on the agenda for the meeting, may be received, but not discussed at the meeting. No discussion or official action may be taken on any matter at a Board meeting which is not included on the agenda for such meeting.

#### Section 5. Public Nature of Meetings and Records

All regular, and special, and committee meetings, hearings, records, and accounts shall be open to the public and will meet notification requirements.

#### Section 6. Emails

Emails are subject to public information rights. Board members shall limit email dialog to questions regarding notice and attendance of meetings, dialog to health department staff and education information.

#### Section 7. Order of Business

- (a) Call to Order by Chair
- (b) Approval of Minutes of Preceding Meeting
- (c) Conflict of Interest
- (d) Chair reads public comment guidelines:  
A reasonable time will be allowed each speaker based on the number of speakers wishing to speak about an issue and the Chair may appoint a time keeper.

The Chair may require all speakers to sign a sign-in sheet in order to comment.

Each speaker must state their name, address and nature of interest in matters.

Information presented should be factual, relevant and not merely duplicative of previous speakers.

No personal attacks of any kind will be allowed.

A person cannot assign their time to speak to another speaker and all persons wishing to speak shall speak before a person is allowed to make comments a second time.

If a speaker does not comply with the stated guidelines, the Chair may remind the speaker of the guidelines or terminate the speaker's comments.

- (e) Public Comment Including Comment on Agenda Items not Scheduled for a Public Hearing
- (f) Old Business
- (g) New Business
- (h) Board Committee Reports
- (i) Staff Reports
- (j) Board discussion of next meeting's agenda items
- (k) Adjourn



#### Section 8. Public Hearing Procedures

- (a) Chair summarizes the application orally.
- (b) Department Director or staff presents a staff report.
- (c) The stakeholder, applicant, applicant's representative, or interested stakeholder, if applicable, may make a presentation. The Chair may limit the time of the presentation.
- (d) Board members are permitted to ask questions to the Chair, staff, applicants and their representatives, or other interested stakeholders.
- (e) Public hearing opened – Chair reads public comment guidelines:  
A reasonable time will be allowed each speaker based on the number of speakers wishing to speak about an issue and the Chair may appoint a time keeper.

The Chair may require all speakers to sign a sign-in sheet in order to comment.

Each speaker must state their name, address and nature of interest in matters.

Information presented should be factual, relevant and not merely duplicative of previous speakers.

No personal attacks of any kind will be allowed.

A person cannot assign their time to speak to another speaker and all persons wishing to speak shall speak before a person is allowed to make comments a second time.

If a speaker does not comply with the stated guidelines, the Chair may remind the speaker of the guidelines or terminate the speaker's comments.

- (f) Public comment is taken.
- (g) The applicant, representative, or interested stakeholder may make a brief response to public comment at the end of the public comment period. The Chair may request a response from the applicant or their representatives at any time during the public comment. The Chair may set a timeline for the applicant's or interested stakeholder's response comments.
- (h) Public hearing is closed.
- (i) Board deliberation. Board members may voice other significant considerations; pose any relevant questions through the Chair. The Chair questions proper parties for answers.
- (j) Motion for disposition, continuance, closure, or other.

#### Section 9. Quorum

Four members of the Board will constitute a quorum for the transaction of business and the taking of official action. A quorum will constitute a majority of the total membership of the Board physically present at the Board meeting, or participating via the telephone or VOIP.

#### Section 10. Motions

Motions should be short and concise and may be submitted in writing to the Chair. Motions will be restated by the Chair before a vote is taken. The name of the members making and seconding a motion will be recorded in the minutes of the meeting.

#### Section 11. Voting

Any action taken by a quorum of the Board members at any regular or special meeting of the Board will be deemed and taken as the action of the Board. All matters requiring a public hearing before the Board and all matters referred to the Board by the Livingston City Commission or Park County Commission may be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting.

#### Section 12. Parliamentary Procedure

Parliamentary procedure in Board meetings will ~~bemay~~ be governed by Roberts Rules of Order, as revised.

### ARTICLE VI – COMMITTEES

#### Section 1. Establishment of Committees

The Board may establish such standing or special committees it deems advisable and assigns to each committee specific duties or functions. Each committee will consist of up to three members of the Board and may include up to two members of the public, at the discretion of the Board. No committee may commit the Board to the endorsement of any plan or program. A committee may make recommendations to the Board as the Board can take official action.

#### Section 2. Appointment and Terms of Committee Members

The Chair shall appoint the members of each standing or special committee, name the Chair of each committee and state the objectives, time of duration and reporting responsibility.

#### Section 3. Meeting of Committees

All committees will meet at the call of the committee Chair, provided that the Chair of the City-County Health Board may, with adequate notice, call a special meeting of any committee at any time.

#### Section 4. Quorum and Voting

A majority of the members appointed constitutes a quorum of all committees. The affirmative vote of a majority of the committee membership is required for the adoption of a matter before the committee or to make a recommendation to the Board.

### ARTICLE VII – AMENDMENTS

These by-laws may be amended at any regular meeting by the affirmative vote of four members of the Board, provided that proposed amendments must have been submitted in writing at a previous meeting.

These by-laws were revised and approved by the Park City-County Health Board on #####, 2018

Signed:

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##### Chair  
Park City-County Board of Health





RESOLUTION NO. 1004 -

A RESOLUTION BY THE PARK COUNTY COMMISSIONERS AMENDING RESOLUTION NO.  
1004 PARK COUNTY GENERAL BOARD POLICIES

WHEREAS, Park County passed Resolution No. 1004 on December 11, 2004;

WHEREAS, Park County has numerous administrative and advisory boards that represent Park County;

WHEREAS, Park County desires that all boards adhere to professional standards regarding board conduct, conducting meetings, personnel procedures and budgeting; and

WHEREAS, Park County desires to add additional policies and guidance to its boards.

NOW THEREFORE, BE IT RESOLVED:

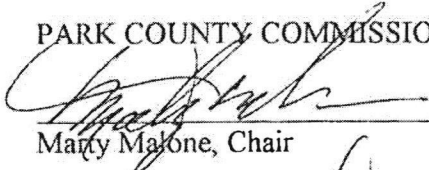
1. All Park County boards and board members/trustees shall adhere to the Park County Guidelines for Appropriate Conduct which prohibit the following types of performance, behavior and/or conduct. This list should not be viewed as all-inclusive:
  - Knowingly falsifying Park County records or making false statements, such as misrepresenting travel expenses;
  - Violating Park County's Equal Employment Opportunity Policy;
  - Violating the Montana Code of Ethics (Section 2-2-101 / 1-1-304 MCA);
  - Violating the Government Code of Fair Practices (Sections 49-3-101, et. seq. MCA);
  - Theft of or use of Park County equipment, vehicles, supplies, time or facilities for private purposes;
  - Attending board meetings or official board functions while intoxicated or under the influence of illegal drugs whether on or off Park County owned property;
  - Bringing or using alcoholic beverages on Park County property;
  - Fighting or causing or performing violent acts, threatening citizens, Park County employees or board members while attending board meetings or official board functions or threatening citizens or co-workers;
  - Possessing unauthorized firearms on Park County premises;
  - Disregarding safety or security regulations on Park County property;
  - Failing to maintain the confidentiality of Park County and/or employee/personnel information;
  - Making oral or written false statements about Park County employees with a reckless disregard for the truth or veracity of the information;

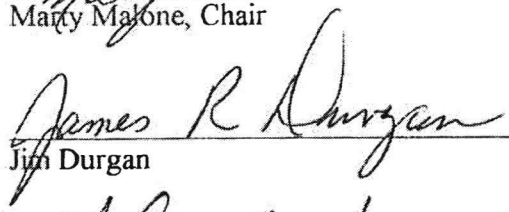
- Using offensive conduct, gestures or language towards the public, Park County officials or other employee; and
  - Failing to operate or maintain Park County equipment or property safely or in the proper manner.
2. All Park County boards and board members/trustees shall adhere to Montana state law regarding open meetings and the public's right to know, including Park County policies regarding giving 48 hours advance notice of all meetings and preparing agendas for meetings with sufficient description of agenda items to give the public notice of the intent of the agenda item.
  3. All Park County boards and board members/trustees shall follow Park County procedures and policies regarding hiring and supervision of Park County employees if the Board has been granted this authority by the Park County Commission.
  4. All Park County boards and board members/trustees shall follow Park County policies and practices for budgeting, including meeting with the Park County Commission regarding proposed budgets and budgetary issues.
  5. Boards and Board members/trustees may be compensated for mileage to and from official Board meetings. Board members can be compensated for mileage if the requested trip resulted from a specific board or Commission request. As such, mileage can only be compensated for mileage that is an official board action. If a board member did not obtain permission or was not requested to accrue the mileage then it is not an official board action and will not be compensated.
  6. Boards and Board members/trustees are not permitted to purchase items for the County without prior approval of the Commission. If a board member purchases an item without permission a request for reimbursement shall be denied. Any item purchased by a board member without prior approval will not be honored and must be returned by the board member. Boards and Board member/trustees may not hire or enter into a contract for services for Park County.
  7. Boards and Board members/trustees are not permitted and do not have the authority to direct, require, and/or request Park County employees to perform services and/or functions. Boards and Board members/trustees may make recommendations to the Park County Commission that it would like to see an employee engage in a specific service and/or function.
  8. Board members/trustees shall not meet in a quorum on any Board business unless the meeting has been properly noticed in accordance with state law and Park County policies. If Board members/trustees determine that a meeting has not been properly noticed the board shall not make any decisions at the meeting and should end the meeting until a time when the meeting can be properly noticed.

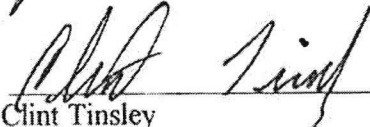
9. Violation of numbers 1-8 by a board member/trustee is cause for removal of said board member/trustee by the Park County Commission.

PASSED BY THE PARK COUNTY COMMISSION this **day** of May, 2013


PARK COUNTY COMMISSION

  
Marty Malone, Chair

  
Jim Durgan

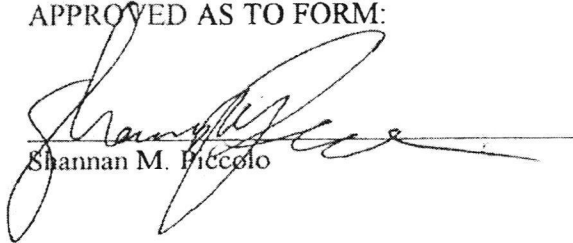
  
Clint Tinsley

ATTEST:

  
Denise Nelson  
Park County Clerk & Recorder



APPROVED AS TO FORM:

  
Shannan M. Piccolo

