By-Laws of the Gallatin City-County Board of Health

ARTICLE ONE: Creation

The Gallatin City-County Board of Health (Health Board) was created and shall operate pursuant to Section 50-2-106, Montana Code Annotated (MCA) and the Interlocal Agreement between the City of Bozeman, City of Belgrade, and Gallatin County dated June 23, 2022 (Interlocal).

ARTICLE TWO: Powers and Duties of the Health Board

Section 1. Statutory Powers and Duties. The Health Board has those powers and duties in Section 50-2-116, MCA including carrying out the purposes of the public health system, in collaboration with federal, state, and local partners, it shall:

a. Recommend to the governing body the appointment of a local health officer who shall act in accordance with MCA Section 50-2-118 and is:
    i. A physician, or
    ii. A person with a master's degree in public health, or
    iii. A person with equivalent education and experience, as determined by the Department of Public Health and Human Services (DPHHS)
b. Elect a presiding officer and other necessary officers
c. Adopt bylaws to govern meetings
d. Hold regular meetings at least quarterly and hold special meetings as necessary
e. Identify, assess, prevent, and ameliorate conditions of public health importance through:
    i. Epidemiological tracking and investigation;
    ii. Screening and testing;
    iii. Isolation and quarantine measures;
    iv. Diagnosis, treatment, and case management;
    v. Abatement of public health nuisances;
    vi. Inspections;
    vii. Collecting and maintaining health information;
    viii. Education and training of health professionals;
    ix. Other public health measures as allowed by law;
f. Protect the public from introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;
g. Supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;
h. Bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;
i. Identify to DPHHS an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer.
j. Subject to the provisions of 50-2-130 MCA, propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the Department of Environmental Quality as required by 75-5-305 MCA.
k. Conduct hearings and may allow variances from DEQ regulations (ARM 17.36.901, et seq.) and Department of Environmental Quality Circular DEQ-4 related to on-site subsurface wastewater treatment systems.

l. Local Boards of Health may:

i Accept funds received from a federal agency, the state, a school district, or other persons or entities;

ii Propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

iii Propose for adoption by the local governing body regulations that do not conflict with rules adopted by DPHHS:

(a) For the control of communicable diseases;

(b) For the removal of filth that may cause disease or adversely affect public health;

(c) Subject to the provisions of 50-2-130 MCA, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401 MCA;

(d) Subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

iv Recommend to the Gallatin County Board of County Commissioners a member to serve on the board of the Gallatin Local Water Quality District;

v Hear and act upon grievances of citizens related to public health;

vi Evaluate the health officer annually and transmit that evaluation to the local governing body.

Additionally, the Health Board is subject to Section 50-2-116(5), MCA which limits the types of regulations that may be proposed for adoption by the local governing body or the Health Board's directives, mandates or orders.

ARTICLE THREE: Board Membership

The Health Board shall be composed of the members appointed by the governing bodies of Gallatin County, and the Cities of Bozeman and Belgrade in accordance with the Interlocal Agreement.

Board members shall be appointed, when possible, to represent various disciplines such as public health, health care, community health, strategic planning, soil and water sciences, civil engineering, wastewater treatment system installation, environmental health, environmental engineering, hydrology, microbiology, and water quality. All members shall serve at the pleasure of the governing body that appointed them.

Section 2. Terms. Terms of the appointed members are three (3) years and must be staggered. Each member shall hold office until the next regular meeting at the end of the member's term.

Section 3. Absenteeism. The proper functioning of the Health Board is seriously impaired by the absence of its members. Members who must be absent from a meeting shall notify the Chair and the Board Secretary before the meeting. If a member has two consecutive absences from regularly scheduled meetings during the year, the governing body that appointed the member may be informed and a replacement requested for the member.

Section 4. Advisory Members. The Health Board may seek non-voting advisory guests to provide information at the pleasure of the Board during a meeting.

Section 5. Vacancies. Vacancies for voting members shall be filled by the governing body that appointed the former member for the unexpired portion of the member's term. The Health Board will inform the governing body that is party to the Interlocal that appointed the membership is vacant in a

timely manner.

Section 6. Conflicts of Interest. Each new Board member shall complete a written disclosure of conflicts of interest. If a matter comes before the Board in which a member has a financial or personal interest, the member shall:

a. Not communicate about the matter with any person who will participate in any action to be taken on the matter;
b. Publicly disclose on the record the conflict of interest;
c. Disqualify himself or herself from acting on the matter, and leave the room; and
d. Not engage in deliberation or voting concerning the matter.

Section 8. Board Member Reimbursement. Board members may not be compensated for their time but may be reimbursed from local funds for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses incurred in attending Health Board related activities.

ARTICLE FOUR: Officers

Section 1. Elections and Officers. The Chair, Vice-chair and Secretary are the Officers of the Health Board and shall be elected at the first regular meeting in each fiscal year and shall serve until the first regular meeting in the following fiscal year.

Officers of the Health Board elected to fill vacancies shall serve the remainder of the term of the officers whom they replace.

Section 2. Chair. The Health Board shall elect a Chair who shall conduct all meetings and business of the Board.

Section 3. Vice Chair. The Health Board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.

Section 4. Secretary. The Gallatin City-County Health Officer, or a designee, is the secretary of the Health Board and shall:

a. Be responsible for the minutes of the meetings of the Board in accordance with Montana law and these Bylaws;
b. See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; and,
c. Bring a copy of these Bylaws to every meeting.

ARTICLE FIVE: Meetings

Section 1. Annual Organizational Meetings. An annual organizational meeting shall be held the first quarter of each fiscal year to:

a. Elect officers and appoint advisory members; and
b. Review the broad objectives that guide the Board.

Section 2. Regular Meetings. City-County Health Boards are required to meet at least once a quarter.

a. All regular meetings of the Health Board shall be open to the public in accordance with the Montana Constitution and Sections 2-3-202 and 203 and Section 8 below.

Section 3. Special Meetings. Special meetings shall be at the call of the Chair, the request of the Health Officer, or the request of two (2) members, and may be held at any predesignated place and time for any purpose including the viewing of any places of potential health hazard.

a. Notice of special meetings shall be given to all members of the Health Board as provided in these by-laws. No special meeting shall be held unless diligent efforts have been made to notify all

members of the Health Board.

Section 3.5. Committees.

a. The Health Board may appoint the Environmental Health Committee to run year-round and address matters of Environmental Health process, complaints, and threats to public health. Each meeting shall be noticed and open to the public as any other regular or special meeting of the entire Health Board.
b. If any temporary committee is appointed by the Heath Board for the purpose of conducting business within the jurisdiction of the Health Board, or contains a quorum of the Health Board, meetings must be publicly noticed and open to the public as any other regular or special meeting of the entire Health Board.

Section 4. Quorum. A majority of the members to the Health Board constitutes a quorum for any Health Board action in the exercise of its powers and duties for both regular and special meetings.

If a quorum is not present, members may continue to meet for the purpose of discussion but may not take formal action.

Section 5. Manner of Action.

a. An act of a majority of the voting members present at a meeting at which a quorum is present shall constitute an act of the Health Board including any official recommendation provided to the governing body except where otherwise provided by law or by these Bylaws.
b. There is no proxy voting.

Section 6. Parliamentary Procedure. For all procedural matters not specifically covered in these Bylaws, the controlling parliamentary authority for the Health Board is the most recent edition of Robert's Rules of Order.

The Chair, 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 and not only where the vote of the Chair would create or break a tie.

A motion, once stated and seconded, 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.

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 Chair shall allow members of the audience to be heard. At the discretion of the Chair, members of the audience may be heard during or after the Board discussion. The Chair may reasonably limit audience participation at any time.

Reconsideration of any action of the Board may be allowed upon motion of any member of the Board, such motion being approved by a quorum of Board members, and upon proper public notice.

Routine matters, such as setting meeting times and adjournment, setting future agenda items, or appointment of committees, may be by consensus rather than by motion and vote.

Agenda items as properly publicly noticed where action may not be taken can be heard and discussed by the Health Board at the discretion of the Chair. Public comment may be invited for these items at the discretion of the Chair.

Section 7. Notice of Meetings to Health Board Members. The Secretary, or their designee, 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.

Section 8. Open Meeting Requirements.

To comply with the spirit and intent of Montana's open meeting and public participation laws, public notice of not less than two (2) business days shall be given of all Health Board meetings, regular and special. Notice need not be given where the Health Board must make a decision to deal with an emergency situation affecting the public health, welfare, or safety, or as otherwise allowed by Section 2-3-112(1), MCA. The Chair may close a meeting of the Board as allowed by § 2-3-203, MCA.

Section 9. Agenda. Agenda items for all regular and special meetings of the Health Board shall be submitted to the Secretary at least seven (7) days before a meeting. This rule may be suspended upon approval of the Board's Chair.

Section 10. Minutes. Minutes of all Health-Board meetings shall be kept by the Secretary or designee and shall be signed by the Secretary and by the Chair after approval by the Board at the next meeting.

Minutes of all open meetings, and portions of meetings that are open to the public, shall be kept available for inspection by the public. The Secretary shall keep separate minutes of all discussions and votes held during executive sessions.

The Minutes need not have detailed reports of discussions; provided, however, that all minutes are made in accordance with Title II, Chapter 3, Part 2, MCA. In addition, the minutes shall include all motions, identify the member making the motion, and include a roll call vote. The minutes also should include the names of members and staff that are present or absent, as well as the names of any members of the public commenting on a matter or presenting information to the Board.

ARITCLE SIX: Financing

The financing of the Health Board is set forth in Section 50-2-111(2) MCA. Local boards of health may accept and spend funds received from a federal agency, the state, a school district, or other person or entities. Section 50-2-116 (2)(a).

ARTICLE SEVEN: Amendments to Bylaws

The bylaws shall be reviewed the first quarter of each fiscal year and may be amended or repealed. The Bylaws may be amended or repealed, and new bylaws adopted, by a quorum of the Board if at least one week written notice is given to each member of the Board of the intention, at such meeting, to amend or repeal and adopt new bylaws.

These Bylaws were reviewed and approved by the Gallatin City-County Health Board on the 18th day of August 2022.