

Effective Date: October 18, 2006

BYLAWS

of the

**Jones County
Board of Health**

Legal Review by: Jimmie B. Hicks, Jr., County Attorney
Legal Counsel for the Jones County Board of Health

**Jones County Board of Health
BYLAWS**

**Article 1
Name; Offices**

Section 1: The name of this organization is the Jones County Board of Health.

Section 2: The principle office of the Board of Health shall initially be located at Jones County Health Department, 418 Hwy 58 N, Trenton, North Carolina.

**Article 2
Objectives; Purposes**

Section 1: The Board of Health shall be the policy-making, rule-making and adjudicatory body for the Jones County Health Department.

Section 2: The Board of Health shall have the responsibility to protect and promote the public health. The Board of Health shall have the authority to adopt rules, and to take other authorized actions, necessary for that purpose.

Section 3: The Board of Health shall assure the availability of resources to implement all essential public health services, as described in N.C.G.S. Section 130A-34, as well as such other public health services deemed advisable.

Section 4: The Board of Health shall assure a fair and equitable adjudication process, as otherwise set forth herein.

Section 5: The Board of Health shall assure the development, implementation, and valuation of local health services and programs to protect and promote the public health.

**Article 3
Board Members**

Section 1: Composition; Appointment: The Board shall consist of eleven (11) members, to be appointed in the manner specified in N.C.G.S. Section 130A-35, as amended.

Section 2: Vacancies: Vacancies shall be filled for any unexpired portion of a term in accordance with applicable law.

Section 3: Terms of Office: The term of the Board members shall be as specified in N.C.G.S. Section 130A-35(c), as amended, unless the member is removed pursuant to N.C.G.S. Section 130A-35(g).

Section 4: New Board Members: New Board members shall take the required oath of office before becoming a member on the Board or Health.

Section 5: Compensation: Members of the Board of Health may receive a per diem in an amount established by the County Commissioners. Reimbursement for travel and subsistence expenses incurred on official business shall be compensated at the prevailing rate established by the County Commissioners for County employees.

Section 6: Removal: By majority vote of a quorum present at a regular or duly called special meeting, the Board of Health may recommend to the Board of Commissioners that a member be removed for cause. Before such recommendation, the Health Board shall inform such member, by written notice, of the reasons for the recommendation, with copies of such sent to all members. If the member recommended for removal desires a hearing on the recommendation, the member must request such a hearing within ten days after receipt of the notice of reasons for removal. The hearing shall be held at the next regularly scheduled board meeting, or at a special meeting called with at least ten days advance notice.

Article 4 **Officers**

Section 1: The Board of Health shall elect its own Chairperson and Vice Chairperson annually. These officers shall perform the duties prescribed by the Bylaws, applicable laws and regulations, and the parliamentary authority adopted by the Board of Health.

Section 2: The Chairperson shall preside at all meetings, shall appoint appropriate committees, and shall assist these committees in carrying out the duties for which they were appointed.

Section 3: The Vice Chairperson shall preside in the absence of the Chairperson and shall perform such duties as are assigned by the Chairperson. Should the office of Chairperson be vacated for any reason, the Vice Chairperson shall fill the unexpired term of office and a new Vice Chairperson shall be elected by the Board.

Section 4: The Jones County Health Director will serve as Secretary to the Board but will not be a member of the Board. The Secretary shall notify Board members of upcoming Board of Health meetings, record the Minutes of the meetings, and distribute them to the Board members. The Health Director may appoint a designee to serve as Recording Secretary.

Article 5 **Committees**

Section 1: The Chairperson may establish and appoint members for such committees as are required by law or needed to help carry on the Board's work.

Section 2: The Board of Health shall have an Executive Committee, which will consist of the Chairperson, Vice-Chairperson, and commissioner representative on the Board. The executive committee shall be empowered to speak and act for and on behalf of the Board of Directors when such action is necessitated due to considerations of time and circumstances; provided, that any action approved and undertaken by the executive committee shall be communicated to the members of the Board of Directors as soon as practicable following such action and, providing further that a report of such action shall then be presented at the meeting of the Board next following the action of the executive committee.

Article 6

Meetings and Attendance

Section 1: Regular Meetings: The Board of shall meet six (6) times per year. At or about the first regular meeting of the new calendar year, the Board shall have an organizational meeting at which it shall elect a Chairperson, Vice Chairperson and approve a schedule of regular meetings.

Section 2: Special Meetings: The Chairperson or at least three (3) Board members may call a special meeting of the Board. Notice of Special Meetings shall be made in the manner required by N.C.G.S. Section 143-318.12, as amended. Only business specified in the notice may be considered at the special meeting, unless all members are present or those absent have signed a written waiver. Written or oral notice shall be given to each Board member and to each local newspaper, local wire service, local radio station, and local station that has filed a proper written special meeting notice request with the Board's Secretary.

Section 3: Emergency Meetings: The Chairperson, Health Director or at least two (2) Board members may call an emergency meeting of the Board. Notice of Emergency Meetings shall be made in the manner required by N.C.G.S. Section 143-318.12, as amended. Only business connected with the emergency may be considered at such a meeting. Written or oral notice shall be given to each Board member and to each local newspaper, local wire service, local radio station, and local station that has filed a proper written emergency meeting notice request with the Board's Secretary. The Board may call emergency meetings only because of generally unexpected circumstances that require immediate consideration. Only business connected with the emergency may be considered at the emergency meeting.

Section 4: Attendance: The Board of Health deems it essential to its ability to effectively and efficiently discharge its responsibilities that meetings be attended regularly. Board meeting attendance shall be recorded. Any Board member who is absent from three (3) consecutive regular Board meetings shall be dismissed from the Board unless the Board specifically excuses such absences. An absence would be excused when notice is provided at least two (2) days in advance of the meeting or the absence is deemed by the Board of Health as an emergency.

Section 5: Open Meetings: The Board of Health shall comply with all Open Meeting Laws of the State of North Carolina.

A.

Section 6: Closed Sessions: Closed sessions are permitted only if a majority of members present vote to go into a closed session and if the matter to be considered is eligible to be discussed in closed session under applicable law.

Section 7: Any person who willfully interrupts, disturbs or disrupts an official meeting shall be asked to leave the meeting by the chairperson. If such person refuses to leave, he or she shall be guilty of a Class 2 misdemeanor as provided by N.C.G.S. Section 143-318.17.

Section 8: All written, printed or recorded materials received or made by the Board, excluding confidential materials protected by law, may be examined by the public. The Board may set reasonable times for and supervise the examination and inspection of records. The Board may establish reasonable fees for both certified and uncertified copies of records as set forth in N.C.G.S. Section 132-6.2.

Section 9: Any member of the public wishing to address the board on any topic related to public health may request that the item be placed on the agenda. Such request must be made in writing to the Secretary at least 7 days prior to the scheduled meeting.

Article 7 **Meeting Procedures**

Section 1: Agenda: The Chairperson and Secretary shall prepare an agenda and meeting notice for proper distribution. Members should contact the Secretary at least three business days prior to a meeting to place an item on the agenda. Staff must request agenda time through the Health Director.

The Board of Health may, by majority vote, add or remove items from the proposed agenda.

Section 2: Order of Business: Items shall be placed on the agenda according to the Order of Business. The Order of Business for each regular meeting shall be as follows:

- I. Call to Order and Introductions
- II. Approval of Meeting Agenda
- III. Approval of Minutes
- IV. Public Comments
- V. Old Business
- VI. Reports
 - A. Health Director
 - B. Finance/Budget
 - C. Program
 - D. Annual
 - E. Other
- VII. New Business

- VIII. Other
- IX. Next Meeting Date
- X. Adjournment

Section 3: Quorum: Fifty percent of the filled membership positions shall constitute a quorum. In the event that fifty percent of members are not present, a conference call may be used in lieu of actual attendance. A quorum is necessary to conduct official business at any meeting. The Chairperson shall be considered a member of the Board in considering the number of members actually present for a quorum.

Section 4: Voting: Each member shall have an equal vote on items before the Board. There shall be no proxy voting. The Chairperson shall be considered a member of the Board in determining the number on which a majority is based. A majority vote is needed to pass any motion.

Section 5: Motions: Business is brought before the Board by a motion of any member. A motion requires a second before any discussion can begin or the Board can take any action.

Section 6: Procedure: “Suggested Rules of Procedure for Small Local Government Boards” shall serve as the guide for the Board’s conduct. The Bylaws will supplement and clarify the recommendations of such manual.

Section 7: Minutes: The Secretary shall be responsible for recording minutes and preparing the written minutes.

Section 8: Public Comments: Members of the public with prior notification may address the Board during a public comment period held at the beginning of each regularly scheduled meeting. The Public Comment period will provide three minutes per speaker, up to five speakers per meeting, for a total of fifteen minutes.

Section 9: If both the Chairperson and the Vice Chairperson are absent from a meeting, another member may be designated to preside at the meeting by a majority vote of the Board members present. The Secretary shall open the meeting and as the first order of business, open the floor for nominations of a temporary chair for that meeting.

Section 10: Public Hearings: A Public Hearing shall be held prior to the passage of a new Board of Health rule, or substantial amendment of an existing rule in accordance with the requirements of North Carolina General Statutes. Other public hearings shall be held when required by law or deemed advisable by the Board of Health.

Section 11: Conflict of Interests:

A. No member shall vote on a matter from which he/she may have a conflict of interest, including but not limited to a deriving a direct financial benefit. If a Board Member has a conflict of interest, or should otherwise not vote on a specific matter, the Board shall adopt a motion to recuse said member from deliberating and voting on the matter.

B. In addition to the provisions of Paragraph A above, the Board of Health expressly affirms that the members of the Board, Health Director, staff, and other employees of the Health Department have an obligation to exercise their authority and to carry out the duties of their respective positions for the sole benefit of the Health Department. They should avoid placing themselves in positions in which their personal interests are, or may be, in conflict with the interests of the Health Department. Where a potential conflict of interest exists, it shall be the responsibility of the person involved or any other person with knowledge to notify the Chairman of the circumstances resulting in the potential conflict so that the Board of Health can provide such guidance and take such action as it shall deem appropriate. Areas of potential conflict of interest include but are not limited to: financial interests; inside information; competing interests with the Health Department; and gifts and favors.

Article 8 **Adjudication Process**

Section 1: Appeals concerning the enforcement of rules adopted by the Board of Health and concerning administrative penalties imposed by the Health Director shall be noticed by the aggrieved member of the public to the Health Director in writing, within thirty days of the challenged action pursuant to the North Carolina General Statutes. The Health Director then has five working days to notice the Board of Health of the appeal and of which action is being challenged.

Section 2: The Board of Health will hold a hearing within fifteen days of receipt of the notice of appeal.

Section 3: The Board shall give the aggrieved person ten days' notice of the hearing.

Section 4: The Board will have the authority to affirm, modify or reverse the challenged action on appeal. The Board shall issue a written decision containing a short statement of the reasons for the decision.

Article 9 **Election of Officers**

Section 1: Election of Officers: The Chairperson and Vice Chairperson shall be elected annually (to coincide as closely as possible with the calendar year) at or about the first regular meeting of the new calendar year. The local Health Director, as Secretary to the Board, will temporarily preside at the annual election. Any Board member may make a motion to place names on the ballot for consideration.

Once the nominations for Chairperson are closed, the floor shall be open for discussion. At the end of the discussion, the temporary Chairperson may call for a vote. The newly elected Chairperson shall then take office and preside over the Board. The new Chairperson will then preside over the election of a Vice Chairperson, and approve a schedule of regular meetings for the upcoming year.

The newly elected officers will serve for one year or until their successors are elected.

Section 2: In the event the Board is unable to elect a Chairperson and/or Vice Chairperson at or about the first regular meeting of the new calendar year, the Board shall appoint a Nominating Committee of two to three members at least twenty (20) days before the next regularly scheduled meeting. It shall be the duty of this committee to nominate one candidate for the office of Chairperson and another candidate for the office of Vice Chairperson at the regular meeting when officers are to be elected.

Article 10 **Local Health Director**

Section 1: In accordance with the provisions of N.C.G.S. Section 130A-40, the Board of Health, after consulting with the Board of County Commissioners, shall appoint a Health Director. The Health Director shall possess the qualifications established for the position by the Commission of Health Services under N.C.G.S. Section 143B-142(a) and qualifications established for the position by the State Personnel Commission in accordance with Chapter 126 of the General Statutes. However the local Health Director shall not be required to be a physician. If the Board of Health fails to appoint a local Health Director within sixty days of the vacancy, the State Health Director may appoint a Health Director in accordance with N.C.G.S. Section 130A-40. The Board of Health has ultimate responsibility for employing and dismissing the Health Director.

Section 2: Duties and powers of the Jones County Health Director are as set forth in N.C.G.S. Section 130A-41, and any other power or duty prescribed by law or by the Board of Health.

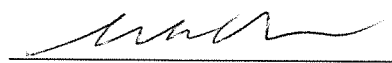
Article 11 **General Provisions**

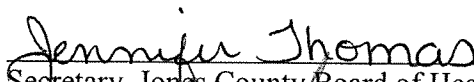
Section 1: Amendments: These Bylaws, except for those matters required by the North Carolina General Statutes, may be amended or repealed by the vote of a majority of the Board members then holding office at any properly noticed regular meeting.

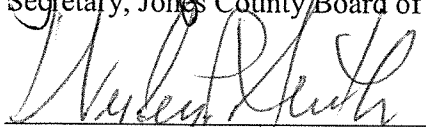
Section 2: Conflict: Should any provision contained in these Bylaws in any way conflict with the North Carolina General Statutes, or for any reason be invalid, illegal, or unenforceable in any respect, such conflict, invalidity, illegality, or unenforceability shall not affect any other provision thereof and these Bylaws shall be construed as if such conflicting, invalid, illegal, or unenforceable provisions had not been contained herein. Should any provision contained in these Bylaws in any way conflict with the Accreditation Standards established by the Local Health Department Accreditation Board, the Accreditation Standards shall supersede these Bylaws.

Section 3: Applicability: These Bylaws shall apply fully to any committee or sub-committee of the Board.

Approved and adopted by the Jones County Board of Health on January 28, 2020.

 STEVEN A. STELLA, DVM
Chair, Jones County Board of Health


Jennifer Thomas
Secretary, Jones County Board of Health


Wesley Smith
Health Director, Jones County Health Department

