

2020-21
Iredell County Board of Health
By-Laws and Operating Procedures

I. Name and Office

The name of this organization is the Iredell County Board of Health (hereinafter "Board"). The principal office of the Board is located at 318 Turnersburg Highway Statesville, N.C. 28625 with Environmental Health being located at 349 N. Center Street (Building Standards) in Statesville. The Mooresville office is located at 610 E. Center Ave., Mooresville, N.C. 28115.

II. Purpose

The Board of Health shall be the policy-making, rule-making, and adjudicatory body for the Iredell County Health Department. (G.S. 130A-35a)

III. Membership

- A.** The Board shall be appointed by the Board of County Commissioners, composed of eleven members, reasonably reflecting the population makeup of the county, and include: (G.S. 130A-35b)
- a.** One registered nurse
 - b.** One licensed physician (licensed to practice in the State of North Carolina)
 - c.** One licensed dentist
 - d.** One licensed optometrist
 - e.** One licensed veterinarian
 - f.** One licensed pharmacist
 - g.** One county commissioner
 - h.** One professional engineer
 - i.** Three representatives of the general public
- B.** All members shall be residents of Iredell County (G.S. 130A-35b)
- C.** Members shall serve three-year long terms except that the county commissioner shall serve only as long as he/she is a county commissioner. (G.S. 130A-35c)
- D.** No member may serve more than three consecutive three-year terms. (G.S. 130A-35c)
- E.** In order to provide for a uniform staggered term structure for the Board, a member may be appointed for less than a three-year term. (G.S. 130A-35c)
- F.** Vacancies shall be filled for any unexpired portion of a term. (G.S. 130-A-35d)

- G.** A member may be removed from office by the Board of County Commissioners for cause as provided in – N.C. G.S. 130A-35(g).

- H.** A member may receive a per diem and reimbursement for subsistence and travel in an amount established by the Board of County Commissioners (G.S. 130A-35h). A member will complete the required tax forms provided by the County within 30 days of being appointed to the Board of Health or within 30 days will notify the Board of Health Secretary in writing that the member does not wish to receive reimbursement for Board of Health meetings.

IV. Offices and Committees

A. Chairman and Vice-Chairman

The Board members shall elect a Chairman and Vice-Chairman by majority vote each year at the December meeting of the calendar year, noting that .

1. If for any reason, the chairman leaves the Board before the expiration of his/her term, the Board shall elect a new chairman.
2. If for any reason, the vice-chairman leaves the Board before the expiration of his/her term, the Board shall elect a new chairman.

B. Secretary

The local health director shall serve as Secretary to the Board, but the director is not a member of the Board. The local health director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate local health department employee.

C. Standing committees

The Board shall have the following standing committees:

Executive Committee

Membership: Chairman of BOH, Vice-Chairman of BOH, BOH County Commissioner member (if not currently serving as the BOH Chairman or Vice-Chairman)

Principal Function: If requested by the Board of Health, review annual budget proposal and make recommendations to the Board of Health.

All standing committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

D. Special Committees

The Board may establish and appoint members for special committees as needed to carry out the Board's work. All special committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

V. Meetings Types and Notices

A. Regular Meetings - The Board must meet at least quarterly. (G.S. 130A-35i) The Board shall hold a regular meeting on the third Thursday of February and the second Thursday of April, June, August, October and December, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next Thursday. The meeting shall be held at the Statesville office of the Iredell County Health Department 318 Turnersburg Highway, Statesville N.C. 28625 at 7:00 p.m.

B. All Board meetings are subject to the North Carolina Open meetings laws. Public notice giving time, place and the purpose of the meeting must be given as follows:

Regular Board of Health Meetings will be held on _____ of _____ at _____ at _____.

Notice of the time and place will be posted on the Iredell County Health Department's Website under the Board of Health link (<https://www.co.iredell.nc.us/194/Board-of-Health>), on the principal health department bulletin board and in the office of the Clerk to the Board of County Commissioners. If the regular meeting schedule changes, the new notice of time and place will be posted as above at least seven calendar days before the first meeting to which a new schedule applies. (G.S. 143-318.12a)

C. Special Meetings – The Chairman or three of the members may call a special meeting. (G.S. 130A-35i) Special meetings are meetings which occur at a time or place other than that posted in the health department and in the office of the Clerk to the Board of County Commissioners. Notice must include the time, place and purpose of the meeting. Board of Health members will be notified at least 48 hours before the meeting. There are two general methods of notice for the public, both of which must be given at least 48 hours before the meeting. The first method of notice is by posting the notice on the Iredell County Health Department's website under the Board of Health link, on the principal health department bulletin board, and in the office of the Clerk to the Board of County Commissioners. The second method is to mail, email or deliver the notice of time, place and purpose to each person who has made a written request for notice with the secretary of the Board of Health or with the Clerk to the Board of County Commissioners. (G.S. 143-318.12b)

D. Remote Participation in Regular and Special Meetings of the Board – The Board recognizes that physical attendance at Board meetings is necessary to meet its obligations provided herein, to ensure and fully participate in hearings, deliberations and actions/business before the Board, and to meet the objectives of transparency for the public as set forth in Article 33C of Chapter 143 of the North Carolina General Statutes. However, the Board also recognizes and acknowledges that extenuating circumstances may occasionally exist that would prevent a Board member from being physically present at official meetings of the Board. As such, a Board member is permitted to participate remotely in the open session of a regular or special meeting provided the following criteria are met:

- 1.** The Board member's physical absence is due to:
 - a.** an illness or medical emergency of the member or an immediate family member;
 - b.** out-of-county travel;
 - c.** weather conditions;
 - d.** participation in County-related meetings that make it logistically impossible to attend the official Board meeting.
- 2.** Participation shall be by phone, audio or video conference, Internet-based video conference, or other technology that allows all members of the Board, including those participating from a remote location, to hear all comments and deliberations of the Board, staff and public present at the meeting in real time. All members must be able to clearly and timely hear one another and members of the staff and public speaking on an agenda item. However, no participation may be by email, text messaging, instant messaging or similar form of electronic "chat."
- 3.** The Board member has notified the Chairman no less than twenty-four hours in advance of the meeting to allow the necessary arrangements to be made and allow the Chairman sufficient time to confirm a quorum will be physically present at the meeting.
- 4.** A Board member may participate remotely in two (2) meetings of the Board in any calendar year, provided a member may participate remotely in additional meetings upon a super-majority vote of the Board occurring at a regular meeting of the Board.
- 5.** Remote participation is not permitted during closed session. Voting by the member during remote participation is permitted when:
 - a.** the Board member has been provided and/or is able to review all documents presented at the meeting;

conducting the meeting electronically. (G.S. 143-318.10). These may be in the form of sound or video and sound recordings but shall be reduced to writing.

E. Emergency meetings – Emergency meetings are meetings which concern generally unexpected circumstances and which require immediate consideration by the Board of Health. Board of Health members will be notified prior to the emergency meeting. The public notice, which is required, is notice to any news media which has requested notice. The manner of notice may be either by email, phone or in the same way that the members of the Board itself are notified. Only business connected with the emergency may be considered at an emergency meeting. (G.S. 143-318.12b)

F. Adjourned or recessed meetings – if the Board adjourns or recesses one of the above meetings until some future date, and proper notice was given of the original meeting, and the time and place of the adjourned or recess session was set at the original meeting, then no further notice of any sort is required (G.S. 143-318.12b)

G. Closed sessions – the Board may hold a closed session only upon a motion adopted in open session by a majority of those present and voting. The motion must state the general purpose of the closed session and the matter to be considered must be one or more of the subjects listed in G.S. 143-318.11.

VI. Meeting Procedures

A. Agenda -The Secretary to the Board shall prepare an agenda for each meeting.

1. Any board member who wishes to place an item of business on the agenda shall submit a request to the Secretary at least ten working days before the meeting.

For regular meetings, the Board may add items to the agenda or subtract items from the agenda by a majority vote. The agenda for a special or emergency meeting may be altered only if permitted by and in accordance with the North Carolina open meetings laws. **For regular meetings, the agenda shall be mailed to the members at least five (5) days in advance.**

2. Any person may request that an item be placed on the Board's agenda by submitting a written request to the Secretary at least ten working days before the meeting.

3. A consent agenda may be utilized to package routine committee minutes, reports, and other non-controversial items not requiring discussion or independent action into one agenda item. If a board member feels that a specific item needs discussion, it will be removed from the consent agenda and placed under items for discussion and action.

B. Public Address to the Board – In an effort to ensure that all persons receive equal time for expression and to assist the staff in estimating meeting lengths,

the following time limits will be observed.

1) Appointments Before the Board – A time limit of ten (10) minutes.

- a. Any individual or group who wishes to address the Board, about a public health related matter, should make a request to the Secretary to the Board to be on the agenda.

2) Public Comment Period – A time limit of three (3) minutes. A public comment period shall be held at each regular meeting of the Board for citizens who desire to speak on matters relating to public health. The following guidelines are to be used:

- a. Citizens desiring to speak should complete a sign-up sheet that will be posted at the entrance of the meeting room. The host will be stationed at the entrance area at 6:30pm prior to each regular meeting.
- b. Citizens will be acknowledged by the Board chair in the order in which their names appear on the sign-in sheet. Citizens will address the Board from the lectern with the microphone and will begin their remarks by stating their name and address.
- c. Comments are to be directed to the Board as a whole. It is not intended to subject the Board to answering impromptu questions.
- d. Citizens will be expected to be civil in their language and presentation and not engage in slander or name-calling.
- e. Citizens should not discuss any of the matters which concern the candidacy of any person seeking public office, including the person addressing the Board; matters in current or anticipated litigation; matters which are closed session matters including but not limited to matters within the attorney-client privilege, personnel, property acquisition, matters which are made confidential by law. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary to the Board.
- f. Action, responses or comments by the Board on items brought up during the Public Comment Period will be at the discretion of the Chair. At the request of a member of the board, the Health Director or other appropriate staff member present, may respond to a concern raised by a speaker during the public comment period, after the speaker is finished.
- g. Information sheets outlining the process for the public's participation in board meetings will be available at the sign-in area and on the website.

- C. Presiding Officer** - The Chairman of the Board shall preside at Board meetings if he or she is present. If the Chairman is absent, the Vice-Chairman shall preside. If the Chairman and Vice-Chairman are both absent, another member designated by a majority vote of members present at the meeting shall preside.
- D. Quorum**- A majority of the actual membership of the Board shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.
- E. Attendance/Absenteeism** - A member absent for more than half of the official Board meetings or three consecutive meetings within the calendar year shall be contacted by the Chairman to determine the member's interest in serving or ability to continue on the Board. If the member cannot improve attendance he/she will be asked to resign. The Chairman will notify the Board of County Commissioners and will request that a replacement be appointed.
- F. Voting** - All members shall be required to vote unless excused by the Board for questions involving personal financial interests or official conduct or a matter as defined by G.S.14-234 or other provision of law. If a member has withdrawn from a meeting without being excused by a majority vote of the remaining members, the member's vote shall be recorded as an abstention. Abstentions, ayes and nay votes shall be recorded in the minutes by member name.
- G. Minutes**
 - 1) Regular, Special or Emergency Meeting Minutes** – The Secretary shall prepare minutes of each Board meeting. Copies of the minutes shall be mailed to each Board member before the next regular Board meeting. At each regular meeting, the Board shall review the minutes of the

previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Board Meeting minutes at Iredell County Health Department, 318 Turnersburg Highway, Statesville, N.C. 28625 or electronic copies are also available on the Iredell County Website link listed below:

<https://www.co.iredell.nc.us/194/Board-of-Health>

2) Closed Session Minutes – Closed Session minutes contain confidential and protected health information and are not subject to a public record release as long as they are sealed. Closed session minutes shall be adopted in closed session at the next regularly scheduled Board Meeting. If a closed session is held and no action is taken, then a statement, made in open session and recorded in the open session meeting minutes, that “no action was taken” in the closed session, satisfies the legal requirement for minutes of that closed session. A general account will be kept of the closed session. Authorization shall be given to the Board of Health Chair to periodically review the sealed minutes to determine if they should be unsealed when it no longer “frustrates” the purpose of the closed session for them to remain sealed.

G. Confidentiality and Protected Health Information - The Board of Health members may become aware of confidential or protected health information, of an employee, an individual we serve, a partner or community member as part of their role on the Board. Confidential and protected health information are shared with Board of Health members in a secured conversation with authorized Iredell County Public Health team member(s). Shared confidential information or protected health information is limited in nature and is only shared when there is a need for the Board of Health member(s) to know for healthcare operations and oversight purposes related to an official public health matter. To avoid breaches of received confidential and protected health information, the Board of Health members shall keep secure the confidential and protected health information from unauthorized disclosure. Confidentiality is the obligation of each Board of Health member and they are entrusted to secure the information regardless of format; including but not limited to verbal, written and electronic.

VII. Amendments to By-Laws and Operating Procedures

These By-Laws and operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting provided such amendment(s) shall first have been submitted to the Secretary of the Board fifty days prior to the meeting. The Secretary will refer any proposed amendments to the Chairman. The proposed amendment(s) shall be sent to all the members prior to the Board meeting for their discussion. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

VIII. Other Procedural Matters

The Board shall refer to the current edition of *Robert's Rules of Order Newly Revised* to answer procedural questions not addressed in this document, so long as the procedures prescribed in *Robert's Rules of Order Newly Revised* do not conflict with North Carolina law.

IX. Compliance with North Carolina Law

In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws setting forth the powers and duties of local boards of health. To assist the Board in compliance, the local health director shall maintain access to current relevant North Carolina General Statutes and make them available to Board members on request.

X. Rule Making Authority

- A.** The Board is responsible for protecting and promoting the public health and may adopt rules necessary for that purpose. These rules shall apply to all municipalities within the Board's jurisdiction. (G.S. 130A-39a, b)
- B.** In areas already under regulations by the Commission for Public Health or Environmental Management Commission, the local Board of Health may adopt a more stringent rule when in its opinion such is required to protect the public health. Otherwise the rules of the aforementioned, State Commissions shall prevail. (G.S. 130A-39b)
- C.** The Board may not adopt rules concerning the grading, operating and permitting of food and lodging facilities which come under the rules of the Commission for Public Health or as listed in Part 6 of Article 8 of G.S.130-A (G.S. 130A -39b)
- D.** The following policy shall apply before the adoption, amendment, or repeal of any local Board of Health rule. Not less than 10 days before the Board acts...
 - 1.** The proposed rule or rule change shall be available at the office of the Clerk to the Board of County Commissioners.
 - 2.** A notice shall be published in a newspaper having general circulation within the area of the Board's jurisdiction. This notice shall include the subject of the proposed rule change or description of subjects and issues involved the effective date, and a statement that copies of the rules proposed or to be changed are available at the local health department.

(G.S. 130A-39d)

- E.** Copies of all rules shall be filed with the Secretary of the local Board of Health which is the local health director. (G.S. 130 A-39e)
- F.** Local Board of Health rules shall become effective upon adoption unless a later date is specified in the rule. (G.S. 130A-39d)
- G.** A local Board of Health may, in its rules, adopt by reference any code, standard, rule or regulation of any agency of this state, another state, and agency of the United States or by a generally recognized association. Copies shall be filed with the other Board rules. (G.S. 130A-39f)

XI. Fees

- A.** A local Board of Health may impose a fee for services rendered by a local health department. (G.S. 130A-39g)
- B.** Fees shall be based upon a plan recommended by the local health director and approved by the local Board of Health and Board of County Commissioners. (G.S. 130A-39g)

XII. Appointment of Local Health Director

The local Board of Health, after consulting with the Board of County Commissioners, shall appoint a local health director who possesses the qualifications established by the commissions for Health Services and the State Personnel Commission. (G.S. 130A-40)

XIII. Appeal Hearings (See G.S. 130A-24)

Appeals may be heard concerning interpretation and enforcement of rules adopted by the Board of Health and concerning the imposition of administrative penalties by the local health director

STEPS: (G.S. 130A-24 b, c, d)

- A.** The aggrieved person shall give notice in writing within 30 days of the challenged action.
- B.** The notice shall contain:
 - 1.** Name and address of aggrieved person.
 - 2.** Description of challenged action giving reasons why the challenged action is incorrect.

3. Upon the filing of the appeal notice, the Health Director shall, within five working days, transmit to the Board of Health the notice of the appeal and the papers and materials upon which the challenged action was taken.
4. Within 15 days of receiving the appeal notice, the Board shall hold a hearing.
5. The Board shall give the aggrieved person not less than 10 days notice of the date, time, and place of the hearing.
6. The Board shall hear evidence and testimony from both the aggrieved party and representatives of the Health Department most familiar with the case.
7. The Board has the authority to affirm, modify, or reverse the challenged action. Its decision shall be issued in writing and based on evidence presented at the hearing. The decision shall contain a concise statement of the reasons for the decision.
8. A person wishing to contest the Board's decision shall have a right of appeal to the District Court having jurisdiction within 30 days after the date the Board issued its decision.

**Iredell County Health Department By-Laws and Standard Operating Procedures
approved and adopted by the Iredell County Board of Health on**

the _____ of _____, _____.
(day) (month) (year)

Chair, Iredell County Board of Health

Secretary, Iredell County Board of Health