

LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH GOVERNING BODY

Board meeting

Date January 23, 2023

Time 1:30-2:30 P.M.

Location City-County Commission Chambers 316 N. Park room 330

1:30 p.m.	Approval of Agenda	Page 1
1:35 p.m.	Election of Officers	Page 2
1:40 p.m.	Review & Vote of By-Laws	Page 3
2:25 p.m.	Public Comment	Page 9
2:30 p.m.	Adjourn	

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH GOVERNING BODY
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

January 23, 2023

Agenda Item No.

1

Minutes Board Member Discussion Action

AGENDA ITEMS: Review of Agenda

PERSONNEL INVOLVED: Board Members

BACKGROUND: Time is allowed for board members to review the agenda and to add any new agenda items.

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Collins						
Harris						
Payne						
Rolfe						
Shirliff						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH GOVERNING BODY
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

January 23, 2023

Agenda Item No.

2

Minutes Board Member Discussion Action

AGENDA ITEMS: Election of Officers

PERSONNEL INVOLVED: Board Members

BACKGROUND: The Governing Body will elect a chair and vice chair for CY23.

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Collins						
Harris						
Payne						
Rolfe						
Shirliff						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH GOVERNING BODY
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

January 23, 2023

Agenda Item No.

3

Minutes Board Member Discussion Action

AGENDA ITEMS: By-Laws

PERSONNEL INVOLVED: Board Members

BACKGROUND: The Governing Body will review and approve the by-laws.

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Collins						
Harris						
Payne						
Rolfe						
Shirliff						

BY-LAWS FOR LEWIS AND CLARK COUNTY-HELENA PUBLIC HEALTH BOARD
GOVERNING BODY

ADOPTED DATE

Article I

NAME AND LOCATION

Section.1 Name

The name of this governing body shall be the “Lewis and Clark City-County Board of Health Governing Body” hereinafter (Governing Body). Article IV of the Interlocal Agreement between Lewis and Clark County, the City of Helena, and the City of East Helena requires the creation of By-Laws for the Governing Body.

Section 2. Location

The Governing Body shall meet at location. May meet electronically. A

Article II

Does anyone want definitions?

Article III

Authority, Powers, and Duties

Section 1. Authority

The Governing Body is authorized under Mont. Code Ann. § 50-1-101(8)(c) and created by Article IV. B. in the Interlocal Agreement.

Section 2. Governing Body Powers and Duties

- A. To approve or reject a recommendation made by the Lewis and Clark County City-County Board of Health for the appointment of a local Health Officer pursuant to Mont. Code Ann. § 50-2-116(1)(a). The decision of the Governing Body to accept or reject the recommendation of the Board on the appointment shall be made no later than thirty (30) days from the recommendation of the Board.
- B. To approve or reject a recommendation by the Board for the adoption of Board of Health regulations as set forth in the Interlocal Agreement and pursuant to Montana law. The decision of the Governing Body to accept or reject the proposed recommendation of the Board on the adoption of Board of Health regulations shall be made no later than 45 days from the proposal of the Board.
- C. Hold a public meeting for consideration to amend, rescind, or otherwise change a directive, mandate, or order issued by the Board or the local health officer in response to a declaration of emergency or disaster by the governor or principal executive officer of a

public subdivision as allowed in Sections 10-3-302, 303, 402, 403 of the Montana Code Annotated.

ARTICLE IV

COMPOSITION OF GOVERNING BODY

Section 1. Composition

In accordance with the Interlocal Agreement, the Governing Body shall consist of 2 members of the Board of County Commissioners, 2 members of the City of Helena Commission, and the Mayor of the City of East Helena.

Section 2. Selection of Governing Body Members

The Board of County Commissioners and the City of Helena Commission shall decide how their respective board representatives are chosen.

Commented [NH1]: I can't speak for the City but the County will probably have to have its own meeting to tee these up.

ARTICLE V

Board officers, terms, and duties

Section 1. Officers

The officers of the Governing Body shall be a Chair and Vice Chair.

Section 2. Election of Officers

The Chair and Vice Chair shall be elected by a majority of the quorum at the (1st of the year/first meeting)

Section 3. Board Chair

The Chair presides over all regular and special meetings of the Governing Body. The Chair signs documents and communications on behalf of the Governing Body. The Chair has the authority to appoint Governing Body members to committees.

Section 4. Board Vice Chair

In the absence of the Chair, the Vice Chair has such responsibility and authority as provided to the Chair.

Section 5. Office Succession

If the office of the Chair becomes vacant, then the Vice Chair shall become Chair immediately and shall complete the unexpired term. The Board shall elect a new Vice Chair as the next regular meeting.

Section 7. Terms of Office

All offices shall serve a term of one year. Any officer may serve for successive terms. After elections are held at the first regularly scheduled meeting, the terms of office shall commence and expire at the end of that calendar year.

Article VI

Meetings, Public Participation, and Procedures

Section 1. Open Meetings

- A. All Governing Body meetings shall be open to the public, except when the Governing Body decides to close the meeting or a portion of the meeting if the presiding officer determines the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must remain open.
- B. All meetings shall have an agenda as described in Art. VI, Section 4.
- C. All meetings shall have public notice at least 72 hours in advance of the meeting. Public notice shall include the date, time, location, and agenda of the meeting.
- D. Action by the Governing Body shall not be official unless authorized by a *majority of the Governing Body* at a meeting. A decision from the Governing Body must be made after public comment is offered during a Governing Body meeting.
- E. Minutes of all meetings shall be taken, kept, retained, available, and disseminated in accordance with applicable Montana laws. A copy of the minutes shall be retained by Lewis and Clark County, the City of Helena, and the City of East Helena.

Commented [NH2]: Do you all want the recording to be the official meeting minutes or written down?

Section 2. Meetings

- A. The Governing Body shall hold its meetings in conjunction with the Board of Health meetings when the Board of Health Meetings are to appoint a local Health Officer pursuant to Mont. Code Ann. § 50-2-116(1)(a). The decision to accept or reject the recommendation of the appointment may be made at the meeting or at a subsequently noticed meeting but no later than thirty (30) days from the Board's recommendation.
- B. The Governing Body shall hold its meetings in conjunction with the Board of Health meetings when the Board of Health Meetings are to recommend for the adoption of Board of Health regulations as set forth in the Interlocal Agreement and pursuant to Montana law. The decision to accept or reject the proposed recommendation of the Board regulations may be made at the meeting or at a subsequently noticed meeting but no later than forty five (45) days from the Board's proposal.
- C. The Governing Body may hold a public meeting for consideration to amend, rescind, or otherwise change a directive, mandate, or order issued by the Board or the local health officer in response to a declaration of emergency or disaster by the Governor or principal executive officer of a political subdivision as allowed in Mont. Code Ann. §§ 10-3-302, 303, 402, 403.
- D. The Governing Body may meet for the purposes to establish or amend by-laws and to elect presiding officers.

Commented [NH3]: The Interlocal Agreement states "every effort shall be made" by the Governing Body to attend BOH meetings where regulations are heard.

Section 3. Notice of Meetings

Each meeting held by the Governing Body shall at a minimum be posted and noticed in accordance with Lewis and Clark County, the City of Helena, and the City of East Helena procedures. If a meeting is required pursuant to Article VII, Section 2, A and/or B, Public Health shall notify (WHO?? Clerks of the three entities??) of the date, location, and time of the Public Health meeting. The Chair, any two (2) members, or the Mayor of East Helena may call for a meeting for the purposes of Article VII, Section 2, C by notifying (WHO?? Clerks of the three entities??) with a proposed date, time, and location.

Commented [NH4]: Do we have set procedures for all three? I don't know . . .

Commented [NH5]: Under this section, I don't know if the City would need to but arguably the County will have to hold a meeting of the BoCC to do so. (perhaps).

Section 4. Agenda

Each Governing Body meeting shall have an agenda. Each agenda shall contain a provision allowing for public comment on anything not on the agenda but within the Governing Body's jurisdiction. If the meeting is for the purposes of Article VI, Section 2, A and/or B, Public Health shall prepare the agenda. If the meeting is for the purposes of Article VI, Section 2, C, the entity calling for the meeting shall prepare the agenda or, if the two members are from different entities, then either entity may prepare the agenda. The Governing Body may only take action on those items listed on a posted and publicly noticed agenda.

Section 5. Roll of Board of Health

The Board of Health or its designee(s) shall prepare the agenda for meetings required by Article VII, Section 2, A and/or B.A and shall keep and prepare audio recordings and minute summaries for all Governing Body meetings.

Article VIII

Amendments to ByLaws

These By-Laws may be altered by the Governing Body by initiative by any member of the Governing Body. Such amendments must be placed on an agenda and approved by majority vote.

Article IX Parliamentary Procedure

The Governing Body shall follow Roberts Rules of Order, in its latest edition, at its meetings.

LEWIS AND CLARK COUNTY, MONTANA

CITY OF HELENA, MONTANA

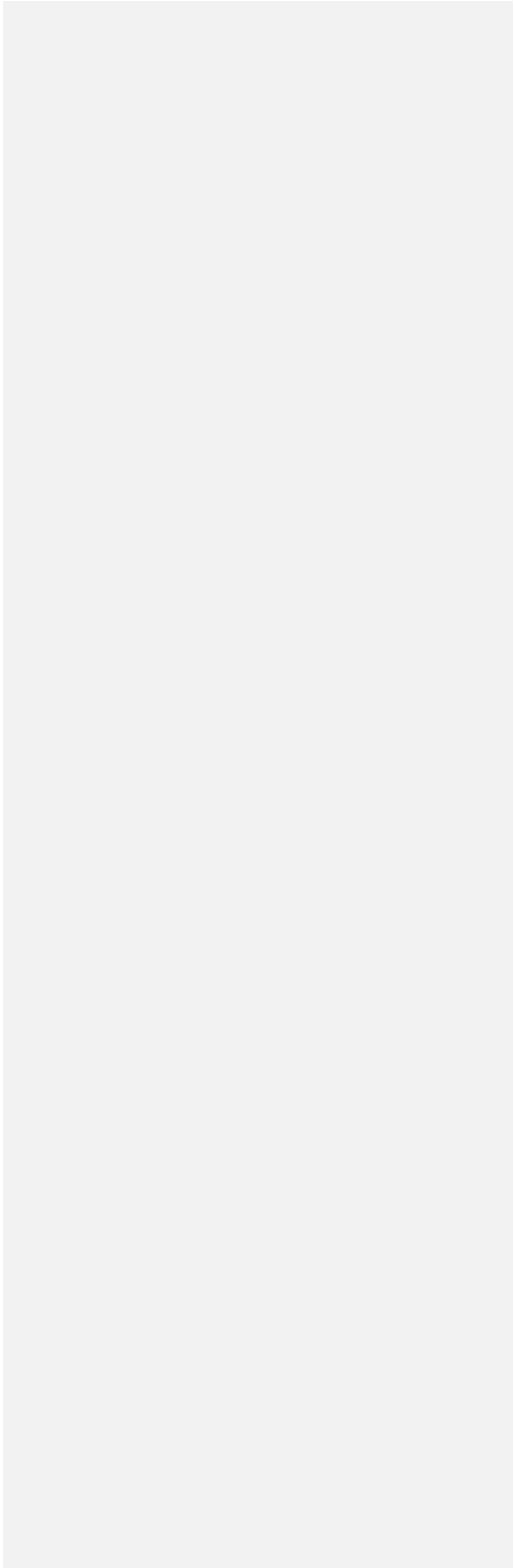
Chairman, Board of County Commissioners

Mayor, City Commission

CITY OF EAST HELENA, MONTANA

Mayor, City Commission

DRAFT



**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH GOVERNING BODY
Helena, Montana**

BOARD AGENDA ITEM

Meeting Date

January 23, 2023

Agenda Item No.

4

Minutes Board Member Discussion Action

AGENDA ITEMS: Public Comment

PERSONNEL INVOLVED: Public/Board Members

BACKGROUND: Time is allowed for public comment on matters not mentioned in the agenda within the Governing Body’s jurisdiction.

ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Collins						
Harris						
Payne						
Rolfe						
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