

RESOLUTION A – 2023: RESOLUTION TO APPROVE BYLAWS FOR THE HAMILTON COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH

The Board of Health of the Hamilton County General Health District met in regular session on March 13, 2023 with the following members present:

Elizabeth A. Kelly, M.D., President	<u>Present</u>
Dan Meloy, Vice President	<u>Present</u>
James Brett	<u>Present</u>
Tracey A. Puthoff, Esq.	<u>Present</u>
Mark A. Rippe	<u>Present</u>

Tracey Puthoff moved for adoption of the following resolution:

WHEREAS, the Board of Health wishes to have Bylaws to provide ensure stability, continuity, and structure for conducting the business of the Hamilton County General Health District.

NOW THEREFORE BE IT RESOLVED that the Board of Health of the Hamilton County General Health District hereby adopts the below bylaws.

BE IT FURTHER RESOLVED, that all previous versions of rules, bylaws, are hereby rescinded.

BE IT FURTHER RESOLVED, that where conflict exists between these bylaws and the Ohio Revised Code or Ohio Administrative Code, the Ohio Revised Code or Ohio Administrative Code shall take precedence.

Dan Meloy seconded the resolution; upon roll call, the vote was as follows:

Elizabeth A. Kelly, M.D., President	<u>Yes</u>
Dan Meloy, Vice President	<u>Yes</u>
James Brett	<u>Yes</u>
Tracey A. Puthoff, Esq.	<u>Yes</u>
Mark A. Rippe	<u>Yes</u>

Elizabeth A. Kelly
Elizabeth A. Kelly, M.D., President Date _____

Attest: [Signature]
Greg Kesterman, Health Commissioner Date 3/13/2023

Approved As To Form: _____
By: [Signature]
Nee Fong Chin, Chief Assistant Prosecuting Attorney Date March 13, 2023
Office of Melissa A. Powers
Hamilton County Prosecuting Attorney

HAMILTON COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH BY-LAWS

Mission

Hamilton County Public Health educates, serves, and protects our community for a healthier future.

Internal Vision

Hamilton County Public Health is recognized as the valued leader in creating environments for healthier lives and communities.

External Vision

Healthy choices. Healthy lives. Healthy communities.

We Believe:

- Everyone deserves the opportunity to live a healthy, fulfilling life.
- We can achieve and sustain a healthier community for everyone by working collaboratively with others.
 - A healthier community reinforces the economic vitality of the region.
- Accurate and timely information and services better equip people to make healthy choices that strengthens the entire community.
- HCPH's work to educate and ensure compliance can result in a healthier community and environment.
- Our team will be competent and strive to continuously improve delivery of our services.

Article 1: Name

- 1.1 The name of this board shall be the Hamilton County General Health District Board of Health, hereinafter referred to as the Board.

Article 2: Authority

- 2.1 The Board is authorized according to Ohio Revised Code (ORC) Chapter 3707 and Chapter 3709.
- 2.2 In each general health district there shall be a board of health consisting of five members to be appointed as provided in section 3709.03 of the Revised Code.

Article 3: Purpose and Function

- 3.1 The Board shall be the policy-making, rule-making and judicatory body for the Hamilton County General Health District (also known as Hamilton County Public Health or the District) pursuant to ORC Chapters 3707 and 3709. The Board is responsible for adoption of regulations to protect public health and for the enforcement of its own regulations, State laws, and applicable rules in the Ohio Administrative Code, including but not limited to the rules adopted by the Ohio Department of Health, Ohio Environmental Protection Agency, and Ohio Department of Agriculture.

- 3.2 The Board shall faithfully abide by the laws of the State of Ohio.
- 3.3 The Hamilton County Prosecuting Attorney is the statutory legal advisor of the Board (ORC 3709.33).
- 3.4 The Hamilton County Treasurer shall be the custodian of all health funds. Expenses of the Board shall be approved by the Board and signed by the Health Commissioner or their designee (ORC 3709.31).
- 3.5 The Board shall annually, on or before the first Monday in April, adopt an itemized appropriation measure (ORC 3709.28).
- 3.6 The Board may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board (ORC 3709.09).

Article 4: Board Composition

- 4.1 The composition of the Board and the terms of its members are prescribed by law as follows:
 - a. Members of the Board serve terms of five (5) years.
 - b. Five (5) Board members are appointed by the District Advisory Council (DAC). The DAC consists of the president of the board of county commissioners, the chief executive of each municipal corporation not constituting a city health district, and the president of the board of township trustees of each township (ORC 3709.02, 3709.03).
 - c. At least one member of the Board shall be a physician. Appointments shall be made with due regard to equal representation of all parts of the district (ORC 3709.03).
 - d. No member of the Board can bind the Board by word or action unless the Board has, in its capacity as governing body, designated such member as its agent for some specific purpose and for that purpose only.
 - e. All members of the Board, as Public Officials, shall comply with the ethics laws of the State of Ohio (ORC Chapter 102).
 - f. All members of the Board shall complete two hours of continuing education annually (ORC 3701.342). Continuing education credits shall pertain to ethics, public health principles or a member's responsibilities. Credits may be earned at Board of Health meetings or at other programs. Failure to obtain credits by individual Board members may result in the loss of state subsidy funds for the health district.

Article 5: Officers

- 5.1 The Board has three officers: President, Vice-President (or President pro tempore) and Secretary. The Health Commissioner serves as Secretary of the Board (ORC 3709.11).

- 5.2 Annually in April, the Board of Health members shall select a President and Vice-President from the currently serving members. The President and Vice President shall serve a one-year term. Officers' terms expire at the end of the Board meeting at which their successors are elected.
- 5.3 Duties of President: shall preside at all scheduled meetings of the Board; shall preside over all hearings of the Board; shall be the official spokesperson of the Board; and shall perform all other duties of the President.
- 5.4 Duties of the Vice-President: acts as President in the President's absence and performs other duties as delegated by the President.
- 5.5 In the event of the absence or disability of both the President and Vice President, the remaining members of the Board present will elect a member to act as a temporary President during the period of such absence or disability.

Article 6: Meetings

- 6.1 The Board shall in April set the monthly Board meeting schedule at a frequency as determined necessary by the Board but no less frequent than monthly. Notices of regularly scheduled meetings, with agendas, shall be mailed or emailed to members of the Board in advance of the meeting with sufficient explanation to assist the Board with topics for discussion.
- 6.2 A simple majority of the members of the Board present shall constitute a quorum.
- 6.3 All members of the Board present at a scheduled meeting in which a quorum is present, shall vote or abstain on all issues brought before the Board at a meeting. Votes may be taken by roll call upon request of any member. A member may abstain: to indicate the voting individual's ambivalence about the measure; to indicate mild disapproval that does not rise to the level of active opposition; when such member does not feel adequately informed about the issue at hand; or when such member has not participated in relevant discussion. A member shall abstain in the case of a conflict of interest. Abstentions do not count in tallying the vote negatively or positively; when members abstain, they are in effect attending only to contribute to a quorum. Any Board member may request a roll call vote.
- 6.4 A member who knowingly has a conflict of interest on any matter before the Board shall declare such conflict of interest prior to any discussion of the matter and shall refrain from any participation in discussion, debate or voting on such matter.
- 6.5 The Board may adopt its own rules of procedure but generally will rely on Robert's Rules of Order for questions of parliamentary procedure, insofar as they do not conflict with the Ohio Revised Code.
- 6.6 Special meetings may be called by the President, on his or her own initiative, or on the

written request of three members of the Board. Notice of special meetings, stating the purpose thereof, shall be given to members of the Board as much in advance as may be feasible. In most instances, this will be not less than three days' notice. Additional meetings may be scheduled as is necessary for the prompt and thorough transaction of its business.

- 6.7 Full and accurate minutes shall be kept of all Board meetings. Minutes of each regular or special meetings of the Board shall be promptly prepared, filed, and maintained and shall be open to public inspection during regular business hours and posted to the website of the District for no less than three years. The minutes are not required to be a verbatim transcript of the proceedings but must include enough information to understand the business of the Board. Minutes of the meetings shall be retained in accordance with the District's records retention schedule.

Article 7: Compensation

- 7.1 Each member of the board shall be paid the maximum amount as permitted in 3709.02(B) of the ORC for the member's attendance at each scheduled meeting of the Board. No member shall receive compensation for attendance at more than eighteen meetings in any year (ORC 3709.02(B)).
- 7.2 Each member of the board shall receive travel expenses at rates established by the director of budget and management pursuant to ORC section 126.31 to cover the actual and necessary travel expenses incurred for travel to and from scheduled meetings that take place outside the county in which the member resides, except that any member may receive travel expenses for registration for any conference that takes place inside the county in which the member resides (ORC 3709.02(C)).
- 7.3 It shall be the responsibility of the President or Vice President of the Board to authorize travel in advance and approve the reimbursement for actual and reasonable expenses incurred by members of the BOH in the performance of their duties. Travel reimbursement does not include expenses associated with scheduled meetings and committees of the Board.

Article 8: Staffing

- 8.1 Appointment of Health Commissioner – The Board shall appoint a Health Commissioner and determine his/her duties and shall annually set the Health Commissioner's salary. The Health Commissioner shall devote such time to the duties of his/her office as may be fixed by contract with the Board. The Commissioner shall be the executive officer of the Board and shall carry out all orders of the Board and of the Ohio Department of Health. He/She shall be charged with the enforcement of all sanitary laws and regulations in the district. The Commissioner shall keep the public informed in regard to all matters affecting the health of the District (ORC 3709.11, 3709.16).
- 8.2 The Health Commissioner serves as the Secretary of the Board and is not a voting member. The Health Commissioner may have other staff assist in the duties of the Secretary. The Secretary issues notices for all meetings, records all meeting minutes and maintains records of all Board meetings, receives and attends to all correspondence of the Board, maintains custody of all

documents belonging to the Board, and has such other duties as required by the Board (ORC 3709.19).

- 8.3 The Health Commissioner shall be responsible for additional duties as delegated or assigned by the Board including the management of daily operations of the District, implementation of Board policy, and filling employment vacancies and authorization of expenditures in accordance with the Board approved budget or grants.

Article 9: Open Meetings and Public Records

- 9.1 a. Any meeting of the Board shall comply with the Open Meetings Act of the Ohio Revised Code and shall be open to the public. For all regularly scheduled meetings, the Board shall ensure the publication of notice announcing the time and place of regular meetings on Hamilton County Public Health's website and annually published in a newspaper of general circulation and shall include the time and location of all meetings.
- b. The Board shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the public and any news media that have requested such notification. In the event of a special meeting, the Board shall: 1) post the time, place, and purpose of the special meeting on website of Hamilton County Public Health at least twenty-four hours in advance of the meeting; and 2) send notification of the time, place, and purpose of the special meeting to members of the news media that have requested such notification.
- c. In the event of an emergency meeting requiring official action, the Board shall post the time, place, and purpose of the emergency meeting on website of Hamilton County Public Health, and notify the news media that have requested notification of the time, place, and purpose of any emergency meeting as soon as possible.
- d. The Board shall follow Ohio Public Records Law in making records available to the public. Hamilton County Public Health's public records policy shall apply.
- 9.2 All meetings shall be open to the public. However, the Open Meetings Act does not bestow upon attendees the right to be heard at that meeting and a disruptive person waives his or her right to attend and may be removed from the meeting.
- 9.3 Executive sessions may be called by the Board during a meeting to discuss those issues permitted by law provided the requisite motions with statement of purpose are passed by a roll call vote in open session.
- 9.4 At its discretion, during any meeting, the Board may allow time for any comments from any attendee concerning matters within the authority of the Board. However, the Board reserves the right to regulate the manner in which such comments are addressed to the Board and to limit time or terminate such comments by any person who refuses to comply with regulations or otherwise disrupts the conduct of the meeting. During meetings in which public comment will be permitted, the Board will give each attendee

two minutes to speak, which is in alignment with the Hamilton County Board of County Commissioners Rules and Procedures.

Article 10: Bylaw Amendments

- 11.1 These by-laws may be amended at any regular meeting of the Board, to be effective at the next meeting. Changes require a vote during a meeting of two-thirds of the members.

