

RESOLUTION NO.: 2009-__
SUBJECT: Board of Health Bylaws
EFFECTIVE DATE: June 15, 2009

RESOLUTION OF THE EL PASO COUNTY
BOARD OF HEALTH

WHEREAS, pursuant to Section 25-1-508(4)(b)(II), C.R.S., the El Paso County Board of Health has authority to adopt, and at any time to amend, bylaws in relation to its meetings and the transaction of its business; and,

WHEREAS, the El Paso County Board of Health has determined that it is appropriate to adopt such bylaws;

NOW, THEREFORE, BE IT RESOLVED by the El Paso County Board of Health as follows:

1. That, effective June 15, 2009, the El Paso County Board of Health hereby adopts bylaws in relation to its meetings and the transaction of its business as follows in Attachment "A" hereto, which is incorporated herein by reference.

MOVED, SECONDED AND ADOPTED BY THE EL PASO COUNTY BOARD OF HEALTH AT ITS REGULARLY SCHEDULED MEETING HELD JUNE 15, 2009.

EL PASO COUNTY BOARD OF HEALTH

BY: _____ ATTEST BY: _____
President Secretary

ATTACHMENT "A"

**REGULATIONS OF THE EL PASO
COUNTY BOARD OF HEALTH**

EL PASO COUNTY, COLORADO

Chapter 1

Bylaws

El Paso County Board of Health

**El Paso County Department of Health & Environment
301 S. Union Blvd.
Colorado Springs, CO 80910
(719) 575-8636**

CHAPTER 1

BYLAWS

EL PASO COUNTY BOARD OF HEALTH

SECTION 1.1: ORGANIZATION

A. Board of Health: The El Paso County Department of Health and Environment shall be governed by the Board of Health of El Paso County, hereinafter referred to as the Board. The Board shall consist of nine members, as appointed by the Board of County Commissioners of El Paso County, Colorado in accordance with the provisions of Article 1 of Title 25, C.R.S. Board members shall serve with no remuneration, except that they may be reimbursed for actual expenses when on official Health Department business.

B. Place of Business: The principal office of the Board shall be located in the El Paso County Department of Health and Environment building located at 301 South Union Boulevard, Colorado Springs, Colorado.

C. Authority of the Board of Health:

1. The authority of the Board shall be in accordance with those powers and duties set forth in Part 5 of Article 1 of Title 25, C.R.S.

2. The Board shall be held responsible for the selection and appointment of an experienced Public Health Director with knowledge in public health, public administration or closely related discipline. The Public Health Director shall hold the position at the will and pleasure of the Board.

3. The Board shall have the power and duty of determining, devising and setting general policies to guide the Public Health Director and the Health Department.

D. Mission: The Board of Health's mission is to promote and protect public health and environmental quality in the community through people, prevention and partnerships, subject to availability of funding; and, to work toward providing the 10 essential services as outlined by the National Association of Local Boards of Health (NALBOH).

SECTION 1.2: OFFICERS

The regular officers of the Board shall be President, Vice President, Secretary, and Treasurer. The President and Vice President shall be elected by the Board at the first meeting of the reappointed Board of Health. The President and Vice President shall serve a term not to exceed one (1) calendar year. The term of the initial President shall terminate in the first meeting of the Board during the month of January 2010. The Board shall elect a new President and Vice President, the election of which shall occur at the first meeting of the Board each January, or upon the existence of a vacancy in the office. The duties of the regular officers of the Board shall be as follows:

A. President: The President shall preside at all meetings of the Board, shall take an interest in all affairs of the Health Department, and shall be an ex-officio member of all committees, without vote. The President of the Board shall have the authority to sign deeds and other instruments on behalf of the Health Department, unless such power is otherwise delegated by the Board or by the Colorado Revised Statutes.

B. Vice President: The Vice President of the Board shall perform the duties of the President of the Board in the event of absence, resignation, death, or disability of the President.

C. Secretary: The Secretary of the Board shall be the Public Health Director, or assigned staff. The Public Health Director shall have the authority and responsibility as determined by the Board of Health and as set forth in Part 5 of Article 1 of Title 25, C.R.S. The Public Health Director and the County Administrator shall consult throughout the budget year regarding the coordination of administrative and support services, and concerning the integration of support services in order to create operating and cost efficiencies.

D. Treasurer: The Treasurer of El Paso County shall serve as Treasurer of the El Paso County Department of Health and Environment. The Treasurer shall hold all funds of the Health Department in an account in a depository as authorized by Colorado law and in accordance with the Public Deposit Protection Act, Section 11-10.5-10 1, *et seq.* C.R.S. Said account shall be an "El Paso County Department of Health and Environment" fund, created by the Treasurer as provided by Section 25-1-5 11, C.R.S. All withdrawals from such funds shall be allowed only if certified by the President or, by any Board member designated by the President, and the Public Health Director.

SECTION 1.3: MEETINGS

A. Regular Meetings: The Board shall establish a regular meeting schedule each year at a place to be designated by the Board. Such schedule may be amended from time to time by the Board, as necessary. In order to facilitate digital recording and Internet and television broadcasting, the Board of Health shall normally conduct its regular meetings at the Pikes Peak Regional Development Center Hearing Room 2880 International Circle, Colorado Springs, CO. All meetings of the Board shall be digitally recorded. If service is available, all meetings shall also be broadcast live over the Internet. Furthermore, if service is available, the video and audio recording of all meetings shall be rebroadcast over a cable television local access channel. Regular meetings for the year 2010 and each subsequent year shall be as determined by the Board of Health.

B. Special Meetings: Special meetings may be called by the President, the Public Health Director, or at least five (5) members of the Board at any time on three days prior notice, or in case of emergency, 24 hours notice by telephone or other electronic means.

C. Quorum: Five (5) members of the Board shall constitute a quorum for the transaction of business at any meeting, but if no quorum exists, those members in attendance may adjourn the meeting to a time certain.

D. Attendance at Meetings/Removal of Member: Board members are expected to attend at least eighty percent (80%) of all regular meetings and special meetings. The reasons for any absences shall be communicated in advance, if possible, to the President. If a Board member has more than three (3) absences during any calendar year, it shall be the duty of the President and Vice President to consult with such member concerning his or her continued willingness and ability to serve on the Board. Notwithstanding the President and Vice President's commitment to consult, nothing precludes the Board of Health from recommending to the Board of County Commissioners the removal of a member who receives more than three (3) absences in any calendar year. Only the Board of County Commissioners shall have the authority to remove a member. The authority of

the Board of Health is limited to making recommendations for removal to the Board of County Commissioners.

E. Meeting Agenda: A written agenda, to the extent required by law, shall be prepared by the Secretary or assistant secretary for each regular and special meeting of the Board, and posted at least 24 hours prior to the meeting at the place or places established each year by the Board as required by law. The regular meeting agenda shall generally be prepared and sent by electronic means to all Board members at least five (5) days prior to each regular meeting. The agendas for each regular and special meeting shall consist of items requested by the President of the Board or, in the absence of the President, the Vice President, the Public Health Director, or at least three (3) members of the Board. Board members shall submit requests for agenda items to the President or, in the President's absence, the Vice President and the Public Health Director. The agenda may be changed by the President or by majority vote of the Board members present.

F. Executive Sessions: The President shall poll Board members, and, upon consent of two-thirds (2/3) of the Board members present, may hold a closed executive session. If consent for the closed executive session is not given, the item may be discussed in open session or withdrawn from consideration. The reasons for going into executive session shall only be those allowed for a local public body under Section 24-6-402, C.R.S.

G. No Administrative Authority: The Board shall act only by motion or resolution at a regular or special meeting of the Board. No individual member of the Board shall give individual administrative direction to the Public Health Director or Health Department staff or in any manner exercise individually any administrative authority with respect to the Health Department.

H. Policy Statements: No individual member of the Board shall make a statement of policy which purports to be that of the Board unless the Board shall have adopted such policy, but no Board member shall be prohibited from stating his or her personal opinions, provided they are clearly identified as being personal.

I. Board Responsibilities: It is the responsibility of the Board to understand and carry out powers and duties pursuant to Part 5 of Article I of Title 25, C.R.S., relating to public health. As such, each Board member must recognize his or her responsibilities as a Board member, and the administrative roles and responsibilities of the Public Health Director.

SECTION 1.4: COMMITTEES

A majority of the Board shall have the power to appoint regular, temporary or ad hoc committees as deemed necessary to study matters coming before the Board and to make recommendations to the full Board. The Board may appoint itself as a Committee of the Whole to hear any matters that may be brought before it. The creation of all such committees and appointments thereto shall be done in an open and public meeting. All committee meetings shall be held in compliance with the Colorado Open Meetings Law, Section 24-6-402, C.R.S.

SECTION 1.5: ANNUAL AUDIT AND ANNUAL BUDGET

As soon as practical following approval of an annual audit of the Health Department, the Secretary shall file in the offices of the El Paso County Board of County Commissioners a report of the preceding year's activities of the Health Department, which audit shall include a copy of the auditor's recommendations, if any. On or before September 1 of

each year, the Health Department shall present to the Board of County Commissioners a proposed budget for the next Health Department fiscal year in order to provide the Board of County Commissioners with an opportunity to provide any moneys necessary, over estimated moneys from surpluses, grants, and donations, to cover the total cost of maintaining the Health Department for the ensuing fiscal year by an appropriation from the county general fund.

SECTION 1.6: COUNTY HEALTH PLAN

As soon as practicable after the statewide public health improvement plan required under Section 25-1-504, C.R.S., the Health Department shall commence development of a countywide public health improvement plan. The Board shall not adopt such a countywide public health improvement plan until it shall have made available to the public for review and comment a draft that is materially complete. As soon as the draft of a countywide public health improvement plan is available for public review and comment, the Board shall present to the Board of County Commissioners a copy of such draft in order to provide the Board of County Commissioners with an opportunity for review and comment.

SECTION 1.7: ANNUAL UPDATE

Once per year, the Health Department shall prepare and the Board shall provide a written Annual Update to the Board of County Commissioners concerning the previous year's activities of the Health Department.

SECTION 1.8: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the Colorado Revised Statutes.

SECTION 1.9: AMENDMENT OF BYLAWS

The Bylaws may be amended at any regular or special meeting of the Board by a majority vote of at least five (5) members of the Board. Except in case of an exigent circumstance that requires immediate amendment to the Bylaws, any proposed amendments to the Bylaws shall be presented to the Board in draft form at a regular meeting at least one month prior to final consideration by the Board.

SECTION 1.10 SEVERABILITY

To the extent any part of these Bylaws are declared to be unenforceable by a court of competent jurisdiction, it shall not make unenforceable the remaining provisions of the Bylaws.