

RESOLUTION NO. 966
A Resolution to Adopt the Ravalli County
Board of Health
Rules and Administrative Procedures

WHEREAS, Section 50-2-104, MCA, authorizes the Board of County Commissioners to appoint a Board of Health, and

WHEREAS, the Board of County Commissioners created such a board, which is known at the County Board of Health, and

WHEREAS, state legislation was changed in 1995 to require the Board of County Commissioners to reorganize certain boards, including the Health Board, pursuant to Section 7-1-201, MCA, and

WHEREAS, the Board of County Commissioners desires to reorganize the Health Board consistent with state law; and

WHEREAS, adequate public notice of the Commissioner's public hearing for decision was provided by proper legal notice and on the Commissioner's agenda for the week of May 3, 1999, and posting in two locations in the County Courthouse.

THEREFORE BE IT RESOLVED, the Board of County Commissioners hereby reorganizes the Health Board under the terms and conditions as outlined in the attached description of procedures and administration.

PASSED AND APPROVED THIS 6TH DAY OF MAY, 1999.
BOARD OF COUNTY COMMISSIONERS



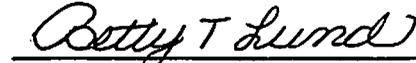
John M. Atthowe Jr., Chairman



Alan Thompson, Member



"Smut" Warren, Member



Attest: Clerk & Recorder



Attachments: Board of Health Rules and Administrative Procedures

**Ravalli County Board of Health
Rules and Administrative Procedures**

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Sec. 2. Definitions.

As used for Board purposes, unless the context clearly indicates otherwise, shall apply as follows:

- (1) "Board": Shall mean the Ravalli County Board of Health appointed by the Ravalli County Commissioners by the authority granted by the Department of Public Health and Human Services and provided for in Title 50-2-104, MCA.
- (2) "Communicable disease": Means a disease designated communicable by the Board, and is transmittable or capable of being transmitted.
- (3) "Department": Shall mean the Department of Public Health and Human Services of State of Montana.
- (4) "Health Officer": A person duly appointed by the "Board" and who is a physician or has a Master's Degree in Public Health or the equivalent and with appropriate experience, as determined by the "Department".
- (5) "Physician": Means a physician legally authorized to practice medicine in the state of Montana.

Sec. 3. General Description.

In accordance with Title 50-2-104, MCA, there shall be a County Board of Health in each county established by the County Commissioners and that serves at their pleasure. In Ravalli County that board shall consist of one County Commissioner and four (4) persons with a desire to serve, and who are concerned with matters of public and environmental health.

Sec. 4. Establishment.

In accordance with and subject to the provisions of Title 50-2-104, MCA, the Ravalli County Board of Health is hereby created. The Ravalli County Board of Health shall herein be referred to as the "Board".

Sec. 5. Jurisdiction.

The jurisdiction of the Board shall encompass all of Ravalli County with the exception of those municipalities or incorporated areas which have their own local Board of Health and/or who have an appointed local Health Officer as described in Title 50-2-104, MCA.

Sec. 6. Purpose.

The purpose of the Board is to follow State law (Title 50-2-104 and 166, MCA) and to guard the public and environmental health, safety, and welfare of the current and future residents of Ravalli County and to provide such regulations and policies as are deemed necessary to accomplish that purpose.

Sec. 7. Powers and Duties of the Board.

(a) The Board shall in accordance with Title 50-2-116, MCA:

- (1) Appoint a local Health Officer who is a physician or a person with a Master's Degree in Public Health or the equivalent and with appropriate experience, as determined by the Department, and shall fix the Health Officer's salary.
- (2) Elect a presiding officer and other necessary officers.
- (3) Employ necessary qualified staff.
- (4) Adopt bylaws to govern meetings.
- (5) Hold regular meetings quarterly and hold special meetings as necessary.
- (6) Supervise destruction and removal of all sources of filth that causes disease.
- (7) Guard against the introduction of communicable disease.
- (8) Supervise inspections of public establishments for sanitary conditions.
- (9) Subject to the provisions of Title 50-2-130, MCA, adopt necessary regulations that are not less stringent than State standards for the control and disposal of sewage from private and public buildings that is not regulated by Title

75, Chapter 6, or Title 76, Chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the Board of Environmental Review and must provide for appeal of variance decisions to the Department as required by Title 75-5-305, MCA.

- (b) Local boards may:
- (1) Quarantine persons who have communicable diseases.
 - (2) Require isolation of persons or things that are infected with communicable diseases.
 - (3) Furnish treatment for persons who have communicable diseases.
 - (4) Prohibit the use of places that are infected with communicable diseases.
 - (5) Require and provide means for disinfecting places that are infected with communicable diseases.
 - (6) Accept and spend funds received from a federal agency, the state, a school district, or other persons.
 - (7) Contract with another local Board for all or a part of local health services.
 - (8) Reimburse local health officers for necessary expenses incurred in official duties.
 - (9) Abate nuisances affecting public health and safety or bring action necessary to restrain the violation of public health laws or rules.
 - (10) Adopt necessary fees to administer regulations for the control and disposal of sewage from private and public buildings. The fees must be deposited with the County Treasurer.
 - (11) Adopt rules that do not conflict with rules adopted by the Department:
 - (i) For the control of communicable diseases.
 - (ii) For the removal of filth that might cause disease or adversely affect public health.
 - (iii) Subject to the provisions of Title 50-2-130, MCA, on sanitation in public buildings that affects public health.
 - (iv) For heating, ventilation, water supply, and waste disposal in public accommodations that might endanger human lives.
 - (v) Subject to the provision of Title 50-2-130, MCA, for the maintenance of sewage treatment systems that do not discharge an effluent directly into state waters and that are not required to have an operating permit as required by rules adopted under Title 75-4-401, MCA.
 - (vi) For the regulation, as necessary, of the practice of tattooing, which may include registering tattoo artists, inspecting tattoo establishments, adopting fees, and also adopting sanitation standards that are not less stringent than standards adopted by the department pursuant to Title 50-1-202, MCA. For the purposes of

this subsection, "tattoo" means making permanent marks on the skin by puncturing the skin and inserting indelible colors.

Sec. 8. Membership.

The Board shall be composed of:

- (1) *Number:* One (1) member of the Board of County Commissioners, and four (4) persons who are residents of Ravalli County not served by a local Board of Health and who are appointed by the Commissioners to serve at their pleasure, and who have demonstrated through interview of the current Board or the Commissioners to possess a desire to serve and who are concerned with matters of public and environmental health. Members should possess a minimum high school diploma or its equivalency and express a desire to maintain or elevate the present standards of public and environmental health and safety of Ravalli County.
- (2) *Appointment:* Members shall be appointed by the Commissioners as called for in Title 50-2-104, MCA.
 - (a) *Terms of appointment:* Shall be for three (3) years, and shall be staggered so as to maintain a high level of continuity.
 - (b) The Commissioners shall establish the staggered order of terms and all rules necessary to establish and maintain the Board.
 - (3) *Term Limits:* A term limit shall be placed upon members serving on the Board. No member shall serve more than two consecutive terms of appointment on the Board. Future appointment to the Board by a former member having a desire to serve is permissible following at least one term of retirement or to fill out the term of a dismissed member. Title 50-2-105(3) MCA
 - (4) *Dismissal from the Board:* Any of the following provisions may constitute grounds for dismissal from service on the Board:
 - (a) More than three consecutive unexcused absences from regularly scheduled meetings.
 - (b) Continual conflict of interest which would prevent the member in participating to the satisfaction of the Board of County Commissioners.
 - (c) Any single or multiple incident(s) which may be deemed adverse to the purpose and objectives of the Board. Title 50-2-105(3) MCA

Sec. 9. Officers.

The County Commissioner appointed to the Board shall act in the capacity of the Chairman of the Board. In

his/her absence at a Board meeting, the senior member shall fill in to conduct the meeting, or the meeting shall be rescheduled to provide for his/her attendance.

- (4) letter or spirit of a member's code of profession or professional responsibility; or
- (4) Other applicable laws which may apply.

Sec. 10. Schedule of Meetings.

- (a) A schedule of all Board meetings is to be posted.
- (1) *Regular Meeting.* As called for by Title 50-2-116, MCA, regular meetings shall be held quarterly, and more frequently for the benefit of the County. Unless otherwise decided by the Board, regular meetings shall be held on the third Thursday of each month.
- (2) *Special Meetings.* Shall be held as necessary with a prior notice of 48 hours publication.
- (3) Minutes of each Board meeting shall be kept in the office of the Board of County Commissioners. The accuracy and authenticity shall be verified in whole and in part by each member of the Board and shall be amended, voted on, and approved at the next regularly scheduled meeting.
- (4) *Recording of Minutes for Posterity.* The Clerk & Recorder of Ravalli County shall record the approved minutes of all meetings of the Board.

Sec. 11. Voting and Quorum.

(a) *Requirements for Quorum.* A quorum shall consist of a majority of the Board. If a minimum of three members is not present, a meeting shall not take place, and the regularly scheduled meeting shall be rescheduled at the convenience of the Board. Meetings must be held at least quarterly.

(b) *Requirements for Voting.* Each decision of the Board shall be approved by a majority vote of the members present at a regular, quarterly, or special meeting in which a quorum is in attendance and a vote is called for. A decision shall be deemed denied with less than a majority approval vote.

(c) *Disqualification or Voluntary Abstenia from Voting.* In adjudicative or administrative issues where a decision is required, a member shall abstain from voting on that issue or shall be disqualified from the vote by a majority vote of the remaining members present, if any one of the following circumstances apply:

- (1) The member has a direct or indirect financial interest in the outcome of the issue; or
- (2) The member has such close personal or business ties to the applicant, defendant, or appellant that the member cannot reasonably and prudently be expected to exercise sound and unbiased judgement for the public or County interest, or
- (3) Participation in the matter might violate the

Sec. 12. Compensation and Expenses of Members.

- (a) *Compensation.* Members of the Board shall not receive a salary for their services on the Board.
- (b) *Expenses.* Members may be paid for travel or other expenses incurred while on Board business if these expenses are approved by the Board of County Commissioners and deemed necessary.

Sec. 13. Financing and Board Appropriations.

(a) The Ravalli County Board of Health is financed by an appropriation from the general fund of the County after approval of a budget in the way provided for other County offices and departments under Title 7, Chapter 6, Part 23, MCA.

(b) As allowed for under Title 50-2-116, MCA, accept and spend funds received from a federal agency, the State, a school district, or other persons:

- (1) For the betterment of the public health, welfare, safety, and environmental health of the County, and
- (2) To allow for the evaluation, study or remediation of any issue pertaining to (1) above.

Sec. 14. Legal Representation.

In accordance with Title 50-2-115, MCA, the County Attorney shall serve as legal advisor to the Board as established by Titles 50-2-104 and 50-2-106, MCA. The County Attorney shall represent the Board in all matters relating to the functions, powers, and duties of the Board and as directed by the County Commissioners when necessary for resolution of Board matters.

Sec. 15. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this document is for any reason held unconstitutional or invalid in any way by any court of competent jurisdiction, the validity of the remaining provisions shall continue in full force and effect.

As may be needed, the Board of County Commissioners can amend this set of rules and administrative procedures when necessary and as consistent with State law.

Effective date: May 6, 1999

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