

BUTTE-SILVER BOW HEALTH DEPARTMENT

Bylaws

Butte-Silver Bow Board of Health

April 12, 2023



These bylaws serve as the guiding document for the creation, jurisdiction, powers and duties of the Butte-Silver Bow Board of Health, Butte, Mont.

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ARTICLE I:
Creation

The Butte-Silver Bow Board of Health is created pursuant to Montana Code Annotated (MCA) Section 50-2-106 (City-County Boards of Health) and Butte-Silver Bow Municipal Code Title 2, Chapter 2.28 (Administration and Personnel, Board of Health).

ARTICLE II:
Jurisdiction

The Butte-Silver Bow Board of Health has jurisdiction in Butte-Silver Bow, as provided for by Montana law for city-county boards of health.

ARTICLE III:
Functions, Powers and Duties

Section 1. Statutory Functions, Powers and Duties.

1. In order to carry out the purposes of the public health system, in collaboration with federal, state and local partners, the Butte-Silver Bow Board of Health shall exercise the powers and duties set forth in Section 50-2-116 Montana Code Annotated and any amendments thereto.
2. The Butte-Silver Bow Board of Health shall oversee and conduct annual funding administration of the Health Initiatives component of the Redevelopment Trust, a fund provided to the people of Butte-Silver Bow through a negotiated settlement between the City and County of Butte-Silver Bow and the Atlantic Richfield Company. From the total amounts deposited into the Redevelopment Trust, Butte-Silver Bow shall set aside, manage and use over a period of years a minimum of \$1 million, with additional funding available, subject to the review and approval of the Superfund Advisory and Redevelopment Trust Authority. In its oversight and annual funding administration of the Health Initiatives component of the Redevelopment Trust, the Board of Health will ensure implementation of health lifestyle initiatives.

Section 2. Other Functions, Powers and Duties.

1. The Board of Health shall nominate a member representative to the Butte-Silver Bow Superfund Advisory and Redevelopment Trust Authority. The objective of the Authority is to (a) advise the local government on the long-term improvement, redevelopment/re-use, cleanup, treatment, management, monitoring and/or maintenance of remediated and un-remediated Superfund and/or other environmentally impacted properties/sites within the Butte-Silver Bow; and (b) plan, engage and promote redevelopment and/or re-use of land/properties, both remediated and un-remediated, within the Butte Priority Soils Operable Unit (BPSOU) that are affected from past mining impacts.
2. This representative, along with other authority representatives, will:
 - a. work cooperatively with the Chief Executive and/or his/her delegated employees accountable for coordinating Superfund activities, to direct, manage and distribute

Redevelopment Trust Funds in a manner that complies with the provisions set forth in the “Allocation and Settlement Agreement and Mutual Release of Claims By and Between the City and County of Butte-Silver Bow and Atlantic Richfield Company”; and

- b. pay particular attention to expenditures related to the Health Initiatives portion of the Redevelopment Trust Funds. Butte-Silver Bow shall set aside, manage and use over a period of years a minimum of One Million and No/100ths Dollars (\$1,000,000.00), with additional funding available subject to the review and approval of the authority, and with oversight and annual funding administration through the Board of Health, to implement healthy lifestyle initiatives, including, without limitation, education and a low-income subsidy program for the replacement of wood-burning heating equipment and the purchase and installation of insulation for attics following remediation/abatement under the Multi-Pathway Program, specifically, the Health Department’s Residential Metals Abatement Program.
3. The Board of Health shall:
- a. hear and act upon complaints by Butte-Silver Bow citizens;
 - b. make reports to the Chief Executive and Council of Commissioners on matters that may be requested by the Chief Executive;
 - c. maintain a close working relationship with the Department of Public Health and Human Services (DPHHS) in the adoption of standards, development of competency needed to meet local health problems, use of expert consultative services available, and in obtaining state and federal funds to meet the public health needs of the community; and
- conduct a performance evaluation of the health officer after a six-month probationary period, and annually, or as deemed as necessary, to ensure that the health officer is a qualified staff member, as set forth in Section 50-2-116 (1(c) MCA.

ARTICLE IV: Board Members

Section 1. Members. The Board of Health is comprised of seven members, appointed by the Butte-Silver Bow Chief Executive and confirmed by the Butte-Silver Bow Council of Commissioners, which has jurisdiction of the Butte-Silver Bow Health Department. At least three members of the board shall be healthcare professionals. All members of the board must reside within the jurisdictional area of Butte-Silver Bow.

Section 2. Terms. Terms of appointed members must be staggered and must be for three years each, the staggered order of terms ensuring establishment and maintenance of the board.

Section 3. Absenteeism. As the proper functioning of the Board of Health is seriously impaired by the absence of its members, board members will make every effort to attend monthly meetings.

Section 4. Advisory Members. The Board of Health may appoint non-voting advisory members to serve at the pleasure of the Board.

Section 5. Vacancies. Vacancies shall be filled for the unexpired portion of the term, in the same manner as members are originally appointed and confirmed.

Section 6. Removal for Cause. Members may be removed for cause by a two-thirds majority of the Council of Commissioners upon written charges and after public hearing.

Section 7. Compensation. Board members shall serve without compensation. Board members shall be reimbursed for actual expenses incurred in the performance of their duties in the same manner as employees of Butte-Silver Bow government are reimbursed.

Article V Officers:

Section 1. Elections. Presiding officers shall be elected at the first regular meeting in each calendar year (January) and shall serve until the first regular meeting in the following calendar year (January). Board members elected to fill officer vacancies shall serve until the first regular meeting in the calendar year in which the vacancy occurred.

Section 2. Chair. The Board of Health shall elect a chair who shall conduct all meetings and business of the board.

Section 3. Vice Chair. The Board of Health shall elect a vice chair who shall conduct all meetings and business of the board in the chair's absence.

Section 4. Secretary. The Butte-Silver Bow Health Officer is the secretary of the Board of Health and shall:

1. keep hard-copy minutes of the meetings in one or more books provided for that purpose, and digital minutes will be saved;
2. see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; and,
3. bring a copy of these bylaws to every meeting.

ARTICLE VI: Meetings

Section 1. Annual Organizational Meetings.

1. An annual organization meeting is held each January to:
 - a. elect officers and appoint advisory members; and
 - b. review the broad objectives that guide the board.

Section 2. Regular Meetings. Although city-county boards of health are required only to meet once a quarter (MCA 50-2-116(1)(e)), it is the intent of the Butte-Silver Bow Board of Health to meet monthly.

Section 3. Special Meetings. Special meetings shall be at the call of the chair, the request of the health officer, or the request of three (3) members. Meetings may be called for viewing places of potential health hazards.

Section 4. Quorum. Four members constitute a quorum for all meetings. If any meeting is convened where there is not a quorum, the members present may discuss routine matters but may not hear testimony or take formal action on any matter requiring motion and a vote.

Section 5. Manner of Action. An act of a majority of the members present at a meeting at which a quorum is present shall be the act of the board members, except where otherwise provided by law or by these bylaws. There is no proxy voting.

Section 6. Parliamentary Procedure. For all procedural matters not specifically covered in these bylaws, the controlling parliamentary authority for the Board of Health is Mason's Manual of Legislative Procedure. The chair, being a co-equal member of the board, shall in addition to presiding, have a right to participate in debate, and shall vote on all motions, and not only where the vote of the chair would create or break a tie. A motion, once stated and seconded, limits the debate to points relevant to the motion. Prior to a formal motion being stated, general discussion of, and the presentation of information relevant to an agenda item being considered, is in order. Before the consideration of any measure or the taking of any action, concerning which a public hearing has not been previously held, or will not be held, the chair may allow members of the audience to be heard. No member of the audience may be heard during or after the board discussion. The chair may reasonably limit audience participation at any time. Reconsideration of any action of the board may be allowed at any time, upon motion of any member of the board, such motion being approved by at least four board members. Routine matters, such as setting meeting times and adjournment, setting future agenda items, or appointment of committees, may be by consensus rather than by motion and vote.

Section 7. Notice of Meetings. The secretary shall notify all members of all meetings either orally or in writing. No special meeting shall be held unless diligent efforts have been made to notify all members.

Section 8. Open Meeting Requirements. All meetings of the Board of Health are open to the public. MCA Section 2-3-203(1) (Meetings of Public Agencies and Certain Associations of Public Agencies to be Open to Public – Exceptions). Meetings may be closed to the public when the discussion relates to a matter of individual privacy and then only where the chair determines on the record that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individuals about whom the discussion pertains and, in that event, the meeting remains open to the public, MCA Section 2-3-203(2)(3) (Meetings of Public Agencies and Certain Associations of Public Agencies to be Open to Public – Exceptions). To comply with the spirit and intent of the open meeting and public participation laws, public notice of not less than two business days shall be given of all board meetings, regular and special. Two business days notice need not be given where the board must deal with an emergency situation affecting the public health, welfare, or safety, MCA Section 2-3-112(1) (Exceptions).

Section 9. Agenda. Agenda items should be submitted to the secretary at least seven (7) days before a meeting. This rule may be suspended by the chair as necessary to deal promptly and effectively with unforeseen issues.

Section 10. Minutes. Minutes of all Board of Health meetings shall be kept by the secretary or designee and shall be signed by the secretary and by the chair after approval by the Board at the next meeting. Minutes of all open meetings, and portions of meetings that are open to the public, shall be kept available for inspection by the public. The secretary shall keep separate minutes of all discussions and votes held during executive sessions. The minutes need not have detailed reports of discussions but shall have all motions and a roll call vote. The minutes should include the names of members present and members absent, staff and public present.

ARTICLE VII:

Fiscal Year, Board Financing, and Budget

The fiscal year begins on July 1 each year. The board is financed by Butte-Silver Bow General Fund appropriations or special levies, after approval of a budget by the Council of Commissioners in the way provided for other Butte-Silver Bow offices and departments. The board is also financed by available federal funds, and by state funds in accordance with MCA Section 50-2-111 (City-County Board Appropriations). Funds shall be accounted for in the same manner provided for other Butte-Silver Bow offices and departments. The board shall consider, approve and present for the consideration of the Council of Commissioners a preliminary budget on or before a date established by the Chief Executive. As required by appropriate municipal and county budget law, revisions, reductions, additions or changes to the preliminary budget may occur.

ARTICLE VIII:

Health Officer

Pursuant to Butte Silver Bow Municipal Code 2.28.050, the board shall recommend to the governing body a health officer who is a physician licensed to practice in the state, a person with a master's degree in public health, or a person who has equivalent and appropriate experience as determined by the DPHHS.

The health officer shall:

1. act as secretary to the board and carry out the polices of the board;
2. prepare and deliver the agenda to board members before the meeting and give the required notices;
3. without limitation of what follows, exercise the powers and perform the duties conferred by law as set forth in Section 5-2-118 MCA;
4. manage and supervise the division directors for Environmental Health, Community Health, Communicable Disease/Public Health Emergency Preparedness, and Operations, and oversee implementation of all Butte-Silver Bow Health Department programs;
5. present an orientation program for new board members, which shall include copies of Butte-Silver Bow Municipal Code Title 2, Chapter 2.28 (Administration and Personnel, Board of Health), the bylaws, a statement of mission, vision and core values, relevant policies and relevant laws.

ARTICLE IX:

Employees Subject to County Personnel Manual

The health officer is an employee of Butte-Silver Bow and shall be subject to all of the provisions set forth in Butte-Silver Bow's Personnel Policy and Procedure Manual. The Board of Health routinely evaluates the health officer. The Board of Health shall oversee the process associated with any and all personnel matters regarding the health officer. Butte-Silver Bow shall be responsible for any and all employment issues with respect to all other persons employed at the Health Department by Butte-Silver Bow, each of whom is subject to all of Butte-Silver Bow's personnel policies and procedures.

ARTICLE X:
Legal Assistance

The Butte-Silver Bow County Attorney represents the Board of Health on matters relating to the functions, powers and duties of the board, MCA Section 50-2-115 (Legal Advisor to Local Boards).

ARTICLE XI:
Amendments to Bylaws

The bylaws may be altered, amended or repealed and new bylaws may be adopted by a majority of the board members present at any meeting, if at least two weeks written notice is given to each member of the board of the intention, at such meeting, to alter, amend or repeal or to adopt new bylaws.

ARTICLE XII:
Approval of Bylaws

These bylaws were approved by the Butte-Silver Bow Board of Health on Feb. 4, 2015, and revised March 4, 2020 and April 12, 2023.

Ivy N. Fredrickson, Chair
Butte-Silver Bow Board of Health