



EAST LIVERPOOL CITY HEALTH DISTRICT BOARD OF HEALTH BY-LAWS

Policy and Procedures

Original Date of Policy Approval 11/28/2018

It is to be noted that any action taken and agreed upon by the Board at any meeting of the Board will automatically supersede the guidelines set forth in this manual.

ARTICLE I - MISSION

To optimize the quality of life for our citizens by promoting and encouraging personal health and wellness through the provision of providing accessible and essential services, enforcing laws and regulations, and preventative education to our community.

ARTICLE II - DUTIES OF THE BOARD OF HEALTH

Section 1: Purpose

The purpose of the BOH is to promote and protect optimal health for the citizens of the city of East Liverpool. The BOH oversees and provides direction to ELCHD in fulfilling its mission. It plays an essential role in the work that the ELCHD does through their review, advisement, and recommendations to the Health Commissioner on matters related to public health.

Section 2: Authority of Public Health in Ohio

The legal authority for boards of health and local health departments is found in the Ohio Revised Code. Implementation guidelines are found in the Ohio Administrative Code. Chapter 37 of the Ohio Revised Code of interest to health districts include 3701 (creation of the Ohio Department of Health), 3707 (description of local boards of health) and 3709 (description of local health districts, city, general and combined).

Section 3: Roles and Responsibilities

The board of health of a city or general health district shall exercise all the powers and perform all the duties formerly conferred and imposed by law upon the board of health of a municipal corporation and all such powers, duties, procedure, and penalties for violation of the sanitary regulations of a board of health of a municipal corporation are transferred to the board of health of a city. The board of health is a body of politic and corporate and is capable of suing and being sued, contracting and being contracted with, acquiring, holding, possessing of real and personal property, and taking and holding in trust for the use and benefit of such district or authority any grant or devise of land and any domain or bequest of money or other personal property. **ORC 3709.36**

Section 4: Establishing uniform system of fees; adoption of rules ORC 3709.09

The board of health of a city or general health district may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board.



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The fee for issuance of a certified copy of a vital record or a certification of birth shall not be less than the fee prescribed for the same service under division (A)(1) of section 3705.24 of the Revised Code and shall include the fees required by division (B) of section 3705.24 and section 3109.14 of the Revised Code.

Fees for services provided by the board for purposes specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 3730.03, and 3749.04 of the Revised Code shall be established in accordance with rules adopted under division (B) of this section. The Board may disapprove any fee established by the board of health under this division, and any such fee, as disapproved, shall not be charged by the board of health.

Except when a board of health establishes a fee by adopting a rule as an emergency measure, the board of health shall hold a public hearing regarding each proposed fee for a service provided by the board for a purpose specified in section 3701.344, 3711.10, 3718.06, 3729.07, 3730.03, or 3749.04 of the Revised Code. If a public hearing is held, at least twenty days prior to the public hearing the board shall give written notice of the hearing to each entity affected by the proposed fee. The notice shall be mailed to the last known address of each entity and shall specify the date, time, and place of the hearing and the amount of the proposed fee.

If payment of a fee established under this section is not received by the day on which payment is due, the board of health shall assess a penalty. The amount of the penalty shall be equal to twenty-five per cent of the applicable fee.

All rules adopted by a board of health under this section shall be adopted, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances, but the advertisements of such rules shall be by publication in one newspaper of general circulation within the health district. Publication shall be made once a week for two consecutive weeks or as provided in **section 7.16 of the Revised Code**, and such rules shall take effect and be in force ten days from the date of the first publication.

The role and responsibilities of the Board of Health is to be informed of the goals and objectives of the health district, set policies, make orders and regulations which promote and protect optimum health, prevent disease and injury, abate or suppress nuisances, monitor health status and address the need for personal health services for the overall wellbeing of ELCHD citizens in accordance with the standards of the Ohio Department of Health and the requirements of the Ohio Public Health Council. They will be dedicated to the work of the agency.

The Board members will commit to regular attendance of all meetings and advise the Health Commissioner at least 24 hours in advance of absence from a Board meeting. BOH shall be involved at meetings, ask questions, discuss and participate in the decision making, speaking out on ideas you do



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not favor. The BOH members shall maintain lines of communication between board and staff and be a liaison between county, city, village, townships and the health department. The BOH shall be informed about the background of issues, seeking to acquire new knowledge. The BOH will publically support the Health Commissioner and the Health District.

Section 5: Appointment of health commissioner, clerks, nurses, physicians, and others by board ORC 3709.14

The board of health shall appoint for full or part time service a health commissioner and may appoint such public health nurses, clerks, physicians, and other persons as are necessary.

Section 6: Appointing sanitarians and nurses ORC 3705.15

The board of health of a city or general health district may appoint as many persons for sanitary duty as the public health and sanitary conditions of the district require, and such persons shall have general police powers and be known as "sanitarians." The board may also appoint as many registered nurses for public health nurse duty as the public health and sanitary conditions of the district require, who shall be known as "public health nurses," and where such are appointed, the board may appoint licensed practical nurses as defined by section 4723.15 of the Revised Code. The legislative authority of the city may determine the maximum number of sanitarians and public health nurses and licensed practical nurses to be appointed.

The board of health of a city or general health district may provide nursing care and other therapeutic and supportive care services to maintain an ill or infirm person in a place of residence used as such person's home or elsewhere. The board shall charge and collect reasonable fees not to exceed the cost of service for such care from patients financially able to pay, or may accept payment for such services from persons or public or private agencies on behalf of the recipient, either directly or by contract with such persons or agencies. The fees shall be retained by the board and placed in a special fund to be known as the home health services fund, and shall be used by the board only for defraying the cost of personnel, equipment, supplies, rental of physical facilities including real property, utilities, and administrative costs in providing services under this section. The approval of the auditor of state referred to in section 5705.12 of the Revised Code shall not be required for the establishment of the fund.

The board, in addition, may contract with any individual or a public or private agency to furnish services authorized by this section on behalf of a city or general health district for such time and for such compensation as may be agreed upon by the board and the individual or agency. The compensation shall be paid by the board from the home health services fund, or from any other available fund of the board.



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Section 7: Determining duties and salaries of employees and employee insurance ORC 3705.16

The board of health of a city or general health district shall determine the duties and fix the salaries of its employees.

No member of the board shall be appointed as health officer or ward physician.

The board of health of any health district may procure and pay all or any part of the cost of group life, hospitalization, surgical, major medical, sickness and accident insurance, or a combination of any of the foregoing types of insurance or coverage, for the health commissioner, the employees of the health district, and their immediate dependents, from the funds or budgets from which said health commissioner or employees are compensated for services, issued by an insurance company or a health insuring corporation duly authorized to do business in this state.

Notwithstanding section 3917.01 of the Revised Code, the board of health of any health district may purchase group life insurance authorized by this section by reason of payment of premiums therefor by the board from its funds, and such group life insurance may be issued and purchased if otherwise consistent with sections 3917.01 to 3917.06 of the Revised Code.

Section 8: Orders and regulations of board ORC 3709.21

(A) The board of health of a city health district may make such orders and regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. Orders and regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances. In cases of emergency caused by epidemics of contagious or infectious diseases, or conditions or events endangering the public health, the board may declare such orders and regulations to be emergency measures, and such orders and regulations shall become effective immediately without such advertising, recording, and certifying.

(B) In any hearing conducted by the board of health of a city health district, general health district, or combined health district, the board may appoint a referee or examiner to conduct the hearing. In a hearing conducted by a board of health of a city health district, a combined health district, or a general health district at least one member of the board shall be present.

The referee or examiner appointed to conduct the hearing shall have the same powers and authority in conducting the hearing as is granted to the board. The referee or examiner shall have been admitted to the practice of law in the state and be possessed of such additional qualifications as the board may require. The referee or examiner shall submit to the board a written report setting forth his findings of



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fact and conclusions of law and a recommendation of the action to be taken by the board. A copy of such written report and recommendation of the referee or examiner shall, within five days of the date of filing thereof, be served upon the party or his attorney or other representative of record, by certified mail. The party may, within ten days of receipt of the copy of the written report or recommendation, file with the board written objections to the report and recommendation, which objections shall be considered by the board before approving, modifying, or disapproving the recommendation. The board may grant extensions of time to the party within which to file such objections.

No recommendation of the referee or examiner shall be approved, modified, or disapproved by the board until ten days after the service of the report and recommendation as provided in this section. The board may order additional testimony to be taken or permit the introduction of further documentary evidence. No recommendation shall be final until approved by a quorum of the entire board as indicated by an order on its record of proceedings.

Section 9: Implementation of Duties, Roles and Responsibilities

- Upholds high ethical standards and confidentiality including avoidance of conflict of interests
- Act with professionalism, efficiency and fiscal responsibility
- Functions within its legal responsibilities and principles of good faith and ethical conduct
- Maintain applicable knowledge necessary to permit them to achieve their commitments to the Board
- Exercise legal authority and engage legal counsel when appropriate
- Reviews and approves ELCHD's policies, priorities, programs and mission and vision statements making recommendations as needed, making sure community stakeholders' and citizens needs are being focused on
- Adopt enforcement regulations
- Adopt personnel policies
- Sets long-term and short-term priorities and strategic plans
- Assure availability of sufficient resources to perform essential public health services
- Approves ELCHD financial actions including the budget and engage in long-range fiscal planning
- Approves capital purchases and major repairs
- Adopts fees
- Hires the Health Commissioner (HC) and delegates authority to carry out policies instituted by the BOH
- Evaluates the HC's job performance as needed.
- Consults with Health Commissioner on issues the Board is considering
- Share all communication with the Health Commissioner
- Support the Health Commissioner and staff in carrying out their professional duties
- Build and strengthen community partnerships to ensure collaboration by serving as a strong link between the public health agency, the community and the stakeholders



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- Supporting a culture of quality improvement within the governing body and the public health agency by routinely evaluating, monitoring and setting measurable outcomes for increasing and enriching community health status
- Maintain relationships with board members and staff members characterized by openness, trust and mutual respect
- Providing leadership and guidance by supporting the public health agency to ensure quality services and mandates are being met
- Acts as an advocate for the citizens of East Liverpool for various public health issues by appraising the programs, activities, and services provided

Section 10: Appeals

Public health orders can be appealed to the Board for consideration. The Board can sustain the order, give an extensions of time, or refer to a legal authority for applicable legal action.

Section 11: Ten Essential Public Health Services

- Monitor health status to identify community health problems
- Diagnose and investigate health problems and health hazards in the community
- Inform, educate and empower people about health issues
- Mobilize community partnerships to identify and solve health problems
- Develop policies and plans that support individual and community health efforts
- Enforce laws and regulations that protect health and ensure safety
- Link people to needed personal health services and assure the provision of health care when otherwise unavailable
- Assure a competent public and personal health care workforce
- Evaluate effectiveness and quality of personal and population-based health services
- Research for new insights and innovative solution to health problems

ARTICLE III - MEMBERS AND OFFICERS

The East Liverpool City Board of health is structured in accordance with the Ohio State Revised Code Chapter 3705.05 for city health districts.

Section 1: Term and Compensation

The mayor will appoint the board of health members and will be confirmed by the legislative authority.

The term of office of the members shall be five years from the date of appointment.



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When a board member's term expires, the mayor may reappoint said member or make a new appointment.

A vacancy in the membership of the Board shall be filled in the same manner as an original appointment and shall be for the unexpired term.

Each member of the board shall be paid a sum not to exceed eighty dollars a day for the member's attendance at each meeting of the board. No member shall receive compensation for attendance at more than eighteen meetings in any year.

The auditor of the city is the auditor of the health fund for the East Liverpool City Health District. The auditor will pay all bills for the district in accordance with city procedures.

Section 2: Election

The Mayor of East Liverpool will serve as the President of the Board of Health.

A President pro tempore of the Board of Health will preside in the absence of the mayor and performs all duties incumbent upon the president.

The Vice President of the Board of Health (President pro tempore) shall be elected each year at the November regular scheduled monthly meeting for the following calendar year beginning in January.

A vacancy in the membership of the board shall be filled in the same manner as an original appointment and shall be for the unexpired term.

The Health Commissioner will serve as Secretary of the Board of Health as required by the Ohio Revised code and will be responsible for giving notices of the meetings.

Section 3: Duties

All meetings of the Board of Health shall be conducted by the President. The president will sign records and perform general duties. The President shall have a vote on all issues.

The Vice President shall perform the duties of the President in his or her absence and provide the President assistance required.

Board members are required to attend all regular scheduled meetings, being punctual. If unable to attend, give notice to the Health Commissioner.

Section 4: Authority

The Board's authority results from a majority vote at a Board of Health meeting. An individual Board of Health member does not have authority to order or direct health district staff.



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Section 5: Orientation

Board of Health members are expected to become informed and educated about the responsibilities, procedures, and functions of the health district. Members will be provided an opportunity to visit with all divisions within the department. New board members will be provided a copy of the Ohio Association of Boards of Health-New Board Member Orientation Guide. Members can become knowledgeable by reading materials provided to members at Board of Health meetings, consulting with the Health Commissioner, listening to staff presentations at Board of Health meetings, joining the Ohio Association of Boards of Health and/or National Association of Local Boards of Health, and participating in training opportunities. Board members will receive the most recent annual report and budget. An explanation of the legal relationships between the Board of Health and ODH, Health Commissioner and other staff is included in the orientation guide. The President will appoint an existing BOH member to mentor the new BOH member and provide orientation to assist the new member.

Section 6: Continuing Education

Every year, each member of the Board of Health must complete 2 hours of continuing education. The credits shall relate to public health principles, ethics, and member's responsibilities. Continuing education earned for professional license renewal by health professionals serving on the Board may be counted towards the 2 hours continuing education requirement.

Section 7: Confidentiality

Most information and work done by the BOH is public. There will be information that is obtained or discussed that is confidential, e.g. specific information regarding employees, other BOH members, and organizations. BOH members shall keep such information confidential. The BOH member will be required to sign a confidentiality policy and be on file in the office of the Health Commissioner.

Section 8: Conflict of Interest

BOH members shall avoid all conflicts of interest. BOH members may not use their position on the BOH to further outside business. BOH members shall not accept any gifts, gratuities, personal property or other items of value from any person, business, or organization as an incentive to do business or provide services. BOH members shall not use any services, staff, equipment or property for their personal or family use.

Any BOH member shall state a known conflict of interest on any matter to the BOH before any discussion of the material and shall abstain from any involvement in discussion or voting on such matter. The member shall request a determination by the BOH whether a conflict of interest exists, determined by roll call. Any BOH member who has reason to believe that another member has a potential conflict of interest shall state this to the BOH and request a roll call vote to determine if a conflict of interest exists.



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The BOH member will be required to sign a conflict of interest policy and be on file in the office of the Health Commissioner.

Section 9: Discipline

All BOH members are expected to attend all BOH meetings. Any BOH member who misses all or part of three consecutive Board meetings or one third of the total Board meetings in a calendar year shall meet with the BOH President to determine the interest and availability to serve as a BOH member and may be asked to resign or removed at appointing authority.

If a BOH member acts in an unbecoming manner such as violation of confidentiality, violation of conflict of interest, disruptive behavior, excessive absenteeism, and abusive behavior-the BOH president will meet with the BOH member and try to resolve the matter. If the BOH President feels there is no resolution the full BOH may recommend that the BOH member resign if the behavior continues.

ARTICLE IV – BOARD OF HEALTH MEETINGS

Section 1: Regularly Scheduled Meetings

Board of Health meetings will be held monthly at city council chambers located in city hall, usually the third Wednesday of each month. If a quorum is not available, the Board of Health President or Vice President/Chairman will determine if there will still be a meeting held on that day or if the meeting will be scheduled for the following week.

The Health Commissioner will serve as Secretary of the BOH and is responsible for giving notices of the meetings. The Secretary records all meeting minutes and maintains records of all meetings. All meeting minutes are open for public inspection as required in ORC 121.22 (Sunshine Law).

A packet shall be given to all Board Members at least 2 days in advance of the meeting. The packet shall include an agenda, minutes of the previous meeting, the nurse report, the vital statistics report, the housing report, and the environmental director's report by mail or email at the request of each member.

Notice of all meetings shall be given to the local newspapers within the ELCHD jurisdiction at least 24 hours in advance and be posted on the City Hall's public calendar.

Section 2: Special Meetings

Special meetings may be called by the President of the Board or any member of the Board of Health. The special meeting shall be held at the same location as regular monthly board meetings.

The newspaper will be notified at least 72 hours prior to the special meeting unless an emergency condition necessitates a meeting resulting in a shorter notification.



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The Board may meet as a committee of the whole for work or study sessions. These meetings will be open to the public as required by law; however, no official action may take place at such meeting. At the discretion of the Board, minutes may or may not be kept of such meetings.

Section 3: Quorum

A quorum shall consist of a majority of Board Members. The Board of Health's actions will be effective if the majority of the quorum approves. An absenteeism from voting shall not be counted as either an affirmative or negative vote. A BOH member who is present by abstaining from a vote shall count toward a quorum. A majority of the Board any meeting at which a quorum is present shall determine an official action by the Board. ORC 3709.05 (D)

Section 4: Public Meetings

All meetings of the Board of Health are open to the public. The public may ask to speak at a BOH meeting during a specific time allocated to public comments as outlined on the meeting agenda. The BOH may set a time limit on individual public comments. Questions at a meeting are to be directed to the board as a whole and may not be addressed to any individual member of the board, except by permission of the President. A disruptive person waives the right to attend a meeting and may be removed.

All votes will be taken and recorded by roll call upon request of any member. All resolutions and motion for Executive Session brought before the Board require a roll call vote.

Executive sessions may be held in a private forum when it meets requirements permitted by law in Section 121.22 of the Ohio Revised Code. A motion shall be made stating the purpose and passed by a roll call vote in open public session.

Section 5: Order of Business and Agenda

The Health Commissioner will prepare the agenda for each meeting of the Board. Requests for items to be on the agenda should be submitted not less than 10 days prior to the scheduled meeting. If the agenda is revised, the agenda must be identified as such at the Board meeting.

The regular order of business shall be:

- a. Call to order
- b. Roll call
- c. Approve minutes of previous meetings
- d. Approve Health Dept. Employee Reports
- e. Approve Payroll
- f. Approve Health Dept Bills



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- g. Health Commissioner Report
- h. Nurse Report/Housing Report
- i. Old Business-action items
- j. New Business-action items
- k. Personal Privileges/Public comment
- l. Adjournment

Without objection, the regular order of business may be changed by the President or upon the request of the BOH member.

Section 6: Public Participation

The purpose for public participation at Board meetings is to provide the public with the opportunity to bring issues, concerns or problems directly to the attention of the Board. Except in emergency or extremely urgent circumstances, items brought to the Board's attention during this portion of the meeting will be heard, but will not be acted upon. In order to permit adequate staff preparation for full and complete Board consideration, these items will become appropriate "new business" agenda items at a future meeting.

All guests at meetings of the Board will register by completing the Board Meeting Guest Signature form.

Individuals or groups who wish to speak to the Board will be recognized during the "personal privileges" item on the agenda.

The individual or group must identify himself and the topic on which he wishes to speak. The Board chair reserves the right to limit the number of individuals in a group who may speak on the same topic. The Board President reserves the right to limit the time an individual may speak. Each person may be allotted three (3) minutes.

The Board, by majority vote, may extend the time for public participation, the time allotted to any individual or group and /or the number of individuals in a group who may speak.

ARTICLE V – RULES OF PROCEDURES

The Board of Health shall adopt its own rules of procedure. They will follow Robert's Rule of Order for questions of parliamentary procedure except if they are conflicting with the standing rules of the Board or are contrary to current laws of the State of Ohio.

ARTICLE VI – COMPENSATION

Members of the Board of Health will be compensated at \$80.00 for each monthly meeting they attend up to 14 regular and special meetings. They will not receive any other employee benefit. Each member



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of the Board shall receive travel expenses at rates established by the director of budget and management pursuant to section 126.41 of the Revised Code to cover the actual and necessary expense incurred for travel to and from meetings that take place outside the county in which the member resides.

Each Board member may receive travel expenses for registration for any conference that takes place inside the county in which the member resides.

ARTICLE VII- LEGAL SERVICES

The Board of Health and the Department will be represented by quality legal services in all instances where legal counsel is needed. The Law Director and the Prosecuting Attorney of East Liverpool City, pursuant Section 3709.33 of the Ohio Revised Code, shall be the legal counsel for the Board and its employees.

The Prosecuting Attorney’s office shall be kept well informed regarding all issues and/or actions that have the potential to result in the filing of charges or other litigation against any person or organization.

ARTICLE VIII – FISCAL MANAGEMENT

All purchases will be made with a purchase order approved by the Health Commissioner and authorized by the City Auditor. Any excess of the appropriated amount will require prior Board of Health approval. The Board of Health approves all payments/purchases at its monthly Board meeting.

The Board will adopt a permanent budget at the regular meeting in March.

ARTICLE IX – AMENDMENTS

These by-laws can be amended during any regular Board of Health meeting. The amendment must be given in writing at the prior regular meeting. Changes may be made by a vote of two-thirds of the members during a regular meeting. The bylaws shall be reviewed every two years.

The signature below indicate the review and approval of this policy.

Carl Covert

11-28-18

Carl Covert, Chairman

Date

Board of Health
Carol Cowan

11/28/2018

Carol Cowan, Health Commissioner

Date