

**BY-LAWS OF  
THE PREBLE COUNTY COMBINED HEALTH DISTRICT  
BOARD OF HEALTH**

**ARTICLE I NAME AND MISSION**

The name of the organization shall be the "Preble County Board of Health", hereinafter referred to as the "Board". The Mission of the Board shall be to assure that the people within the Preble County Health District are healthy and that living and working conditions are conducive to good health.

**ARTICLE II BOARD DUTIES**

The role of the Board of Health of the District is to adopt policies and to make such orders and regulations as are necessary for the promotion of health, the prevention of disease, and the abatement or suppression of nuisances. In addition, the Board shall make such orders and establish such policies as are needed from time to time for the administration of the Preble County Health Department to aid in implementing the Board's mission, standards and requirements of the Ohio Department of Health, the Ohio Public Health Council, and other duties required by Federal or State law. The authority to perform such functions is set forth in various provisions of the Ohio Revised Code and appropriate State of Ohio Agencies. In addition to its other duties, the Board may hear and dispose of appeals from public orders issued by the Board or district staff in accordance with law.

**ARTICLE III MEMBERSHIP, OFFICERS AND DUTIES**

- A. Appointment: The appointment, number, and terms of members of the Board shall be in accordance with relevant provisions of Chapters 3707 and 3709 of the Ohio Revised Code.
- B. The Board shall, at its January meeting of each calendar year, elect from its membership a *President* and a *President Pro-Tempore*. These officers shall be elected by a vote of a majority of the total membership for a one year term and shall be eligible for re-election at the expiration of his or her term. The *President* and *President Pro-Tempore* shall take office upon the completion of the election.
- C. The *President* shall be the presiding officer at all meetings and hearings of the Board. The *President* shall direct and expedite in a clear and orderly manner all agendas and proceedings of the Board; authenticate by signature all acts, orders, minutes, and proceedings of the Board; administer oaths and compel attendance of witnesses; call meetings from time to time in addition to regularly scheduled meetings; and perform such other duties and responsibilities as set forth in Chapters 3707 and 3709 of the Ohio Revised Code. The *President* shall vote on all matters before the Board in the same manner as other Board members. The *President* shall be an ex-officio member of all committees of the Board.
- D. *President Pro Tempore*: If the *President* should be absent from any meeting of the Board, then the *President Pro Tempore* shall assume the duties of the *President* until such time that the *President* is able to resume his or her duties or until such time that a new *President* is elected by the Board in accordance with these By-Laws, whichever comes first. In addition, the *President Pro Tempore* shall provide the *President* assistance as necessary.

- E. *Secretary*: The Preble County Health Commissioner shall serve as the Secretary of the Board in addition to other required duties as Health Commissioner.

#### **ARTICLE IV**

#### **RECORDER**

The Board may provide for the appointment of a Recorder to aid the Board and the *Secretary* in its business. Said Recorder shall be present at all Board meetings. The Recorder shall prepare the minutes of the Board by recording all proceedings of the Board on tape or in writing in accordance with Article VI (E), below. The Recorder shall then send a copy of said minutes to each Board member by mailing each a copy of the minutes. The Recorder shall submit said minutes to the Board for approval and upon approval, shall cause said minutes to be filed with the official records of the Preble County Board of Health.

The Recorder shall keep a record of all persons who attend every meeting of the Board. The Recorder shall count the votes in all voting and inform the *President* of the results. The Recorder shall perform any other duties required by the Board or the Health Commissioner.

#### **ARTICLE V**

#### **HEALTH ADMINISTRATOR**

The Preble County Health Administrator, in addition to all required duties, shall perform such other duties in the administration of Board business and meetings that the Board or the Health Commissioner may delegate from time to time.

#### **ARTICLE VI**

#### **MEETINGS**

- A. The Board shall hold one regular meeting per month on the third Thursday of each month in the assembly room of the Preble County Office Building, located at 119 South Barron Street, Eaton, Ohio at 8:30 o'clock in the morning or such other time as deemed appropriate by the Board. In the event the third Thursday of a month falls upon a holiday or there is not a quorum of Board members present at the meeting, the Board shall meet at the discretion of the Board or the *President*. However, the Board shall never meet less than once per month.
- B. Each Board member shall receive notice, via mail, at least three days before each regularly scheduled monthly meeting. Each notice shall contain a copy of the previous meeting's minutes and a copy of the agenda for the upcoming meeting.
- C. Any meeting that is not a regularly scheduled meeting is deemed a special meeting. The Board may hold a special meeting at the call of the *President* if available, the *President Pro Tempore*, or the concurrence of any three Board members. Each Board member shall be provided with written notice of such meetings at their individual residences at least seventy-two (72) hours prior to such meeting unless an emergency condition warrants the Board meeting with less advance notice, in which event each Board member must be notified as soon as possible of the special meeting. Each such notice shall provide the date, time, place and subject of the special meeting.

The Board shall give at least twenty-four (24) hour notice to all news media who have requested to be notified of any special meetings of the time, place and purpose of the special meeting unless there is an emergency that requires immediate official action on the part of the Board. In

such a case, the person or persons calling the special meeting must inform the news media requesting notification of the time, place and purpose of the special meeting.

The Board shall establish by rule a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. The Board shall also establish a rule which provides that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

All special meetings shall be held at the offices of the Board or at a location determined by the *President* or a majority of the Board.

- D. Quorum: A majority of the members of the Board shall constitute a quorum for the conduct of any of the Board's business. A Board member position which is vacant due to the death, resignation or failure of appointment as a Board member shall not be counted for the purpose of determining whether there is a quorum for that meeting.
- E. The Board shall cause to be kept minutes of each of its meetings. The minutes shall be recorded by the Secretary or Recorder on audiotape or in writing. At a minimum, the minutes must enable the public to understand and appreciate the rationale behind the Board's decisions. Further, the minutes must reflect how each member of the Board voted on a particular item. The minutes shall also reflect which members of the Board were absent during the meeting, whether any Board members abstained from voting on a particular matter, and who was present at the meeting other than Board members.

If the Board enters into executive session pursuant to Ohio Revised Code section 121.22(G), the minutes must indicate the general reason why the Board entered into executive session and they must reflect which Board members voted to enter into executive session as well as reflecting which Board members voted against entering into executive session. The minutes shall also indicate when the Board completed the executive session.

The minutes from a Board meeting must be read and approved at the next meeting of the Board unless such reading is waived by a majority of the Board members present. The *President* and Health Commissioner shall sign any minutes which have been approved by the Board. After the minutes have been approved by the Board, the Board shall cause the *Secretary* or the Recorder to file a copy of the minutes with the official records of the Board. The Board may amend the minutes of a particular meeting at any regular meeting by a majority of Board members. All minutes of the Board are "public records" which must be promptly prepared, filed and maintained pursuant to Ohio Revised Code section 121.22(C).

- F. When any matter is presented to the Board, and persons involved shall have an opportunity to present testimony and other evidence to the Board concerning the merits of the matter. In addition, the Board will hear comments and evidence concerning the merits of the matter from members of the public who support and/or oppose the matter before the Board.
- G. All testimony heard by the Board shall be sworn testimony. The President shall make sure that each person is "sworn in" and he shall administer the proper oath.

- H. The Board shall hear sworn testimony on other business before the Board as it deems appropriate.
- I. No issue before the Board shall be discussed by Board members except in open meetings as provided by Ohio Revised Code section 121.22 entitled "Meetings of Public Bodies to Public", as amended from time to time.
- J. If the Board members should make an inspection or view any site which is the subject of a case, that fact shall be disclosed at an open meeting. Any material information gained from such an inspection or view shall be disclosed at the Board hearing. If more than two Board members should view the site at any one time, the Board members shall not discuss the case amongst themselves other than in an open meeting.
- K. After the Board has heard testimony and reviewed evidence on a given matter, the Board members shall discuss the matter amongst themselves in a meeting that is open to the public. Such discussion should be in the same meeting that the matter is initially presented to the Board if at all practicable. When the *President* believes that the matter has been adequately discussed by the Board, he or she shall call for a motion and a vote concerning the disposition of the matter that is pending before the Board in accordance with Article VII, below.

## ARTICLE VII

## VOTING

- A.1. Upon the close of discussion on a particular matter pending before the Board, the *President* shall call for a motion for the disposition of the matter. A motion may be made by any Board member to approve the matter before the Board; to approve the matter with amendments or supplementary conditions; to reject the matter before the Board; or to "table" the voting or discussion of the matter to another meeting. If the motion is seconded by another Board member, the *President* shall immediately put the motion to a vote.
- 2. In moving to accept or reject an issue, it is sufficient for a Board member to state the issue and whether the motion is to accept, reject or for the Board to consider both acceptance and rejection of the issue before the Board. In moving to accept an issue before the Board with either an amendment or supplementary conditions, it is sufficient for the Board member to state the fact that the motion is to accept the issue, and the specific amendments or supplementary conditions that are proposed to be added to the issue upon approval.
- 3. Unless a motion is put before the Board that requires either the acceptance or rejection of a pending matter, the failure of a motion requires the Board to consider another motion on a matter to dispose of that matter. Unless the motion is stated otherwise, the failure of the motion to carry does not cause the opposite of the motion to occur. (i.e. the failure of the Board to approve a motion to dismiss a matter does not automatically result in the approval of the application unless the motion is worded that way).

- B.1. All voting shall be by roll call vote. When a motion is before the Board, each Board member present, including the *President*, shall state whether he or she votes for, or against, a proposed motion when the Secretary or Recorder calls his or her name. The Secretary or recorder shall count the votes and announce whether the motion is accepted or rejected by the Board. Each Board member is entitled to one (1) vote unless a member has disqualified himself or herself from voting as stated in section (C) below.
- 2. When giving his or her vote, each Board member must indicate the reason or reasons he or she is voting for or against an issue pending before the Board.
- C. Any Board member who has a direct or indirect financial interest in the outcome of the matter before the Board, or who has a conflict-of-interest regarding some aspect of the matter pending before the Board, shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question at the beginning of discussion on said matter. Said Board member shall not be counted for the purposes of a quorum. Any Board member who disqualifies himself or herself shall declare that he or she is not participating or voting on the issue and that he or she should not be counted as part of the quorum.
- D. A motion is only adopted when a majority of the Board members present vote in favor of the motion. Where the majority of the Board members present vote against the proposed motion or there is a tie vote, the motion fails.

## **ARTICLE VIII**

## **ORDER OF BUSINESS**

Unless waived or modified by the Board upon motion and majority vote, the following procedure shall be followed for business before the Board. All matters discussed by the Board shall be in an open meeting pursuant to Ohio Revised Code section 121.22 entitled "Meetings of Public Bodies to Be Public".

- A. Welcome of Persons Present
- B. Roll Call of Board Members
- C. Review/Approval of Minutes
- D. Report of the Health Commissioner and/or the Health Administrator
- E. Committee Reports/Health Department Updates/Review and Payment of Bills
- F. Public Hearings. For each case before the Board there shall be a
  - 1. Reading and presentation of the case or order to the Board
  - 2. Presentation of the persons involved on the merits of the matter before the Board
  - 3. Questions by Board members
  - 4. Comments by proponents and/or opponents of the matter before the Board
  - 5. Additional questions by Board members
  - 6. Close of public hearing on matter
  - 7. Discussion of matter
- G. Action by Board
- H. Other Matters
- I. Adjournment

## **ARTICLE IX**

### **RECONSIDERATION**

The Board discourages resubmission of previously denied requests. For a period of not less than one year after a request has been officially denied by the Board, the only way reconsideration by the Board will be possible will be according to the following procedures:

1. The person seeking reconsideration shall submit a written request to the Board stating the reasons why the request should be reconsidered.
2. At its next meeting, the Board shall discuss the request for reconsideration. In determining whether to reconsider the matter, the Board must find that sufficient new facts and/or circumstances exist which materially affect the matter. If such a finding can be made, the Board may note to reconsider the matter at the next regular meeting of the Board.

## **ARTICLE X**

### **AMENDMENTS**

These By-Laws may be amended from time to time. Any proposed amendment to these By-Laws shall be submitted to the Board members at least thirty (30) days prior to taking action. Any amendment shall require a majority vote of the total membership of the Board.

## **ARTICLE XI**

### **COMMITTEES**

The *President* shall appoint members to standing committees and members, staff or citizens of Preble County to any other standing, temporary or advisory committees deemed necessary by the Board to assist it in conducting its business. Such committees may include committees on negotiating, policy review, executive, operations, planning and the like. Advisory committees could deal with such topics as environmental health, nursing, child and family health (home health care), and the like.

Standing committees are the "Personnel" and "Finance" committees. Each such committee shall have three members each.

## **ARTICLE XII**

### **COMPENSATION AND EXPENSES OF THE BOARD**

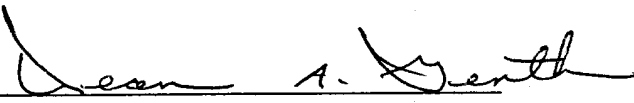
Each Board member shall be paid a sum not to exceed eighty dollars a day for his or her attendance at each meeting of the Board. No Board member shall receive compensation for attendance at more than eighteen meetings in any given year. Each Board member shall receive travel expenses at rates established by the director of budget and management pursuant to the provisions of Ohio Revised Code section 126.31 to cover actual and necessary travel expenses incurred for travel to and from meetings that take place outside of Preble County, Ohio, except that any Board member may receive travel expenses for registration for any conference which takes place within Preble County, Ohio.

## **ARTICLE XIII**

### **PARLIAMENTARY PROCEDURE**

The Rules contained in "Robert's Rules of Order" shall govern the Preble County Board of Health in all cases in which they are applicable and in which they are not inconsistent with relevant provisions of the Ohio Revised Code and the By-Laws of this Board.

These By-Laws were adopted by the Preble County Board of Health on the  
15<sup>th</sup>, day of June, 2000.

  
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President