

***Madison County Health Department***  
***Board of Health Operating Procedures***

Approved by: Madison County Board of Health

Adopted: 9/28/2023

## ***Purpose and Guiding Principles***

A county board of health shall be the policymaking, rule-making, and adjudicatory body for a county health department as defined by applicable North Carolina law. The following operating procedures will serve as a guide to Madison County Board of Health members as the board strives to prevent disease and protect and promote the public's health as set forth in Chapter 130A of the NC General Statutes.

Guiding principles include:

1. The Madison County Board of Health must act as a body.
2. The Madison County Board of Health must act by at least a majority.
3. Each board of health member must have an equal opportunity to participate in decision-making.
4. Actions by the Madison County Board of Health should be the result of a decision based on the merits.

# **Madison County Board of Health Operating Procedures**

## **Article I: Name and Office**

The name of this organization shall be the Madison County Board of Health. The Madison County Board of Health's principal office shall be 493 Medical Park Drive, Marshall, North Carolina 28753.

## **Article II: Board Members**

### *Section 1    Composition*

The board shall consist of eleven members appointed in the manner specified in the North Carolina General Statute 130A-35, as amended.

### *Section 2    Vacancies*

Vacancies shall be filled for any unexpired portion of a member's term.

### *Section 3    Terms of Office*

The terms of the board members shall be as specified in North Carolina General Statute 130A-3(c), unless the member is removed pursuant to North Carolina General Statute 130A-35(g), as amended.

### *Section 4    New Board Members*

Each new board member must take the required oath of office before serving.

### *Section 5    Compensation*

Members of the Madison County Board of Health shall receive no compensation for their service on the Board. However, they may receive reimbursement for travel and subsistence expenses incurred on official Board of Health business at the prevailing rate for Madison County employees."

Newly appointed board of health members shall receive orientation on their role, the authorities and responsibilities of the local boards of health and the functions of public health within one year of their appointment. Re-appointed members will not be required to repeat orientation unless the content has changed since they were oriented.

Section 7 On-Going Training

The local health director will ensure that board of health members receive annual training regarding their authorities and responsibilities as they relate to relevant and/or emerging public health topics.

Section 8 Orientation

New board members shall receive an updated board handbook as well as orientation regarding the authorities and responsibilities of the board within their first 12 months of service.

**Article III: Officers**

*Section 1 Procedure*

Board members shall elect a Chair and Vice-Chair by majority vote each year at the January meeting. Newly elected officers will serve for one year or until their successors are elected.

*Section 2 Duties of Chair and Vice-Chair*

The Chair and the Vice-Chair shall perform the duties as prescribed by the Operating Procedures, the Public Health and Related Laws of North Carolina, and the parliamentary authority adopted by the Board of Health.

The Chair shall preside over all meetings, shall appoint appropriate committees, and shall assist these committees in carrying out the duties for which they were appointed.

The Vice-Chair shall preside in the absence of the Chair and shall perform such duties as are assigned by the Chair. Should the office of the Chair be vacated for any reason, the Vice-Chair shall fill the unexpired term of office and a new Vice-Chair shall be elected by the Board.

*Section 3 Duties of Secretary*

The local health director shall serve as Secretary to the Board, but the director is not a member of the Board. The local health director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate local health department employee.

The Secretary shall notify board members of upcoming Board of Health meetings, record the minutes of the meetings, and distribute them to the board members.

**Article IV: Standing and Temporary Committees**

*Section 1*     *Appointments*

The Chair may establish and appoint members for standing or temporary committees as are required by law or needed to help carry on the Board's work.

*Section 2*     *Open Meetings*

All committees are subject to the North Carolina open meeting laws and shall comply with the provisions of those laws, including compliance with NC Gen. Stat. § 143-318.12 "Public notice of official meetings".

*Section 3*     *Executive Committee*

The Board of Health will have an Executive Committee, which will consist of the Chair, the Vice-Chair, and the county commissioner representative on the Board. The executive committee shall be empowered to speak and act for and on behalf of the Board of Health when such action is necessitated due to considerations of time and circumstances; provided that any action approved and undertaken by the executive committee shall be communicated to the members of the Board of Health as soon as practicable following such action and, providing further that a report of such action shall then be presented at the next meeting of the Board of Health following the action of the executive committee.

**Article V:   *Meetings***

*Section 1*     *Regular Meetings*

The Madison County Board of Health shall meet at least quarterly. Routine meetings will be on the fourth Thursdays of January, March, May, July, and September as well as the third Thursday in November (due to the Thanksgiving holiday). The meetings shall be held at the offices of the Madison County Health Department and shall begin at 6:00 p.m. Due to unique circumstances, meetings may be held via electronic means. Due to extreme situations meetings may be cancelled by the Chair or Vice-Chair if deemed necessary.

At the first regular meeting of the new calendar year, the board shall have an organizational meeting at which it shall elect a Chair, Vice-Chair, and approve a schedule of regular meetings.

*Section 2*     *Special Meetings*

Notice of Special Meetings shall be posted as required by the Open Meetings Statute, Article 33C.

*Section 3*     *Emergency Meetings*

The Chair (or a majority of the members) may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice shall be given to each board member and posted at the health department office and on the Madison County Health Department website.

The board may call emergency meetings only because of generally unexpected circumstances that require immediate consideration. Only business connected with the emergency may be considered at the emergency meeting.

*Section 4    Attendance*

The Madison County Board of Health deems it essential to its ability to effectively and efficiently discharge its responsibilities that meetings be attended regularly.

*Section 5    Open Meeting Laws*

The Madison County Board of Health shall comply with all Open Meeting Laws of the State of North Carolina.

**Article VI: Meeting Procedures**

*Section 1    Agenda*

The Chair and the Secretary shall prepare an agenda and meeting notice for proper distribution. Members should contact the Secretary no less than ten ( 2) days prior to a meeting to place an item on the agenda. Health department staff must request agenda time through the Health Director. Each Board member shall receive a copy of the agenda packet. The Board, by majority vote, can add an item that is not on the agenda.

*Section 2    Presiding Officer*

The Chair or the Vice-Chair will preside at board meetings. If both the Chair and the Vice-Chair are absent from the meeting, another member may be designated to preside at the meeting by majority vote of the board members present. The Secretary shall open the meeting and as the first order of business, open the floor for nominations of a temporary chair for that meeting.

*Section 3    Quorum*

A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A quorum is necessary to conduct official business at any meeting. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall

be counted as present for purposes of determining whether a quorum is present.

*Section 4    Order of Business*

Items shall be placed on the agenda according to the Order of Business. The Order of Business for each regular meeting shall be as follows:

- Call to Order
- Discussion/Adjustments/Approval of the Agenda
- Approval of Minutes from Prior Meeting
- Public Comments
- Public Health Training
- Announcements
- New Business
- Administrative Reports
- Other Business
- Adjournment

*Section 5    Voting*

Each member shall have an equal vote on items before the Board. There shall be no proxy voting. The Chair shall be considered a member of the board in determining the number on which a majority is based.

A majority vote (more than half of the votes cast) is needed to pass any motion except amendments to the Operating Procedures.

Each board member shall be permitted to abstain from voting, by so indicating when the vote is taken. A member must abstain from voting in cases involving conflicts of interest as defined by North Carolina law. If a member has withdrawn from a meeting without being excused by a majority vote of the remaining members, the member's vote shall be recorded as an abstention.

The Board recognizes and acknowledges that extenuating circumstances may occasionally exist that would prevent a board member from being physically present at official meetings of the board. As such, a board member is permitted to participate and vote remotely in open and closed sessions of regular or special meetings.

*Section 6    Motions*

Business is brought before the Board by a motion of any member. A motion requires a second before any discussion can begin or the Board can take any action.

*Section 7 Other Procedural Matters*

Robert's Rules of Order, Newly Revised, shall serve as the guide for the board's conduct. Operating Procedures will supplement and clarify the recommendations of the manual.

*Section 8 Public Comments*

Members of the public may address the Board during a public comment period held at each regularly scheduled meeting. Requests by the public to be added to the agenda will be directed to public comment. Individuals must sign up for public comment on the sign-up sheet before the meeting begins. Individuals may speak for up to 3 minutes during their public comment time. The Public Comment period will provide three (3) minutes per speaker, up to five (5) speakers per meeting, for a total of fifteen (15) minutes on the agenda.

**Article VII Minutes**

The Secretary shall prepare the minutes of each Board meeting. Copies of the minutes shall be made available to each board member before the next regular Board meeting. At each regular meeting, the Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of the Board of Health meeting minutes at the office of the Madison County Health Department or on the Madison County Health Department Webpage once the minutes are approved.

**Article VIII Appointment of the Health Director**

*Section 1 Appointment*

The Madison County Board of Health, after consulting with the Madison County Board of Commissioners, shall appoint a Health Director. The Health Director shall possess the qualifications established for the position by the Commission of Health Services and qualifications established for the position by the Office of State Personnel. However, the local Health Director shall not be required to be a physician. If the Board of Health fails to appoint a local health director within 60 days of the vacancy, the State Health Director may appoint a Health Director. The Board of Health



has ultimate responsibility for employing and dismissing the Health Director.

*Section 2     Duties*

The health director works in the field of public health, as the administrative head of the health department, duties and purposes of the Madison County Health Director are outlined in the North Carolina General Statutes of "The Public Health and Related Laws of North Carolina".

***Article IX:   Amendments***

Operating Procedures for the Madison County Board of Health may be amended at any regular meeting or any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

***Article X:   Other Procedural Matters***

*Section 1     Robert's Rules of Order*

The Madison County Board of health shall refer to the current edition of Robert's Rules of Order Newly Revised to answer procedural questions not addressed in this document, so long as the procedures prescribed in the manual do not conflict with North Carolina law.

*Section 2     Amendments*

These Operating Procedures, except for those matters required by the North Carolina General Statutes, may be amended or repealed by the vote of a majority of the board members then holding office at any properly noticed regular meeting.

*Section 3     Conflict*

Should any provision contained in these Operating Procedures conflict with the North Carolina General Statutes, or for any reason be held to be invalid, illegal, or unenforceable in any respect, such conflict, invalidity, illegality, or unenforceable provisions will be considered to have never been contained herein.

*Section 4     Applicability*

These Operating Procedures shall apply fully to any committee or sub-committee of the Board.

**Article XI: Compliance with North Carolina Law**

In conducting its business, the Madison County Board of Health, and any committees thereof, shall comply with all applicable North Carolina laws, including but not limited to open meetings law, public records laws, and the laws setting forth the powers and duties of local boards of health. To assist the Board in compliance, the local Health Director shall maintain a current copy of relevant North Carolina General Statutes and make them available to Board members upon request.

**Article XII:**

- Section 1: Adoption of Rules: The Board of Health shall have the responsibility to protect and promote public health. The board shall have the authority to adopt rules necessary for that purpose. Notwithstanding the foregoing, nothing herein shall be deemed to grant any individual or collective rights or claims to members of the public or county citizens for any failure by the Board of Health, or any member therein, from achieving this purpose or from executing any duties or responsibilities related to the same.
  
- Section 2: Exceptions to Rule Adoption: The Board of Health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the Board of Health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail overboard of health rules. However, the Board of Health may not adopt a rule concerning the grading, operating, and permitting of Food and lodging facilities as listed in Part 6 Article 8 of NCGS 130A and as defined in 130A-247(1). The Board of Health may adopt rules concerning wastewater collection, treatment, and disposal systems that are not designed to discharge effluent to the land surface or surface waters only per NCGS 130A-335(c).
  
- Section 3: Scope of Rules: The rules of the Board of Health shall apply to all incorporated and unincorporated areas of Madison County.
  
- Section 4: Notification of Rules: Not less than ten (10) days before the adoption, amendment, or repeal of any Board of Health rule, the proposed rule shall be made available at the office of the clerk for the County Commissioners within the board's jurisdiction, and a notice shall be published on the county website. The notice shall

contain a statement of the substance of the proposed rule or a description of the subjects and issues involved, the proposed effective date of the rule and a statement that copies of the proposed rule are available at the office(s) of the local health department.

The board of health rule shall become effective upon adoption unless a later effective date is specified in the rule. A copy of all the rules shall be filed with the secretary of the board of health.

Section 5: Rule Reference: The board of health, in its rules, may adopt by reference any code, standard, rule or regulation which has been adopted by an agency of this State, another state, any agency of the United States or by a generally recognized association. Copies of any material adopted by reference shall be filed with the rules.

Section 6: Fees: The Board of Health may impose a fee for services to be rendered by the health department, except where the imposition of a fee is prohibited by statute or where an employee of the department is performing the services as an agent of the state. Notwithstanding any other provisions of law, the Board of Health may impose cost-related fees for services performed according to Article 11 (NCGS 130A), "Wastewater Systems", for services performed according to Part 10, Article 8 (NCGS 130A), "Public Swimming Pools", for services performed according to Part 11, Article 8 (NCGS 130A), "Tattooing, and for services performed according to NCGS 87-97. Fees shall be based upon a plan recommended by the local health director and approved by the local board of health and the local board of county commissioners. The fees collected under the authority of this subsection are to be deposited into the account of the department so that they may be expended for public health purposes per the provisions of the Local Government Budget and Fiscal Control Act.

Approved and adopted by the Madison County Board of Health on September 28, 2023

  
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Chair, Madison County Board of Health

9/28/2023  
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Date

  
Secretary, Madison County Board of Health

9-28-23  
Date