

## **BYLAWS OF THE CLERMONT COUNTY BOARD OF HEALTH**

(Adopted 03/08/2023, Effective 04/12/2023)

### **A. Mission**

The mission of Clermont County Public Health (CCPH) is striving to improve the health of Clermont County by preventing disease, promoting health, and protecting the environment.

### **B. Authority of the Board**

The role of the Board of Health 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 CCPH, to aid in implementing the Board's mission, standards and requirements of the Ohio Department of Health, 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 CCPH staff in accordance with law.

### **C. Duties of Board**

The BOH:

- Operates not only within its legal responsibilities but also operates under the principles of good faith and ethical conduct;
- Establishes broad policy to ensure stakeholders' needs are being addressed and met;
- Reviews CCPH's strategic plan, position, and policies and makes recommendations for changes as needed;
- Reviews operational data on the activities and outcomes of the BOH and CCPH;
- Approves CCPH programs to ensure their consistency with the CCPH mission, priorities, stakeholder needs, and resources;
- Approves CCPH financial action, including the budget;
- Appoints the Health Commissioner (HC) as the Chief Executive Officer;
- Delegates to the HC the authority to carry out policies established by the BOH;
- Acts as an advocate for the citizens it represents by appraising CCPH's programs, services and activities;
- Approves policies related to personnel, procedures, and finances as they relate to the overall conduct of CCPH;
- Maintains and respects confidentiality in all matters relating to the BOH and CCPH;
- Maintains high ethical standards, including sensitivity regarding conflict of interest and/or the appearance of such conflict;

### **D. Health Commissioner**

The Ohio Revised Code states that the Health Commissioner (HC) shall be the executive officer of the BOH and shall carry out all orders of the BOH and the Ohio Department of Health. The HC shall be charged with the enforcement of all sanitary laws and regulations in the district and shall keep the public informed regarding matters affecting the health of the district. The HC shall attend all meetings of the District Advisory Council (DAC).

To the extent permitted by law, the HC shall be responsible for all matters relating to employees of CCPH and shall act on behalf of the BOH in all matters specifically delegated to the HC by the BOH. The HC manages and administers the day to day functions of CCPH. The HC can approve budget transfers within a fund, out of county travel, and purchases up to \$5,000 per item. The HC may advertise for any open vacant positions. The HC may initially appoint, employ, and set compensation according to the guidelines or salary scale set by the BOH for employees of CCPH; the decision of the HC must be fully ratified at the next regular BOH meeting. The HC is not empowered to open new positions without action from the BOH.

**E. Appointments, Removals, Vacancies, and Terms of Office of BOH Members**

- 1.) Composition and Appointment: The BOH is a five-member board; members are appointed in staggered five-year terms by statutory requirement of ORC 3709.02.
  - All members are appointed by the DAC
  - One member must be a physician
- 2) Vacancies: In the event of resignation, death, or removal, the DAC fills the resulting vacancy.
- 3) Term Limits: The BOH's position is that members do not have term limits.
- 4) Removals: BOH members may be removed from office pursuant to ORC 3709.35.

**F. Compensation and Travel Expenses**

Each BOH member may receive compensation pursuant to ORC 3709.02.

Each member shall also receive travel expenses at rates established by the Ohio Director of Budget and Management pursuant to ORC 126.31 to cover the actual and necessary travel expenses incurred for travel to and from meetings that take place outside the county in which the member resides, except that any member may receive travel expenses for registration for any conference that takes place inside the county in which the member resides. It shall be the responsibility of the President or Vice President of the BOH to authorize travel in advance and approve the reimbursement for actual and reasonable expenses incurred by members of the BOH in the performance of their duties.

Travel reimbursement does not include expenses associated with meetings and committees of the BOH.

**G. Officers**

**1. Election:**

- a) The elected officers of the BOH shall be the President and Vice President. These officers shall be elected at the April meeting of the BOH following the appointment of member(s) at the March DAC Meeting. Officer appointments shall be for a term of one year. Nominations may be made from the floor by members of the BOH. The President and Vice President shall take office immediately following the election.

**2. Duties:**

- a) 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; administer; 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.

- b) The Vice President functions as the Sergeant-at-arms, maintaining order at BOH meetings. The Vice President shall fill in for the President in the event of absence. Should the President position become vacant, the Vice President shall become President for the remainder of the term. The BOH will then name a new Vice President to complete the term.
- c) The HC serves as the Secretary of the BOH and is not a voting member. The HC may have other staff assist in the duties of the Secretary. The Secretary issues notices for all meetings, records all meeting minutes and maintains records of all meetings as set forth in the ORC 3709.19, receives and attends to all correspondence of the BOH, maintains custody of all documents belonging to the BOH, and duties required by the BOH.

#### **H. Continuing Education**

Each BOH member must complete two hours of continuing education annually per ORC 3701.342. Each continuing education credit shall pertain to one or more of the following topics: ethics, public health principles, and a member's responsibilities. Credits may be earned in these topics at pertinent presentations that occur during regularly scheduled board meetings throughout the calendar year or at other programs available for continuing education credit. Continuing education credits earned for the purpose of license renewal or certification by licensed health professionals serving on boards of health may be counted to fulfill the two-hour continuing education requirement.

#### **I. Committees**

The BOH may designate from among its members standing committees and such other committees of the BOH as the BOH may from time to time find appropriate.

Committee members shall be appointed by the BOH based upon the BOH member's expertise and shall be appointed by nomination and motion. No committee of the BOH shall consist of a majority of the BOH members. Membership on committees shall be for a period of one year unless otherwise stated. Attendance of BOH members at committee meetings is expected.

Activities of committees shall be reported to the full BOH during regular meetings.

- 1) Audit Committee:** The Audit Committee consists of all members of the board and meets annually to discuss the agency's financial audit during regularly scheduled meetings. The HC may request from time to time to have a representative of the BOH on agency or other stakeholder committees. The appointment for such committees shall be in the same manner as above.

#### **J. Meeting Notice**

A regular meeting of the BOH shall be held at least once each calendar month at a date a time as established by the board. Meetings are held at the Clermont County Permit Central Building, 2275 Bauer Rd., Batavia, OH 45103 unless otherwise noted. Additional meetings may be scheduled as necessary for the prompt and thorough transaction of its business. The time and place of all regular meetings and the time, place and purpose of all special meetings shall be posted on the CCPH website at least 24 hours in advance of the meeting.

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.

The Secretary of the BOH is responsible for giving notices of the meetings. All meeting minutes are open for public inspection as required in ORC 121.22 ("Sunshine Law"). The Secretary is responsible for posting the meeting dates of all meetings and notifying BOH members and the public of all meetings. The tentative meeting agenda and prior meeting draft minutes will be provided to the BOH approximately three (3) days before the meeting. Notification to BOH members may be electronic or mailed.

Special meetings may be called either by the President in the case of their absence, the Vice President, or by any three members of the BOH. Emergency meetings, when immediate official action is required, may be called either by the President in the case of their absence, the Vice President. The Secretary of the BOH shall immediately notify all media outlets that have specifically request such notice of the time, place and purpose of the emergency meeting.

#### **K. Procedures**

Meetings are open to the public except for executive sessions that may be called during a meeting to discuss those issues permitted by law, provided the requisite motions with a statement of purpose are passed by a roll call vote in open session.

The Clermont County BOH has an open door policy and supports citizen input. If a citizen is particularly upset or concerned about an action or decision of CCPH, they can speak during the public comment portion of the meeting. Although they are being "heard" by the BOH, they are not in any way being given a hearing, and no decision or action will be made at the meeting as a result of their input. They are simply stating their thoughts on a particular matter. For persons requesting a formal hearing on a decision, please see Section L.

As a courtesy to the Board members and in the interest of time, each person may speak for two minutes per person. The maximum total time for public comment is 20 minutes per meeting. The first ten people signed up on the sign-up sheet may speak. If fewer than ten citizens sign up, each person is still restricted to two minutes per person. A disruptive person waives the right to attend a meeting and may be removed.

Persons whose real property is on the agenda may address the BOH during that specific agenda item.

The BOH may adopt its own rules of procedure but shall rely on Robert's Rules of Order for questions of parliamentary procedure, except where they are inconsistent with these bylaws or are contrary to existing laws of the State of Ohio.

A quorum is a majority of BOH members. BOH members whose position is vacant due to death, resignation, or failure to appoint will not count for the purpose of determining a quorum of the meeting. A simple majority of those members present and voting yes, if at least a quorum is in attendance, shall constitute a favorable vote. An abstention from voting shall not be counted as either an affirmative or negative vote. A BOH member who is present but abstaining from a vote shall count toward a quorum. Any BOH member may request a roll call vote.

Consent agenda items are considered non-controversial items which do not generally need explanation or debate, such as approval of budget amendments, personnel actions, minutes,

contract renewals with minor changes, black water holding tank variance renewals (after initial variance is approved), and other items that may be routine. A consent agenda may be presented at any regular BOH meeting. The intent of the consent agenda is to expedite processing for repetitious or routine items of business and allow for more meaningful conversation on public health issues impacting the community. The President will request if any member would like an item moved from the consent agenda and placed on the regular agenda prior to approving the consent agenda. If any request is made, the agenda item will be moved with no further discussion as to why the request was made, nor is any vote taken to move the agenda item.

#### **L. Board of Health Hearings**

Hearings may be requested as part of due process in relation to Body Art Establishments (ORC 3730.05, OAC 3701-9-09), Retail food Establishments (ORC 3717.29, OAC 901:3-4-08), Food Service Operations (ORC 3717.49, OAC 3701-21-26), Recreational Vehicle Parks, Recreational Camps, Combined and Temporary Park-Camps (ORC 3729.08, OAC 3701-26-03), Public Swimming Pools, Spas, and Special Use Pools (ORC 3749.05, OAC 3701-31-03), Resident Camps (OAC 3701-25-02), Sewage Treatment Systems (ORC 3718.11, OAC 3701-29-03) and all other matters subject to the jurisdiction of the BOH under the ORC or OAC. The purpose of establishing a hearing process for the BOH is to ensure a consistent process for all parties and to make expectations and responsibilities clear. Placing the responsibility for copying necessary materials on the individual requesting the hearing ensures all parties involved have the necessary information, and the information accurately represents what the requestor intends to present. Generous timelines are established in order to keep the issue moving forward without representing a hardship to the aggrieved individual. There is no fee for requesting a Board of Health hearing.

- 1) Who May Request a Hearing:** Any person who is affected or aggrieved by a decision made by CCPH staff, may appeal that decision to the BOH if they are the property owner, license holder, or permit holder for a location impacted by the decision. If an aggrieved party chooses to have an agent serve as their representative, the representative **must** be an attorney licensed to practice law in the State of Ohio. If an aggrieved party chooses to have an individual who is not an attorney speak on their behalf without the owner, license holder, or permit holder present, the non-licensed individual will need to have a written letter or power of attorney indicating their intent to have the individual speak on their behalf. An individual who is not an attorney speaking on behalf of the owner, license holder, or permit holder will only be able to provide information about the situation on behalf of the owner, but shall not argue the facts or merits of the case or cross examine witnesses.
  
- 2) How to Request a Hearing:** To challenge a decision, the aggrieved individual must file a written request with the HC, which includes the following specific information. Any request received that does not include all of the necessary information will not be accepted. The written request for a hearing must include the following:
  - a) The name and address of the individual requesting the hearing. This should be the property owner, license holder, or permit holder.
  - b) The name of the requestor's attorney or identified spokesperson, if any.
  - c) The grounds for the request. This should be a detailed explanation of the objections to the decision describing the information that was excluded or incorrect.
  - d) The particulars relevant to the hearing. This might include background facts that relate to the situation, including how you are affected by the decision or order.

- e) A description of the relief or remedy requested. That is, what you are asking the BOH to do at the end of the hearing.
- f) The signature of the requestor or the requestor's attorney. A copy of the decision (the permit, license, application, order, disapproval, etc.) that is being challenged.
- g) Ten copies of all documents supporting the appeal, including the original notice of appeal.

The request for a hearing must be mailed or hand-delivered to the office of the CCPH. Emailed and faxed appeals will not be accepted.

- 3) Time Limit for Filing a Hearing Request:** Every request for a hearing in front of the BOH must be filed within 180 days of the initial notice from CCPH of the disapproval or order that causes the requestor to be aggrieved.

The HC will reject any request filed after the time limit.

- 4) Incomplete Request for Hearing:** If, after review by the HC, the request for a hearing is found not to contain the required information, it will be considered deficient. The request for a hearing will be returned to the requestor with a written notice that identifies the deficiencies and informs the requestor the BOH will not proceed with the request for a hearing until an amended request that addresses the identified deficiencies is received by a specified date.

If the deficiencies identified by the HC are not corrected by the date specified in the notice, the hearing request will be considered abandoned.

- 5) Notification of Hearing:** Once a complete request for a hearing is received, the requestor will be notified in writing within 14 days of receipt by the HC of the date the hearing will be set before the BOH. Hearings are held at the regularly scheduled monthly BOH meetings, so depending on the timing of receipt of the request and the upcoming BOH agendas, the hearing may be scheduled several months after receipt of the completed request. Every attempt will be made to schedule the hearing as quickly as possible and accommodate the requestor's scheduling needs. While the hearing is pending, there will be no further action against the requestor except when a nuisance situation is endangering others.

- 6) Hearing Decision of the Board of Health:** The requestor and/or their representative, if applicable, will have the opportunity to present the information contained in their request for a hearing in person to the BOH. The requestor may also have additional parties present information to the BOH on their behalf at the hearing, but those individuals will be limited to providing information on behalf of the requestor or answering questions posed by the BOH or the Board's attorney. CCPH staff will also be at the hearing to present their side of the issue and answer questions from the requestor, the requestor's attorney, the BOH, and the BOH's attorney. The BOH will make a decision during the hearing and take one of four actions:

- a) Deny the requestor's desired action and uphold the original decision of CCPH staff or the BOH;
- b) Approve the requestor's alternate action;
- c) Approve the requestor's challenge and allow the appellant to proceed with a revised action determined by the BOH; or

d) Continue the hearing at a subsequent meeting to allow time for additional information to be obtained

**7) Options When a Challenge is Denied:** If the BOH denies the appeal, the appellant has the option to appeal the BOH's decision to either the Clermont County Court of Common Pleas or, if the hearing was related to a sewage issue, to the Clermont County Sewage Appeals Board.

#### **M. Confidentiality and Conflict of Interest**

**Confidentiality:** Most of the work done by the BOH is public in nature. However, there may be times when information may be obtained or discussed that is confidential, e.g., specific information about employees, other board members, the HC, CCPH, or other organizations. BOH members shall keep such information confidential.

**Conflict of Interest:** BOH members shall avoid all conflicts of interest or the appearance of such conflicts. Most BOH members have outside business and professional interests. BOH members may not use their position on the BOH to further their outside business or employment. BOH members shall not accept gifts, gratuities, trips, personal property, or other items of value from an outside person or organization as an inducement to do business or provide services. BOH members shall not abuse their positions by using any services, staff, equipment, or property for personal or family use.

- 1) A member who knowingly has a conflict of interest on any matter before the BOH shall declare such a conflict of interest before any discussion of the matter and shall refrain from participating in the discussion, debate, or voting on such matter.
- 2) Any member who has reason to believe that another member has a potential conflict of interest shall state the potential conflict of interest and request a determination by the BOH, whereupon the BOH shall determine, by roll call vote, whether a conflict of interest exists. The member stating the potential conflict of interest and the member with the potential conflict of interest shall not participate in the decision.

#### **N. Bylaw Function, Review, and Amendments**

The BOH bylaws will function as the BOH's internal governance procedures. The bylaws shall be reviewed at a minimum of every five years. These bylaws can be amended at any regular meeting of the BOH to be effective at the next meeting. Changes may be made by a vote of two-thirds of the members during a meeting.