

ORANGE COUNTY HEALTH DEPARTMENT
Board of Health Policy and Procedures Manual

Section III: Board Processes

Process A: Operating Procedures

Reviewed by: Health Director

Approved by: Health Director, Board of Health

Purpose

To outline operating procedures for the Board of Health in accordance with pertinent state, local and federal requirements for the operation of the Board.

I. Name and Office

The name of this organization is the Orange County Board of Health (hereinafter "Board"). The principal office of the Board is located at 300 West Tryon Street, Hillsborough, NC 27278.

II. Charge to the Board

The Board is the primary policy-making and adjudicatory body (NCGS 135A-25(a)) for the health department and is charged to protect and promote the public health of Orange County (NCGS 130A-39).

III. Officers and Committees

A. Chair and Vice-Chair

The Board members shall select a Chair and Vice-Chair by majority vote each year at the last meeting of the calendar year.

B. Secretary

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

C. Committees

The Board shall review the existing committee structure annually and make decisions regarding the number and types of standing committees. Board members are appointed to committees in January of each year. Only Board members may serve as committee members of standing Board committees and the number of Board members on any single committee must be at least two members and may not exceed five members.

The Board shall have the following committees:

1. Executive Committee

To provide the structure for the work of the Board of Health and act as an advisor to the health director and senior management staff as needed.

Chair and Vice-Chair are committee members.

2. Nominating and Bylaws Committee

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To develop and present an annual slate of officers for Board consideration, to oversee the board recruitment process, and to recommend operating procedure changes as needed. Members are appointed by the Chair on an ad hoc basis.

3. Access to Care

To oversee the action steps and deliverables outlined in the Access to Care section of the Board of Health Strategic Plan

4. Mental Health and Substance Abuse

To oversee the action steps and deliverables outlined in the Mental Health and Substance Abuse section of the Board of Health Strategic Plan

5. Childhood and Family Obesity Prevention

To oversee the action steps and deliverables outlined in the Childhood and Family Obesity Prevention section of the Board of Health Strategic Plan

All standing committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

6. Temporary Committees

The Board may establish and appoint members for temporary committees as needed to carry out the Board's work. Temporary committees must limit their work to the specific charge outlined by Board motion and may include members that are not serving on the Board of Health.

All temporary committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

IV. Meetings

A. Regular Meetings

The Board shall hold regular meetings no less than quarterly. As a general rule, the Board will meet monthly. A calendar of regular meetings and location of each meeting will be established at the last regular meeting of the calendar year for the next calendar year. The dates may be adjusted annually based on Commissioner meeting dates for the year to enable the Commissioner member of the Board to attend.

B. Agenda

The Secretary to the Board shall prepare an agenda for each meeting. Any board member who wishes to place an item of business on the agenda shall submit a request to the Secretary at least five working days before the meeting. For regular meetings, the Board may add items to the agenda or subtract items from the agenda by a majority vote. The agenda for a special or

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emergency meeting may be altered only if permitted by and in accordance with the North Carolina open meetings laws.

C. Presiding Officer

The Chair of the Board shall preside at Board meetings if he or she is present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member designated by a majority vote of members present at the meeting shall preside.

D. Quorum

A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. 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 or not a quorum is present.

E. Voting

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.

F. Minutes

The Secretary shall prepare 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 Board meeting minutes at the Board of Health website (<http://orangecountync.gov/health/BOHAgendasandMinutes.asp>).

V. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at 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.

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VI. Other Procedural Matters

The Board shall refer to Bell, II, A. Fleming. Suggested Rules of Procedure for Small Local Government Boards, Second Edition, Institute of Government, The University of North Carolina at Chapel Hill, 1998 to answer procedural questions not addressed in this document, so long as the procedures prescribed in *Suggested Rules of Procedure for Small Local Government Boards* do not conflict with North Carolina law.

VII. Rules Development Procedure

The board shall evaluate the need for adoption of rules to protect and promote the public health. In addition, existing rules should be evaluated periodically for the need for revisions to respond to new risks, advances in technology, or changes in statutes or state regulations.

A. The Board will follow the procedures outlined in NCGS 130A-39.

1. Not less than 10 days before the adoption, amendment or repeal of any local board of health rule, the proposed rule shall be made available at the office of the county clerk, and a notice shall be published in a newspaper having general circulation within Orange County. The notice shall contain:
 - a. A statement of the substance of the proposed rule or a description of the subjects and issues involved.
 - b. The proposed effective date of the rule, and
 - c. A statement that copies of the proposed rule are available at the local health department.

A local board of health rule shall become effective upon adoption unless a later effective date is specified in the rule.

2. Copies of all rules shall be filed with the secretary of the local board of health and will be made available to all Board of Health members.
3. A local board of health may, in its rules, adopt by reference any code, standard, rule or regulation, which has been adopted by any 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.

VIII. Adjudication Procedures

A. The Board will follow all procedures as specified in NCGS 130A-24. In the case where a member of the public is appealing a staff decision on the application of an Orange County Board of Health adopted rule or policy, the process will include the following steps:

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1. The aggrieved party shall provide written notice of appeal to the Health Director within 30 days of the challenged action. The notice shall contain the name and address of the aggrieved person, a description of the challenged action and a statement of the reasons why the challenged action is incorrect.
2. The Health Director shall notify the Board within five working days of receipt of the appeal and transmit all documents upon which the challenged action was taken.
3. The Board of Health shall hold a hearing within 15 days of the receipt of the notice of appeal from the health director to the Board. The Board will give the person not less than 10 days notice of the date, time and place of the hearing. A quorum of the entire Board of Health shall hear the appeal.
4. The hearing must meet the requirements of procedural due process.
 - a. No contact outside the hearing with parties involved or between board members.
 - b. Board members with any bias must not participate.
 - c. Board must allow the appellant's attorney to attend and advise his/her client.
 - d. Board must take sworn and relevant testimony.
 - e. Board must provide for cross-examination of witnesses.
 - f. Board must keep detailed or verbatim minutes.
5. The proceedings shall be recorded and a transcript of the hearing shall be prepared and be available to the appellant and/or the Board upon request.
6. At the next regularly scheduled Board meeting following the hearing, the Board must issue a written decision based on the evidence presented at the hearing. The decision shall contain a concise statement of the reasons for the decision and the Secretary will transmit the final written decision of the Board to the person appealing via certified US mail.
7. A person who wishes to contest a decision of the Board of Health shall have a right of appeal to the district court having jurisdiction within 30 days after the date of the decision.

IX. Annual Review of the Health Director

The Board will annually review the performance of the Orange County Health Director using the process detailed in the Board of Health Policy and Procedure Manual, Section III, Process Bd *Annual Performance Review Process for Health Director*.

X. Compliance with North Carolina Law

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In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws setting forth the responsibilities 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 on request.

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Process B: Supplemental Processes a. Oath of Office for New Board Members

Reviewed by: Health Director

Approved by: Board of Health, Health Director

Oath of Office for New Board Members

Purpose: *To establish a process for new Board of Health members to complete requirements for assuming their seat as an Orange County Board of Health member.*

1. Each new Board of Health member must complete certain tasks prior to assuming their seat as an Orange County Board of Health member. These include completing the “Oath of Office”, a Confidentiality Agreement, and a Conflict of Interest statement.
 - a. The Oath of Office is administered to a new Board member by a public notary either at or before the first regular meeting of the Board of Health after the member’s appointment by the Orange County Board of Commissioners. The oath may be administered with or without a Bible by a notary public. The original of the signed and notarized oath is placed in the official health department file and a copy is provided to the Board member. The oath is as follows:

“ I, [name], do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of the Orange County Board of Health, (so help me God). {NCGS 11-7.1}

“I [name], do swear (or affirm) that I will well and truly execute the duties of the office of member of the Orange County Board of Health according to the best of my skill and ability, according to law, (so help me God). {NCGS 11.11}

- b. Each new Board of Health member must sign a Confidentiality Agreement and Conflict of Interest Statement prior to attending their first meeting of the Board of Health. (Attachment 1)

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Process B: Supplemental Processes b: Orientation and Education for New BOH Members
Reviewed by: Board of Health
Approved by: Board of Health, Health Director

Process for Orientation and Education for New BOH Members

Purpose

To orient new Board members so they can become effective Board members and to ensure that Board members remain current health issues and best practices that affect the community.

- 1 Board members will complete a designated orientation program no later than 9 months after their first appointment date and participate in ongoing continuing education.
 - a. Each Board member will meet with the Health Director and other staff as appropriate to review the Orientation Manual for Board of Health Members and the Local Data and Rules Manual.
 - b. The Health Director is responsible for reviewing and updating the Orientation Manual and the Local Data and Rules Manual on an annual basis prior to new Board members first date of appointment.
 - c. Each Board member will complete either independently or in a group the “Orientation for Local Boards of Health, An Instructional Module” found at www.sph.unc.edu/oce/boh or from the compact disc provided by the Health Director.
 - d. Each Board member will review the DVD (available from the Health Director) “Protecting Your Public, The Environmental Health Orientation Part 1” either independently or in a group.

- 2 Board members will participate in ongoing education, participating in at least 3 educational sessions each fiscal year.
 - a. The Health Director, in consultation with the Board, will establish a schedule of educational sessions each fiscal year that take place either prior to or as part of a regular Board meeting.

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Process B: Supplemental Processes c. Recruitment and Reappointment Procedures for Members
Reviewed by: Board of Health
Approved by: Board of Health, Health Director

Process for Recruitment and Reappointment for BOH Members

Purpose

To provide advice to the Orange County Board of Commissioners on the appointment of Board of Health members to ensure that they meet requirements of NCGS 130A and Orange County Commissioner Policies.

1. Recruitment procedures for new Board of Health members.

- a. The Nominating and Operating Procedures Committee of the Board of Health is delegated to carry out recruitment for vacant slots on the Board of Health. In order to meet a timely transition in July the process should begin four months prior to expiration of term (generally in March). The procedure is as follows:

For representatives of professional slots:

1. Recommendations for replacements may be solicited from the “retiring” Board member. Applicants must apply through the County Commissioner’s Clerk’s Office.
2. If there are no suitable applicants in the current database, mailing list/labels from appropriate licensing board or association may be obtained.
3. If a list is used to solicit suitable applicants, a recruitment letter is prepared by the Health Director for Committee approval. Recruitment letter is signed by current board chair and current board member occupying the slot or nominating committee chair.
4. Applicants send applications to Clerk's Office. Application period open until filled. Committee reviews applications no sooner than 15 working days after mailing of letter.
5. Nominating Committee may add current professional representative, related division director, and health director to review applications, apply criteria, and may choose to interview top two or three applicants. At a minimum, committee interviews top candidate to solicit interest, commitment, and understanding of expectations of service on the Board. Committee makes recommendation to Board of Health.
6. Board of Health receives roster of all applicants and applications from top selections. Board makes recommendation to Board of Commissioners.

For at-large representative slots:

1. Recommendations for replacements may be solicited from the “retiring” Board member. Applicants must apply through the County Commissioner’s Clerk’s Office.

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2. If there are no suitable candidates in the current database, the Committee meets with all three at-large representatives and the Health Director to determine community groups from which to recruit and mailing labels/list are obtained from those community groups.
 3. If a list is used to solicit suitable applicants, a recruitment letter is prepared by the Health Director for Committee approval. The letter is signed by the current board chair and current at-large representative occupying the slot or by nominating committee chair.
 4. Applicants send applications to Clerk's Office or apply on-line through the county website. Application period open until filled. Committee will look at applicants no sooner than 15 working days after letters were mailed.
 5. Nominating Committee reviews applications, applies criteria, and may choose to interview top two or three applicants. At a minimum, committee interviews top candidate to solicit interest, commitment, and understanding of expectations of service on the Board. Committee makes recommendation to Board of Health.
 6. Board of Health receives roster of all applicants and applications from top selections. Board makes recommendation to Board of Commissioners.
- b. Criteria for Board of Health applicant review. The following criteria are meant to be guidelines for assessing applicants and are not meant to be exclusive.
1. Full-time resident of Orange County, with commitment to stay in the county for at least six years (2 terms)
 2. Must hold required degree for service if in a professional slot: RN, MD/DO, DVM, OD, BS Pharm, PE, DDS
 3. Public health training or experience preferred for professional slots
 4. For professional slots, actively employed in their profession (e.g., as a pharmacist or in a pharmacy administrative role). Priority given to practicing professionals (non-researchers).
 5. Prior experience with community work (e.g., Red Cross, mission work, school health)
 6. Willingness to engage as an active member of the Board, serve in a leadership position, and/or serve as an active member on a committee
 7. Currently serving on not more than one other Board or committee that requires significant amounts of time
 8. Geographic representation of the county (balance on the current board)
 9. Gender and culturally diverse representation on the current board
 10. No former employees of the health department
 11. No employees of other county departments

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2. Reappointment of Existing Board of Health Members

A Board of Health member is appointed to a three-year term beginning July 1, unless serving in an unexpired term slot. Generally, members are eligible for reappointment for a second term. In March of each year, the Nominating Committee reviews the attendance records of members who are eligible for reappointment, contacts each member to assess willingness to continue and makes a recommendation to the Board of Health. The Board Secretary (Health Director) sends a letter to the Clerk of the Commissioners indicating the Board of Health's review and endorsement for reappointment.

3. Resignation of Board Member from Current Term of Office

In the event that a Board member resigns prior to the official end of his/her term of office, the Board member shall send a letter to the Secretary (Health Director) or the Board Chair with the date of his/her resignation. The Secretary will transmit the letter to the County Commissioners Clerk's Office and ask that recruitment for the slot be activated. The Board shall be informed at the next regularly scheduled meeting of the Board.

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Process B: Supplemental Processes d. Annual Performance Review Process for Health Director
Reviewed by: Board of Health
Approved by: Board of Health, Health Director

Annual Performance Review Process for Health Director

Purpose

To provide the Board with a process for accomplishing the required annual review of the health director's performance in accordance with the statutory requirement GS 130A-41.

Orange County Personnel Policies are followed in conducting this review.

Steps in the standard process are:

- Preparation of an annual work plan by the employee and supervisor.
- Preparation of performance notes at the end of the plan year that relate to the objectives contained in the work plan.
- A conference between the employee and the supervisor regarding the employee's performance for the year.
- Supervisor prepares a Work Planning and Performance Summary after the conference which outlines the findings of the discussion and makes the final recommendation as to performance.
- Supervisor forwards all paperwork to Human Resource Director.

In the case of the Health Director, the "supervisor" of the Director is the entire Board. The Chair assumes the responsibility of managing the information flow and input into the performance evaluation.

1. The Health Director prepares performance notes relevant to the year and emails them to all Board members.
2. The Chair schedule a meeting with the County Manager to obtain input on the Health Director's performance.
3. The Chair may or may not solicit feedback from senior management staff at the Health Department.
4. The Chair presents these findings to the full Board at a closed session of the Board and a general discussion of performance is then held. The Board reaches agreement on a recommendation and then the health director is called into the room and the Chair guides the discussion by Board members.
5. The Board is required to keep minutes during the closed session, including any motions made and actions resulting from such motions and transmit them to the Secretary (Health Director) for the permanent record.
6. Board members indicate changes they would like to see included in the following year's work plan and those areas are discussed with the Health Director in the meeting.

Following the meeting, the Chair writes the performance summary, finalizes the paperwork, obtains the Health Director's signature and sends it to the Human Resources Director for the County. The Human Resources Director processes the remaining paperwork. The goal should be to have the performance review complete within 30 days of the hiring date anniversary.