



# Local Board of Health Bylaws: Legal Red Flags

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April 2006



# BOH Bylaws: Introduction

- Local boards of health are not required to adopt bylaws, but they may do so if they choose.
- If a local board of health adopts bylaws, “the bylaws shall comply with state law.”



# BOH Bylaws: Contents

- Topics often addressed in bylaws:
  - Titles and roles of officers and standing committees
  - Procedures for election of officers
  - Procedures for conduct of meetings
  - Procedures for amending bylaws



# BOH Bylaws: Contents

- What about quoting or restating NC General Statutes?
- Not necessary
- Potential problems:
  - Paraphrasing
  - Partial statements
  - Laws change



# Red Flag Area #1: Conflicts with NC's Open Meetings Law

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# Red Flag Area #2: Conflicts with NC Public Health Laws

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# Who appoints and removes local BOH members?

- County health department: county commissioners appoint & remove
- District health department: commissioners appoint, board removes
- Public health authority: commissioners appoint, board removes
- Consolidated human services agency: county commissioners appoint & remove



# Local BOH members may be removed for cause

- Commission of felony or other crime involving moral turpitude
- Violation of state conflict of interest law
- Violation of written policy of board(s) of county commissioners
- Habitual failure to attend meetings
- Conduct that tends to bring office into disrepute
- Failure to maintain qualifications for appointment





# BOH powers and duties

- Most local BOHs do not have the authority to enter contracts.
  - Exception: Public health authorities
- Most local BOHs do have the authority to appoint the local health director.
  - Exception: Consolidated human services agencies
  - State health director's role limited



# BOH powers and duties

- All rules adopted, amended, or repealed by the BOH must meet statutory procedural requirements
- All fees imposed by the BOH must be based on a plan recommended by the local health director, approved by the local BOH, and approved by all applicable boards of county commissioners



# Public health officials usually weren't math majors

- Example 10: Somebody miscounted
- Moral: Read carefully for technical errors