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AGENDA COVER MEMO



AGENDA DATE: July 15, 2009

TO: Board of County Commissioners

DEPARTMENT: Health & Human Services

PRESENTED BY: Rob Rockstroh

AGENDA TITLE: ORDER _____ / IN THE MATTER OF APPROVING BY-LAWS REVISIONS FOR THE PUBLIC HEALTH ADVISORY COMMITTEE (LM 3.538)

I. MOTION

ORDER _____ / In the Matter of Approving By-Laws Revisions for the Public Health Advisory Committee (LM 3.538)

II. AGENDA ITEM SUMMARY

The Public Health Advisory Committee reviewed its by-laws in order to clarify verbiage related to its mandate, membership, meetings frequency, the Open Meetings Law, subcommittees and conflicts of interest. During the period of that review, the BCC made changes to the management of advisory committees that required other revisions (position designations/appointments), which have been incorporated herein.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Via Board Order 09-4-1-15, the BCC clarified the appointments process for advisory committees and with BO 09-4-29-1, LM Chapter 3 was revised to incorporate those changes. This action incorporates those and other revisions into the Public Health Advisory Committee (HAC) by-laws. The by-laws were last revised via BO 04-2-18-3.

Last appointments to the HAC were made via BO 08-9-3-2. That BO appointed two members (Positions 7 and 12, both at-large) and re-appointed one member (10, designated/licensed: dentist).

Current HAC composition, by Commissioner District, is:

- District 2 – 1 member
- District 3 – 9 members
- District 4 – 2 members

The HAC appointed a subcommittee comprised of two members (Paula Dion-Watson, Secretary and James Lemieux) and two staff (Karen Gillette, PH Manager and Collette Christian, staff support) to review the by-laws and propose revisions.

B. Policy Issues

The proposed revisions bring the by-laws into alignment with the recent LM Chapter 3 changes:

- Provision is made for five formerly “at-large” positions to become individually Commissioner-designated
- The individually Commissioner-designated positions, at time of vacancy, shall be filled within 90 days by the corresponding Commissioner, or referred to the BCC as a whole for appointment
- Other vacancies are filled by the Commissioners based on two non-ranked applications that are commended by the Committee to the BCC for consideration
- The references to these provisions have been kept general, to provide for any subsequent LM or APM revisions that may affect the by-laws/Committee

The previous membership verbiage was written at the time the Committee was established. This revision instead adapts the verbiage used in ORS 431.412 and denominates the members as either being “persons who are well informed on public health matters” or those “licensed by the state”. Adoption of this verbiage will create one anomaly in that Position #8 is encumbered by a “health care educator”, who is not “licensed” by the State. That member’s term ends in August, 2010; when the position would then be advertised for someone in a “licensed” occupation. The current incumbent could apply for an at-large position (non-Commissioner-designated) either immediately or next year.

Please note: Committee members have not yet been advised which of the seven formerly “at-large” positions have been determined to be “Commissioner-designated”. One of these incumbents’ terms ends on 8/31/2009.

C. Board Goals

Not applicable.

D. Financial and/or Resource Considerations

None.

E. Analysis

The proposed changes make the intent and purpose of the by-laws more explicit. Many of the changes made were for clarification only. The Committee adopted more precise verbiage (from other committees’ by-laws) with respect to the conduct of meetings under ORS 192.610 – 690 (Open Meetings) and with respect to ORS 244 (Conflict of Interest). The committee provided for the opportunity to meet less than 12 times per year and used more explicit language to describe subcommittees. Numerous “housekeeping” changes involving headings and format were also made.

F. Alternatives / Options

1. Accept the proposed by-laws revisions.
2. Reject the revisions, giving direction of additional or other changes to be made.

IV. TIMING/IMPLEMENTATION

Board approval being received, the new by-laws would be placed into effect the date of the board order.

V. RECOMMENDATION

H&HS/Administration and the Public Health Division approve of the proposed by-laws.

VI. FOLLOW-UP

Public Health Advisory Committee members would receive copies of the new by-laws, as would the advisory committee oversight staff in the Administrator's Office.

VII. ATTACHMENTS

Board Order w/attachment - Proposed By-Laws
Current Public Health Advisory Committee Membership Roster

BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

RESOLUTION) IN THE MATTER OF APPROVING BY-LAWS REVISIONS FOR THE
AND ORDER:) PUBLIC HEALTH ADVISORY COMMITTEE (LM 3.538)

WHEREAS, The Public Health Advisory Committee has reviewed its by-laws and proposed revisions to various articles in order to clarify verbiage and intent; and

WHEREAS, The Board of Commissioners has requested by-laws revisions of advisory committees affected by the Lane Manual Chapter 3 changes adopted via BO 09-4-29-1; and

WHEREAS, The Public Health Advisory Committee voted unanimously, with one member not in attendance, on June 9, 2009 to submit the revised by-laws to the Board of Commissioners for approval;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the Public Health Advisory Committee by-laws be adopted, as attached herewith.

DATED this _____ day of July, 2009.

Pete Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 7/13/09 lane county
[Signature]
OFFICE OF LEGAL COUNSEL

LANE COUNTY PUBLIC HEALTH ADVISORY COMMITTEE

"The Committee shall consist of twelve (12) members, each of whom shall serve terms of not more than four (4) years expiring August 31, limited to two (2) consecutive terms, but staggered over the four-year period among the members." (By-Laws, Article III, A)

"Membership shall total twelve (12) to include: seven (7, including two at-large and 5 individually Commissioner-appointed representatives) – "persons who are informed on and interested in public health matters, and five (5) persons "licensed by this state as health care practitioners ." (By-Laws, Article III)

"Whenever a vacancy occurs during a term, the replacement shall be appointed only to fill the unexpired portion of the term." (By-Laws, Article IV, A) This sentence has been interpreted to mean that a committee member may serve two full terms after filling a vacated term.

Pos # Category	Members (licensed as)	Dist.	Term	Maximum Term This appt.	Officer (until)
1 TBD At-large or Ind Comm	James Lakehomer	5	2	08-31-09	
2 TBD At-large or Ind Comm	Wendy Apland	3	1	08-31-10	
3 TBD At-large or Ind Comm	Ruth Duemler	3	2	08-31-11	
4 TBD At-large or Ind Comm	Barbara Lowry Licensed (Food Service)	3	1	08-31-11	
5 BCC Appt.	Gloria Campuzano Licensed (nutritionist)	5	1	08-31-11	Chair (10/09)
6 TBD At-large or Ind Comm	Paula Dion- Watson	3	1	08-31-10	Secretary (10/09)
7 TBD At-large or Ind Comm	James Lemieux	2	1	08-31-12	
8 BCC Appt	Paula Staight Licensed posn. (health educator)	3	1	08-31-10	V-Chair (10/09)
9 BCC Appt	Larry Dunlap Licensed (physician)	3	CT	08-31-09	
10	Stephen Hull	3	2	08-31-12	

BCC Appt	Licensed (dentist)				
11 BCC Appt	Dr. Karen Buntman Licensed (physician)	3	1	08-31-09	
12 TBD At-large or Ind Comm	James Robertson	3	CT	08-31-11	

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Collette Christian, PSC - 682-3086 – collette.christian@co.lane.or.us

*(CT) = To complete unexpired term until date listed.

**BY-LAWS
LANE COUNTY
PUBLIC HEALTH ADVISORY COMMITTEE**

ARTICLE I

NAME

This committee shall be known as the Public Health Advisory Committee, hereinafter referred to as the Committee.

ARTICLE II

RESPONSIBILITIES AND OBJECTIVES

The committee has the following authorities and responsibilities, per Lane Manual 3.538:

Makes recommendations to the Health Administrator and advises the Board of Health and Board of County Commissioners on matters of public health, planning, policy development, control measures, funding, public education and advocacy; and, acts in a community liaison capacity to provide a link between the community and the Public Health Division.

ARTICLE III

MEMBERSHIP

A) The Committee shall consist of twelve (12) members, each of whom shall serve four terms of not more than four (4) years expiring August 31, limited to two (2) consecutive terms, but staggered over the four-year period among the members. However, in circumstances when the Board deems it in the County's best interest, the Board may reappoint an incumbent to more than two consecutive terms. Five non-designated members shall be appointed directly by individual County Commissioners . All members serve at the will of the appointing commissioner(s), per LM 3.506 (2)(e).

B) The Committee shall consist of citizens with a broad public health interest and concern, not limited to single interests or issues. Committee representation shall include geographic, socioeconomic, and professional interests. Membership shall include: five (5) persons "licensed by this state as health care practitioners" and seven (7) "persons who are informed on and interested in public health matters". (ORS 431.412 (5)(a)(b). Public members with diverse backgrounds are preferred. County employees are not eligible for membership.

ARTICLE IV

VACANCIES

A) Vacancies may occur because of death, illness, resignation or other reasons. When such a situation occurs, the Committee shall notify the County Administrator's Office, who will request that the Board of County Commissioners declare a vacancy. Whenever a vacancy occurs during a term, the replacement shall be appointed only to fill the unexpired portion of the term. However, if the unexpired portion of the term is for six months or less, the appointment shall be for both the unexpired portion, plus a full term. All vacant positions shall follow the recruitment and selection procedures established in the County's Advisory Committee Administrative Procedures or Lane Manual provisions and/or the appointment process for individual Commissioner-appointed positions.

B) A member who is absent from three (3) consecutive meetings or from four meetings within a period of six (6) months may have their incumbency terminated. If the incumbency is terminated, selection will proceed in accordance with the County's stated Administrative Procedures or Lane Manual provisions and/or the appointment process for individually Commissioner-appointed positions.

ARTICLE V

OFFICERS

A) The Officers of the Committee shall be elected to serve for two (2) years or until their successors are elected. Officers shall consist of the following:

- 1) Chairperson – Presides at all meetings of the Committee and prepares agendas. The Chairperson must represent the views of the Committee at all times in Committee business.
- 2) Vice-Chairperson – Acts in the absence of the Chairperson.
- 3) Secretary – Acts in the absence of the Chairperson and Vice-Chairperson, and shall be responsible for the maintenance of accurate minutes of topics discussed, motions and votes by name.

B) An Officer may be removed from office for misconduct or neglect of duty in office as determined by a majority vote of the Committee.

C) Elections will occur every other year in October.

D) The officers will serve as the Nominating Committee and will report to the Advisory Committee in September of odd numbered years with a slate of officers.

ARTICLE VI

MEETINGS AND VOTING

- A) The Committee shall meet at least monthly. The Committee, by a vote of the majority present, may determine to cancel an upcoming monthly meeting. No more than three meetings in a given 12 month period may be cancelled.
- B) Open Meetings Law/Special Meetings: All meetings of the Committee shall be conducted in accordance with the Oregon Open Meetings Law, ORS 192.610 – 690. Regular, subcommittee and special meetings shall be open to the public. The Committee is responsible for complying with the requirements of the Law, including advance public notice of the agenda and written minutes, which shall be filed with the County Administrator's Office. (For guidance, consult the Lane County Advisory Committee's Information handbook.) Notice of special meetings shall state the purpose for which the meeting is called. At any special meeting, only the business stated in the notice of the meeting may be transacted.
- C) Rule of Order: Meetings of the Committee shall be conducted according to Robert's Rules of Order, latest revision, unless otherwise specified in these By-Laws.
- D) Voting: Each member of the Committee shall be entitled to one (1) vote on all issues at meetings at which the member is present, except as provided in Article VII (Conflict of Interest). No proxy votes shall be allowed.
- E) Quorum: Seven (7) of the Committee members shall constitute a quorum for the transaction of business at any meeting of the Committee. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Committee, except as noted in Article IX.
- F) No member may speak for the Committee except by designation by the Committee for a special purpose.
- G) Notice: All members shall be given written notice of time, date, location, and purpose of the meeting at least three (3) days before a regular Committee meeting.
- H) Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflict of interest shall be noted. Minutes of all meetings shall be maintained by the Department of Health & Human Services. Staff for recording the proceedings of the Committee shall be provided by the County.

ARTICLE VII

CONFLICT OF INTEREST

Committee members shall comply with ORS 244, in determining whether or not to participate in a Committee decision, based on the member or their relative actual or potential conflicts of interest. A conflict of interest transaction is a transaction with Lane County Public Health in which a Committee member or their relatives has a direct or indirect economic or financial interest. Conflict of interest or the appearance of conflict of interest by the Committee members, employees, consultants and those who furnish goods or services to Lane County Public Health must be declared.

In situations which a conflict of interest exists for a member, the member shall declare and explain the conflict of interest. No member of the Committee shall vote in a situation in which a conflict of interest exists for that member.

ARTICLE VIII

ROLE OF STAFF

The staff person assigned to a Committee will provide the following administrative support: prepare and disseminate meeting notices; provide background information on agenda items; prepare and distribute minutes. Staff should also provide new appointees the By-Laws, purpose and past minutes of the Committee.

ARTICLE IX

AMENDMENTS TO BY-LAWS

The Committee, by two-thirds vote of members present, may recommend amendments to these By-Laws. Amendments shall become effective only upon approval of Legal Counsel and the Board of County Commissioners.

ARTICLE X

SUBCOMMITTEES

A. Establishment of Subcommittees: The Committee, at regular or special meetings, may establish standing or special subcommittees at its discretion. A majority of voting members present is required to establish a standing or special subcommittee.

B. Membership on Subcommittees: The Committee shall appoint members of any standing or special subcommittee established by the Committee. The members of any standing or special subcommittee shall elect their own chair.