

Bylaws

Adopted, May 10, 2017
Revised, July 24, 2019

BYLAWS OF THE FULTON COUNTY BOARD OF HEALTH

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THE FULTON COUNTY BOARD OF HEALTH BYLAWS

ARTICLE I

NAME: This Board is created pursuant to O.C.G.A. § 31-3-1, which establishes a county board of health in each and every county of the State of Georgia. This Board shall be known as the Fulton County Board of Health (hereinafter, "Board of Health").

ARTICLE II

POWERS AND FUNCTIONS: The Board of Health shall have the following powers and functions, listed in part, as set forth in O.C.G.A. §§ 31-3-4, 31-3-5, and 31-3-6:

- a. Establish and adopt Bylaws for its governance.
- b. Exercise responsibility and authority in all matters within Fulton County pertaining to health unless the responsibility for enforcement for such is by law the responsibility of another agency.
- c. Take such steps as may be necessary to prevent and suppress disease and conditions deleterious to health and to determine compliance with health laws and rules, regulations, and standards adopted thereunder.
- d. Adopt and enforce rules and regulations appropriate to its functions and power, provided such rules and regulations are not in conflict with the rules and regulations of the Georgia Department of Public Health.
- e. Receive and administer all grants, gifts, moneys, and donations for purposes pertaining to health.
- f. To contract with the Department of Public Health or any other county board of health; any other health district; public or private hospitals; hospital authorities; medical schools; training and educational institutions; departments and agencies of the state; county or municipal governments; persons; partnerships, corporations, and associations, public or private; the United States government or the government of any other state; or any other legal entity.
- g. To establish rules and regulations which apply to all citizens and premises of Fulton County or to specified areas and citizens therein.

ARTICLE III

MEMBERSHIP: This Board of Health shall consist of seven members as provided in O.C.G.A. § 31-3-2. The composition of the Board shall be as follows:

Section 1. Membership

1. One member shall be the chief executive officer of the Fulton County Board of Commissioners, or his or her designee.
2. One member shall be the Fulton County School Board Superintendent or personnel so designated by the Superintendent.
3. One member shall be a physician appointed by the Fulton County Board of Commissioners who is duly licensed and actively practicing medicine in Fulton County.
4. One member shall be a consumer, a representative of a consumer, or a person from an advocacy agency or group appointed by the Fulton County Board of Commissioners who shall represent Fulton County's consumers of health services.
5. One member shall be a consumer or a nurse interested in promoting public health appointed by the largest municipality in Fulton County.
6. One member shall be a consumer appointed by the Fulton County Board of Commissioners who represents Fulton County's needy, underprivileged or elderly community.
7. One member shall be the chief executive officer or his/her designee of the largest municipality within Fulton County.

Section 2. Prohibited Employment of Members

No member appointed to the Board of Health shall be an employee of the Board of Health or the Georgia Department of Public Health as provided in O.C.G.A. § 31-3-2 (b).

Section 3. Term of Membership

1. The term of each member of the Board of Health appointed pursuant to paragraphs (3), (4), (5), and (6) as set forth in this Article III, Section 1 shall serve terms of six (6) years and until their successors are appointed and qualified as provided in O.C.G.A. § 31-3-2(d).
2. Persons holding office as members pursuant to paragraphs (1), (2), or (7) as set forth in this Article III, Section I and as provided by O.C.G.A. § 31-3-2(e), shall serve as members while holding their offices as chief executive officer of the governing authority of Fulton County, the Superintendent of Fulton County Schools, or chief executive officer of the largest municipality of Fulton County, respectively.

Section 4. Vacancies

Vacancies on the Board of Health shall be filled for the unexpired term and until a successor is appointed and qualified, in the same manner set forth in O.C.G.A. § 31-3-2(a).

Section 5. Attendance

Members are to attend or will have four (4) Board meetings annually, or more if necessary. A Board attendance problem occurs if any of the following conditions exist:

1. The member has two (2) un-notified absences in a row (meaning the member did not call ahead to a reasonable contact in the organization before the meeting to indicate that the member would not be in attendance).
2. The member has three consecutive (3) notified absences in row.

If a Board attendance problem occurs, the Board Chair will have the responsibility of notifying the member in writing to determine whether the person will attend or submit a resignation. If the member(s) in question represents the County Governing Authority or School District, the appointing entity may be asked to appoint someone to the Board to represent that member who can attend meetings regularly. If the member is appointed by other than the County Governing authority or School District, this appointing entity may be asked to terminate their member and appoint a new member representative to the Board.

Section 6. Orientation

New Board members will be offered an orientation session within the first two (2) months of appointment.

Section 7. Quorum.

The presence of four (4) members of the Board shall constitute a quorum for the conduct of business.

Section 7. Ethics.

All members shall abide by the Code of Ethics set forth in O.C.G.A. § 45-10-1, *et seq.*

TERMINATION OF BOARD MEMBER: Any Board member convicted of a felony shall be terminated from the board, and his/her seat shall be filled according to O.C.G.A. § 31-3-2, *et seq.*

ARTICLE IV

TITLES OF OFFICERS: The officers of this Board of Health shall be the Chair, Vice-Chair, and Secretary.

ELECTION OF OFFICERS: Officers shall be elected annually, at the first regular meeting of the Board of Health of each fiscal year and hold office until a successor is elected.

DUTIES OF THE OFFICERS: The duties of the officers are as follows:

1. The *Chair* shall call and preside at all meetings of this Board of Health and shall be a member *ex-officio* of any or all committees of the Board which might be appointed. The duties of the Chair shall be:
 - a. to ensure that meetings are held as required by these Bylaws;
 - b. to preside at all meetings of the Board of Health;
 - c. to ensure that provisions in these Bylaws are adhered to;
 - d. to ensure that all policies, resolutions, and directive of the Board of Health are carried out;
 - e. to appoint all committee chairs and committee members, unless otherwise provided in these Bylaws;
 - f. to serve as an *ex-officio* member of all committees; and
 - g. to perform other appropriate duties as the Board may direct.
2. The *Vice-Chair*, in the absence of the Chair, shall assume the duties of the Chair and have the same authority. The Vice-Chair shall automatically succeed the Chair in the event of the Chair's death, resignation or removal, for the remainder of the fiscal year.
3. The *Secretary* shall perform all functions pertaining to this position or as delegated by the Board.

ARTICLE V

CHIEF EXECUTIVE OFFICER: The District Health Director of Public Health District 3-2 serve as the Chief Executive Officer ("Chief Executive Director") of this Board of Health as provided in O.C.G.A. §§ 31-3-11 (a), 31-3-12 and 31-3-15. The Chief Executive Director of the Fulton County Board of Health shall designate a recording Secretary for the Board to carry out said functions.

FUNCTIONS AND POWERS: The Chief Executive Director, as Chief Executive Officer of the Board of Health, shall in the name of said Board of Health perform the functions and exercise the powers set forth in O.C.G.A. § 31-3-4, *et seq.*, and shall be authorized to serve as a signatory for the Board of Health on all contracts, intergovernmental agreements, grants, memoranda of understanding, academic affiliation agreements, and other documents as directed or required.

The Chief Executive Director shall not have the power to adopt Bylaws and adopt regulations, which responsibility is expressly vested in the full Board.

ARTICLE VI

FISCAL YEAR: The fiscal year for the Board of Health shall coincide with the fiscal year of the Georgia Department of Public Health, and shall be from July 1 through June 30 each year.

REGULAR MEETINGS: Regular meetings shall be held no less frequently than quarterly. The Chief Executive Director or his/her designee shall be in attendance at all regularly scheduled Board of Health meetings. In the absence of the Chairman and Vice-Chairman, the Board may elect a chairman pro tem by a majority vote to hold office through the adjournment of that meeting. All meetings of the Board of Health shall be in compliance with the Georgia Open Meetings Act.

SPECIAL MEETINGS: Special meetings may be called by the Chair at the request of any member of the Board of Health or as deemed necessary by the Chair. No business shall be transacted at a special meeting except that stated in the notice calling the special meeting. Notice of any special meeting shall be provided in accordance with the Open Meetings Act and given at least 48 hours before the time set for the meeting; provided, however, that a meeting called to respond to a public health emergency may be held as soon as a quorum of members is assembled.

COMMITTEE MEETINGS: The Chair and the Chief Executive Director or his/her designee of the Board of Health shall serve as an ex-officio member of all Board committees that are appointed.

ATTENDANCE OF MEETINGS BY TELECONFERENCE: Special Meetings in emergency circumstances may be held by teleconference when deemed necessary by the Chair or Executive Director of the Board of Health, and shall be in compliance with the Georgia Open Meetings Act.

Individual members of the Board may attend Regular or Special meetings by teleconference when authorized by the Chair or by the highest ranking member of the Board in the absence of the Chair, in compliance with the Georgia Open Meetings Act.

Executive Sessions occurring during Teleconference Meetings shall be conducted on a separate, secure teleconference channel or line to maintain the required confidentiality and privilege of the closed session.

EXECUTIVE SESSION: The Chair or Vice-Chair or any member of the Board can request a closed session of regular or special meeting for the purpose of pending litigation, a personnel matter, or any other matter as provided by the Georgia Open Meetings Act.

QUORUM: Four members of the Board shall constitute a quorum for the conduct of business.

ARTICLE VII

AMENDMENTS: These Bylaws may be amended after notice at any regular meeting of the Board. Such notice shall be referred to a special committee which shall report at the next regular meeting and shall require a majority vote of those present for adoption. Amendments so made shall be effective when approved by the Board.

ARTICLE VIII

PARLIAMENTARY AUTHORITY: The rules contained in the current edition of *Robert's Rules of Order* shall govern in all cases to which they are applicable.

ARTICLE IX

INDEMNIFICATION.

Section 1. To the full extent authorized and in the manner provided by the Constitution and laws of this state, including O.C.G.A. § 45-9-1, the Fulton County Board of Health will provide through policies of insurance, contracts or indemnity or programs of self-insurance: (1) insurance or indemnity of members of the Board of Health to the extent that they are not immune from liability, protecting them against personal liability for damages arising out of the performance of their duties or in any way connected therewith; (2) defense of any claim asserting personal liability of a member arising out of the performance of their duties or in any way connected therewith.

Section 2. The Fulton County Board of Health will provide insurance or indemnity for members of the Board of Health for the purposes set forth above to the full extent that such insurance or indemnity is made available by the Self Insurance Trust Fund, State of Georgia, Department of Administrative Services, through the Department of Public Health. The costs of such insurance or indemnity assessed against the Board of Health shall be paid in the manner provided by the policies and procedures of the Department of Public Health and the Department of Administrative Services and as may from time to time be provided in such policies and procedures, payment of such assessments may be made by either direct payment or by deduction from grants-in-aid made by the Department of Public Health to the Board of Health.

Section 3. No action by the Fulton County Board of Health pursuant to the authorization of this article shall be deemed to constitute a waiver of immunity of the Board of Health or the members thereof, in either their official or individual capacity, which would otherwise be available to the Fulton County Board of Health or its members with respect to any claim.

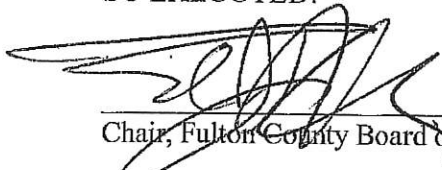
ARTICLE X

ADOPTION: These Bylaws shall be adopted at any regular meeting of the Board and shall replace any previous Bylaws. They shall become effective when approved by the Board pursuant to Article VII herein.

Adopted by the Fulton County Board of Health this 24th day of July, 2019.

SO EXECUTED:

WITNESSETH:



Chair, Fulton County Board of Health



Secretary, Fulton County Board of Health

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