

BY-LAWS APPROVED 01/09/2020
THE LARIMER COUNTY BOARD OF HEALTH
LARIMER COUNTY, COLORADO

I. Organization and Responsibilities:

A. Creation:

The Larimer County Board of Health, hereinafter referred to as the board, exists by virtue of chapter 25, article 1, of the 1973 Colorado Revised Statutes (C.R.S.), and by a resolution of the county commissioners, County of Larimer, State of Colorado, originally passed on February 11, 1968, and rescinded and re-enacted on October 7, 2008 to comply with C.R.S. 21-1-506d, as amended., which states “ Each county, by resolution of its board of county commissioners, shall establish and maintain a county public health agency or shall participate in a district public health agency.”

“Each county board of health shall consist of five members to be appointed by the board of county commissioners for five year terms, except that, of the members first appointed, one shall serve a term of one year, one of two years, one of three years, one of four years, and one of five years from the date of initial appointment. Thereafter, full-term appointments shall be for five years. All members shall be residents of the county. No business or professional group or governmental entity shall constitute a majority of the board. Any vacancy is filled by the county commissioners by appointment of a qualified person for the unexpired term.”

The rules, regulations and by-laws herein contained shall regulate the procedures of the board with respect to the internal management and government and appellate procedures of the board and policies of the Larimer County Department of Health and Environment. Nothing contained herein shall be construed to conflict with the statutes of Colorado or with any provision of the resolution creating the board.

B. Organization:

1. Officers:

a. The board shall select from its members a president, and such other officers as it shall determine. All officers shall hold office at the pleasure of the board.

b. President: The president shall preside at all meetings of the board and hearings before the board, and shall have the authority to administer oaths, subpoena witnesses and take testimony. The president will not serve more than two consecutive one-year terms.

c. Vice President: A vice-president shall be elected and shall have the power to perform all of the duties of the president, in the absence of the president or their incapacity or inability for any reason to perform such duties. The signature of the vice-president on any instrument or document executed in the name of or on behalf of the board shall be prima facie evidence of their authority to sign the same for the board.

d. Executive Secretary: The public health director will serve as executive secretary of the board and shall act in an ex-officio capacity. The executive secretary shall issue notices of all meetings of the board and shall attend such

meetings and keep full and true copies of the minutes of such meetings, and otherwise record all official proceedings of the board. They shall have custody and control of the records and books of the board and shall make the same available in their office to all members of the board upon request and to the public upon the instruction of the board or the director. In so doing, the executive secretary may utilize such clerical, stenographic and other assistants as they deem necessary from the staff of the Larimer County Department of Health and Environment.

e. Election and Appointment of Officers: The president and vice-president of the board shall each be duly qualified members of the board. They shall be elected by a majority of those present at the regular meeting of the board in March of each year and shall take office on the first day of April.

f. Vacancies: Vacancies in the office of president or vice president shall be filled by the board forthwith at any regular or special meeting, provided that notice of election shall appear on the agenda for such meeting and in the notice thereof.

2. Director: The administrative and executive head of the county health department shall be the public health director. The public health director shall be appointed by the board to serve at the pleasure of the board and shall possess such qualifications as may be prescribed by the state board of health. They shall receive compensation and expense allowance as may be fixed by the board.
3. Committees: Committees of the board shall be appointed by the president according to board determination.

C. Meetings:

1. Regular meetings of the board shall be held in Larimer County monthly or not less frequently than every three (3) months at the Health Department in Fort Collins, Colorado, or at such other place as set by the president.
2. Special meetings of the board may be called by the president, by the county public health director, or by a majority of the members of the board. Such meetings shall be held at the Health Department in Fort Collins, Colorado, or at such other place as the president may designate.
3. Notice of regular and special meetings of the board shall be sent to each member of the board by mail not later than three days prior to the meeting. The term "mail" may include U.S. mail, fax, e-mail, or other delivery service. The notice shall be accompanied by the proposed agenda of the meeting and a copy of the minutes of the preceding meeting. In the case of emergency, notification may be by telephone, fax, or email not later than 24 hours prior to the meeting. In the case of special meeting, such notice shall include a concise statement of the business to come before the meeting. Notification of regular and special Board of Health meetings will be posted at the Larimer County Courthouse and on the Commissioners' Agenda web page.
4. The agenda for regular meetings of the board shall be prepared by the executive secretary under the direction of the president.
5. All meetings of the board shall be open to the public except that upon 2/3 majority vote of those present on the board may vote to go into executive session for the consideration of personnel matters or other issues allowed under C.R.S. 24-6-402 (4),

and executive session minutes shall be kept in accordance with C.R.S. 24-6-402 (2) (d.5) (II).

6. A majority shall constitute a quorum of the board, which makes regular attendance of all board members necessary. In the event of unavoidable absence, the board member is expected to notify, prior to the meeting, either the president of the board or the executive secretary of the board. After two (2) unexcused absences during a calendar year, the president may request, in writing to the county commissioners, a replacement to fill the unexpired term of the absent member.

7. One or more members the board may participate in such meetings and may vote through the use of telecommunications devices. Such participation may include but not be limited to the use of a conference telephone, video conferencing or similar communications equipment. Such participation through telecommunications devices shall constitute presence in person at such meeting. However, all such public meetings shall have at least one person physically present at the designated meeting area to ensure that the public meeting is in fact accessible to the public.

D. By-Laws:

The board may adopt and at any time may amend by-laws in relation to its meeting and the transaction of its business. A majority vote of its members shall be required for this purpose.

E. Compensation:

Members of the board shall serve without compensation but may be reimbursed for their actual and necessary traveling and subsistence expenses when absent for their places of residence in attendance at the meetings.

F. Legality:

All meetings of the board shall in every suit and proceeding be taken to have been duly called and regularly held and all orders and proceedings of the board to have been authorized, unless the contrary be proved.

G. Powers and Duties of Board of Health:

1. To develop and promote the public policies needed to secure the conditions necessary for a healthy community;
2. To approve the local public health plan completed by the county or district agency, and to submit the local plan to the state board for review;
3. To select a qualified public health director, meeting the qualifications prescribed by the state board of health and in the Colorado Revised Statutes, to serve at the pleasure of the board. If the public health director is not a physician, the public health director will select at least one medical official who must be approved by the board. The medical officer will report to the public health director and advise on medical decisions at the direction of the public health director. The public health director and medical officer shall be covered by the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., for duties performed for the department.
4. To provide, equip and maintain suitable offices and all necessary facilities for the proper administration and operation of the public health.
5. To determine general policies to be followed by the public health director in administering and enforcing the public health laws, the orders, rules and regulations of the board, and the orders, rules regulations and standards of the state board of.

6. To act in an advisory capacity to the public health director on all matters pertaining to public health.
7. To approve a department mission and vision statement.
8. To issue orders and to adopt rules not inconsistent with the public health laws of this state nor with the orders or rules of the state board of health, as the board may deem necessary for the proper exercise of the powers and duties vested in or imposed upon a county health department or board of health by state statutes.
9. To hold hearings, administer oaths, subpoena witnesses and take testimony in all matters relating to the exercise and performance of the powers and duties vested in or imposed upon a county board of health.
10. To provide environmental health services and to assess fees to offset the actual, direct cost of such services; except that no fee for a service shall be assessed against any person who has already paid a fee to the state or federal government for the service, and except that the only fee that shall be charged for annual retail food establishment inspections shall be the fee set forth in section 25-4-1607; and
11. To accept, and through the public health director, to use, disburse and administer all federal aid, state aid, or other property, services or monies allotted to the county health department for local public health functions, or allotted without designation of a specific agency for purposes which are within the functions of the county health department, and to prescribe, by rule consistent with the laws of this state, the conditions under which such property, services or monies shall be accepted and administered. The board is empowered to make such agreements, not inconsistent with the laws of this state, the conditions under which such property, services or monies shall be accepted and administered. The board is empowered to make agreements that may be required to receive such funds or other assistance.
12. To examine all nuisances, sources of filth, and causes of sickness, which, in its opinion, may be injurious to the health of the inhabitants, within the county, county, and the board shall destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, as presented by the public health director.
13. To establish and appoint, as the board may deem necessary or advisable, special advisory committees to advise and confer with the board concerning the public health aspects of any business, profession or industry within the state. All committees shall be subject to board determination and selection and shall serve at the pleasure of the board. Any committee so established and appointed:
 - a. Shall act only in an advisory capacity to the board and shall make any formal recommendations to any governmental authority through the board or the director of the department.
 - b. Shall meet with the board at least once each year at such regular meeting of the board as may be designated by the board, and at such other times

as may be called by the president of the board. The board may designate one or more of its members for this purpose.

c. Shall serve without compensation but may, at the discretion of the board, be allowed, actual and necessary traveling and subsistence expenses when in attendance at meetings away from their places of residence.

d. Shall adopt by-laws and fix times and places of meetings subject to approval by the board.

H. Legal Actions and Judicial Review:

1. The county attorney shall be the legal advisor for the department and shall defend it in all actions and proceedings brought against it.

2. Any person aggrieved by a decision of the board or the public health officer acting under the provisions of this article, and affected thereby, shall be entitled to judicial review by filing in the district court.

3. The board shall hear appeals from decisions of the public health officer (See Annex #1), except for disciplinary matters involving department employees, which shall be appealed according to procedures in the Larimer County Personnel Policy Manual.

4. A decision of the board may be reversed or modified if the court finds it to be:

a. Contrary to constitutional rights and privileges.

b. In excess of the statutory authority of the board or the public health director.

c. Affected by an error of law.

d. Made or promulgated upon unlawful procedure.

e. Unsupported by substantial evidence in view of the entire record as submitted.

f. Arbitrary or capricious.

5. Any party may have a review of the final judgment or decision of the district court by writ or error to the Supreme Court.

II. Operation:

A. Meeting Procedures:

1. All meetings shall be open to the public.

2. Meetings shall be conducted generally in keeping with Robert's Rules of Order but shall be as informal as is appropriate to the situation.

3. The president shall preside at all meetings. In the absence of the president, the vice-president shall act in the capacity of the president. In the absence of both the president and vice-president, a member selected by those board members present shall preside. The president (or vice-president, when presiding) is allowed the same rights and privileges as all other board members to make motions or seconds, to speak in debate,

and to vote on all questions. The president will conduct all meetings in an impartial manner and allow the other board members the opportunity to speak first.

4. Any member of the board may, by written or oral request, direct the executive secretary to include any item on the agenda for any particular meeting.
5. The agenda may be changed by the president or by a majority vote of the board members present.
6. The president shall rule on matters of evidence and as to who shall be heard at meetings, but their rulings are subject to change upon a majority vote of the board members present.
7. All actions of the board shall be recorded and retained in appropriate minutes. When actions and discussions of the board are recorded electronically, the recording shall be retained until the minutes are approved by the board.

B. Administrative Directives:

1. The director shall attend all meetings or send a suitable representative selected by him/her.
2. The director acting as executive secretary of the board, under the direction of the president shall prepare an agenda for all regular meetings, and have such agenda sent by mail, email, or other means to board members at least three (3) days prior to the meeting at which they are to be considered.
3. Information on proposals known to be made at any board meeting shall be mailed to board members at least three (3) days prior to the meeting at which they are to be considered.
4. Copies of the minutes of each regular meeting shall be mailed to all board members at least three (3) days prior to the next succeeding regular meeting.
5. The director shall assure that the board is kept well informed on the activities and programs of the department and shall regularly advise the board concerning any staff vacancies relating to high-level personnel.
6. The director shall review with the board at least every other year existing policies and programs and recommend changes.
7. When meeting time and agenda allow, at least one service area director or appointee shall be called upon to report at each regular board meeting so that a report is received by the board from each service at least every other year. Such other staff members shall attend meetings of the board as shall be invited by it or by the director.
8. A preliminary report on upcoming budget requests shall be made to the board in order to allow policy input prior to submitting budget request document for board approval. The final budget determination is made by the board of county commissioners.
9. The director shall present a copy of the by-laws for review and updates to the board every three years after the previous update.
10. The director shall see that a copy of the by-laws of the board is presented to all members of the board upon their appointment, and to appropriate members of staff, and members of advisory committees and councils. Such copies shall be kept current and shall include an up-to-date list of committees of the board and advisors to the board.

ANNEX #1
APPEALS TO THE BOARD OF HEALTH

1. Exercise of Power: The board shall exercise its quasi-judicial powers to hear appeals from decisions of the director by persons affected thereby.
2. Who May Appeal: Any person aggrieved by any decision of the director may appeal on the ground that the decision was contrary to constitutional rights or privileges; or in excess of the statutory authority or jurisdiction of the director, or affected by any error or law; or made or promulgated upon unlawful procedure; or unsupported by substantial evidence in view of the entire record as submitted; or arbitrary or capricious; or contrary to the policies, rules or regulations of the board.
3. Time and Manner of Appeal: Every appeal shall be perfected within thirty days from the date of the decision appealed from, or from the time of service of any notice of alleged violation, as the case may be. Appeals shall be perfected by filing three copies of the notice of appeal directed to the board at the office of the Larimer County Health Department. Such notice shall cite the decision of notice appealed from and contain a succinct statement of the ground upon which the appeal is based and such other information as may be required by the board. One copy of the said notice of appeal shall be transmitted to the director, one copy to the attorney for the board, and the third copy shall remain in the files of the department. At each regular meeting the executive secretary shall notify the board of all appeals filed since the last regular meeting. If satisfactory grounds for extension of time are shown the president of the board, at his/her discretion, the time may be extended within which an appeal may be taken.
4. Appeal Costs: At the time an appeal is perfected, the appellant shall pay an appeal fee of \$25.00. If the action of the director appealed from is reversed, this sum shall be returned to the appellant. If the action of the director is sustained, this fee shall be retained and paid to the treasurer of the board.
5. Record of Appeal: When an appeal is perfected, the director shall transmit to the board all records and data in the files of the Larimer County Department of Health and Environment which deal with the decision appealed from.
6. Stay of Proceedings: An appeal shall stay all proceedings in connection with the decision appealed from unless and until the director shall have certified to the board, after the appeal has been perfected, that a stay would cause hazard to public health. In such case proceedings shall not be stayed except by order of the board or a court.
7. Hearings: After an appeal has been perfected, the board shall fix a time for a hearing, giving notice in writing to the appellant and all other parties in interest. Persons in interest may appear at the hearing in person, by agent, or by attorney and may offer such evidence and testimony as is relevant and material to the issues. The board, or any member thereof, or the attorney for the board, may also present testimony and question witnesses. In addition, the board may require additional data, tests and written briefs as may be appropriate. Taking of evidence and testimony shall not be governed by the rules of evidence applicable to courts, but shall be confined to evidence which is relevant and material to the issues.
8. Decision and Application for Rehearing: After completion of a hearing the board shall make findings of fact and conclusions of law and enter its decision thereon. Such decision may reverse or affirm, or modify in whole or in part the decision appealed from. Such decision shall be final when entered, except that either the appellant or the director may apply for rehearing within thirty days after the entry of a decision, by written application stating the grounds for such rehearing. All decisions of the board shall be in conformity with the laws of the State of Colorado.

9. Hearing Commissioner: The board may delegate to a hearing commissioner, appointed by the board, the duty of hearing any or all matters, appeals and cases which the board is empowered to hear. Designation of a hearing commissioner shall be by a majority of the members of the board. The hearing commissioner shall conduct all hearings in accordance with the procedures outlined herein, except as restricted by the order of referral. After the hearing, the commissioner shall submit to the board a complete transcript of the hearing, together with all evidence, objections thereto and ruling thereon, and a written statement of his/her findings and recommendations. Thereafter the board shall review the record and the findings of the commissioner and thereupon make conclusions of law and reach its decision. In reaching its decision the board shall not be bound by the findings and recommendations of the hearing commissioner.
10. Enforcement: It shall be the responsibility of the director to enforce and execute all decisions of the board, in accordance with its instructions.
11. Judicial Review: All decisions of the board shall be subject to judicial review as provided by the statutes of Colorado.