

**Effective 5/10/2016**

**26A-1-109 Local boards of health -- Membership -- Organization -- Meetings.**

- (1) A local health department shall have a board of health with at least three members.
  - (a)
    - (i) Board members shall be appointed pursuant to county ordinance or interlocal agreement by the counties creating the local health department.
    - (ii) The board may include representatives from the municipalities included within the area served by the local health department.
  - (b) The board shall be nonpartisan.
  - (c) An employee of the local health department may not be a board member.
- (2)
  - (a) As possible, of the initial board:
    - (i) 1/3 shall serve a term of one year;
    - (ii) 1/3 shall serve a term of two years; and
    - (iii) 1/3 shall serve a term of three years.
  - (b) All subsequent appointments shall be for terms of three years and shall be made, as possible, so 1/3 of the terms of office of those serving on the board expire each year. Members appointed to fill vacancies shall hold office until expiration of the terms of their predecessors.
  - (c) Board members may be removed by the appointing county for cause prior to the expiration of the member's term. Any board member removed pursuant to this Subsection (2) may request and receive a hearing before the county legislative body prior to the effective date of the removal.
- (3)
  - (a) All members of the board shall reside within the boundaries of the area served by the local health department.
  - (b) A majority of the members may not:
    - (i) be primarily engaged in providing health care to individuals or in the administration of facilities or institutions in which health care is provided;
    - (ii) hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care;
    - (iii) receive either directly or through a spouse more than 1/10 of the member's gross income from any entity or activity relating to health care; and
    - (iv) be members of one type of business or profession.
- (4)
  - (a) The board shall at its organizational meeting elect from its members a chairman and a vice chairman and secretary.
  - (b) The health officer of the local health department appointed pursuant to Section 26A-1-110 or Section 26A-1-105.5 may serve as secretary to the board.
- (5)
  - (a)
    - (i) Regular meetings of the board shall be held not less than once every three months.
    - (ii) Special meetings may be called by the chairman, the health officer, or a majority of the members at any time on three days' notice by mail, or in case of emergency, as soon as possible after the members of the board have been notified.
  - (b) A board may adopt and amend bylaws for the transaction of its business. A majority of the board members constitute a quorum.

- (c) Members serve without compensation, but shall be reimbursed for actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at authorized meetings.
- (d) All meetings are presumed to have been called and held in accordance with this section and all orders and proceedings are presumed to be authorized unless the contrary is proved.
- (6) The board shall annually report the operations of the local health department and the board to the local governing bodies of the municipalities and counties served by the local health department.
- (7) The board shall annually send a copy of the local health department's approved budget to the department and all local governing bodies of the municipalities and counties served by the local health department. The report shall be submitted no later than 30 days after the beginning of the local health department's fiscal year.
- (8) The board shall determine the general public health policies to be followed in administration of the local health department and may adopt and enforce public health rules, regulations, and standards necessary to implement the board's public health policies. The board shall adopt written procedures to carry out the provisions of this section.

Amended by Chapter 113, 2016 General Session