



HAYWOOD COUNTY BOARD OF COMMISSIONERS

AGENDA REQUEST

***Must be presented to the County Manager's Office
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING***

DATE OF REQUEST: **June 27, 2016**

FROM: **Talmadge Stone "Stoney" Blevins, HHS Director and Assistant County Manager**

MEETING DATE REQUESTED: **July 18, 2016, 5:30 PM**

SUBJECT: **Haywood County Health and Human Services Board Bylaws and Operating Procedures; approval of revisions**

REQUEST: **CONSENT AGENDA**

Approval of revisions to HCHHS Board Bylaws and Operating Procedures

BACKGROUND:

The HCHHSA Board Bylaws and Operating Procedures have been revised to reflect minor changes in procedure and changes in committee structure (detailed breakdown in Attachment 1. Attachment 2 is a redline draft so that the changes are easy to find.). These changes were approved by the HHS Board on June 21, 2016.

IMPLEMENTATION PLAN:

Will be implemented upon BOCC approval

FINANCIAL IMPACT STATEMENT:

(What is the cost? Where is the money coming from? Optional or mandated?)

None

SUPPORTING ATTACHMENTS: YES NO HOW MANY? **2 pdf**

LIST: **HCHHSA Board Bylaws and Operating Procedures (with visible edits for easy tracking)**

PowerPoint Presentation: YES NO

PERSON MAKING PRESENTATION AT MEETING:

Talmadge Stone "Stoney" Blevins
TITLE: **Health and Human Services**
Director/Asst. County Mgr.

PHONE #: **828-356-2389**

E-MAIL: **tsblevins@haywoodnc.net**

SUMMARY OF CHANGES TO BYLAWS AND OPERATING PROCEDURES:

1. Change election details in item II.D.1 to “The HHS Board members shall elect a Chair and Vice Chair by a majority vote every even-numbered year at the June HHSW Board meeting, to be effective July 1 of that same year.” (page 2)
2. Changes to number and name of committees in II.G.1. (page 3)
3. Removed Program Committee (page 5)
4. Changed II.G.1.b.4) to describe role of newly created Advocacy and Public Relations Committee (page 5)
5. Changed II.G.1.b.5) to show incorporation of statutory duties from the now-defunct Program Committee into the duties of the renamed Procedures, Bylaws, Policy and Regulation Committee. (page 6)
6. Change II.G.1.c.2) to read: “Committee membership will continue after initial appointment until such time as a replacement is appointed.” Remove all other language from this item.
7. Removed Program Committee from committee list. (page 6)
8. Change Items II.H.1 back to its original verbiage, and add “The regularly scheduled board meetings may be altered at the direction of the chair.” (pages 7-8)
9. Change Item II.I.1.5 “Voting” to match the language in Item II.H.6 “Duty to Vote.” (page 10)

By Laws and Operating Procedures
of the
Haywood County Health and Human Services Agency Board

- I. **Purpose:** To establish the general operating procedures for the Haywood County Health and Human Services Board in compliance with state law and county regulations, and to exercise the authority granted in Section 153A-77(d) of the North Carolina General Statutes (as may be amended from time to time).

II. **Procedure Statement**

A. **Name and Office**

The name of this organization is the Haywood County Health and Human Services Board (hereinafter "HHS Board"). The principal office of the HHS Board is located at the Haywood County Health and Human Services Agency, 157 Paragon Parkway, Clyde, NC 28721.

B. **Board Membership and Terms of Service**

The HHS Board shall be composed of members appointed by the Haywood County Board of Commissioners pursuant to NC General Statute 153A-77(d) (as may be amended from time to time). The HHS Board shall include one each of the following: psychologist, pharmacist, engineer, dentist, optometrist, veterinarian, social worker, registered nurse, psychiatrist, other physician, and County Commissioner. In addition to these positions, there will be at least two consumer representatives and at least two general public representatives for a minimum total of 15 positions and a maximum number of 19 positions. Per NC General Statute 153A-77(d) (as may be amended from time to time), "All members of the consolidated human services board shall be residents of the county. The members of the board shall serve four-year terms. No member may serve more than two consecutive four-year terms. The county commissioner member shall serve only as long as the member is a county commissioner. ~~----~~ -In order to establish a staggered term structure for the board, a member may be appointed for less than a four-year term." Any member interested in serving a second term must be re-approved by the Haywood County Board of Commissioners as well (see E. "Board Member Selection.") The second term of any HHS Board member will be a four-year term.

C. **Compensation**

Members of the HHS Board may receive a per diem in an amount established by the County Commissioners. Reimbursement for approved travel and subsistence expenses incurred on official business, outside of normal meeting attendance, shall be compensated at the prevailing rate for Haywood County employees.

D. Officers

1. Chair and Vice Chair

The HHS Board members shall elect a Chair and Vice Chair by majority vote ~~every even-numbered year at the June Board meeting, each year at the June HHS Board meeting~~, to be effective July 1 of ~~that same year each year~~.

The HHS Board Chair shall preside at board meetings and shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time; and
- To adjourn in an emergency.

In order to address the board, a member must be recognized by the chair. The chair may vote in all cases.

If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member may be designated by the board to preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

2. Secretary

The Haywood County Health and Human Services Director shall serve as Secretary to the HHS Board, but is not a member of the HHS Board. The Health and Human Services Director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate local Health and Human Services Agency employee.

E. Board Member Selection

1. When it is anticipated that an HHS Board vacancy will occur, the Secretary to the Board shall forward notice of vacancy to the Clerk of the Board of County Commissioners, along with qualifications needed for the position, at least 90 days prior to the vacancy. Any vacancy shall be advertised in accordance with County procedures.
2. Interested Haywood County residents are invited to complete an application, which is available on the County website or may be requested from the Deputy Clerk for the Board of County Commissioners, at any time. Applications may be completed online or sent to the Deputy Clerk for the Board of County Commissioners.
3. When a seat on the HHS Board becomes vacant, the Deputy Clerk for the Board of County Commissioners will forward all applications on file to the Board Chair. The Board

Chair will ask the Personnel/Nominations Committee to review and discuss applications, interview qualified candidates, and to make recommendations to the HHS Board for applicants to be considered for appointment. At its discretion the HHS Board may interview applicants. The HHS Board will forward recommendations for Board member appointments to the Haywood County Board of Commissioners for approval.

F. Responsibilities of Board Members

1. Function effectively within the context of a consolidated Health and Human Services Agency, serving simultaneously as a Public Health and Social Services board member.
2. Serve as a member of an HHS Board Committee as appointed by the HHS Board Chair. If an HHS Board member serves on one or more of the Administrative Committees advisory to the Health and Human Services Department, the HHS Board Chair at his or her discretion may elect not to appoint that member to a Board Committee.
3. Play an active role in helping to meet the **Health and Human Services Agency's Public Health and Social Services** statutory functions.
4. Participate fully in meeting discussions and decisions;
5. Perform necessary reviews of documents and other important materials to be well prepared to provide sound advice and decision-making
6. Attend at least 75% of scheduled meetings
7. Vote on each issue where a vote is required, unless a conflict of interest exists as defined by North Carolina law.

G. Committees

The HHS Board may establish committees as needed to carry out the Board's work. All committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws.

1. Standing Committees: The HHS Board shall have **four** standing committees: the Finance Committee; the Nominations/Personnel Committee; ~~the Program Committee;~~ the ~~Policy, Advocacy and Public Relations, Regulation and Education~~ Committee; and the ~~Board~~ Procedures, ~~and~~ Bylaws, **Policy and Regulation** Committee.

a. General Functions of Standing Committees

- 1) On issues over which the HHS Board has authority, provide general oversight of Haywood County's programs
 - a. Contribute to the development of administrative policies and plans
 - b). Monitor quality of operations and service delivery
 - c. Review and discuss budget

- 2) Make regular reports to the HHS Board.
- 3) Make recommendations to the HHS Board
 - a. Review information from County staff
 - b. Gather input on issues from community stakeholders
 - c. Appoint subcommittees as needed to review and develop recommendations regarding specific issues
 - d. Provide broad advocacy on relevant issues, promote community awareness and increase or garner political support.
- 4) Discuss and make recommendations on other advocacy, advisory and policy development issues as delegated by the HHS Board.
- 5) All HHSA Committee decisions must be approved by the full HHSA Board prior to implementation. Any HHSA Board recommendations affecting:
 - a. contracts
 - b. fees for service
 - c. changes in hours of operation
 - d. addition or reclassification of personnel or
 - e. any other matter required by state laws, county ordinance or policy to be approved at the Board of County Commissioners level

MUST be taken before the Board of County Commissioners for approval.

b. Functions of Specific Standing Committees

1) Finance Committee

- a. Reviews and makes recommendations on financial matters for the agency.
- b. Reviews and recommends fees for services based on the advice of the Health and Human Services Director
- c. Plans and presents the budget to the HHS Board for review and approval **of support** to forward to the Board of County Commissioners for approval and implementation
- d. Reviews other financial matters required in fulfilling the functions of NCGS 153A-77(1).

2) Nominations/Personnel Committee

- a. Per NCGS 153A-77(c) (as may be amended from time to time), this committee gathers and vets nominations for replacement of board members as the need arises. These nominations are then presented to the HHS Board for approval, then to the Board of County Commissioners for approval;
- b. In the event that there is a need to replace the Health and Human Services Director, this committee would assist in drafting solicitation, review of applications, and provide advice to the HHS Board and the County Manager.

3) Program Committee

~~This committee includes representation from both Health and Social Services and fulfills the functions of NCGS 153A-77(d)(3) and NCGS 153A-77(d)(8) (both of which may be amended from time to time) as follows:~~

- ~~a. Reviews and audits of agency programs and quality assurance activities;~~
- ~~b. Advises and makes recommendations regarding the creation of new local Health and Human Services programs.~~

4) Policy, Advocacy and Public Relations, Regulation and Education Committee

~~This committee fulfills several statutory functions related to~~ This committee fulfills statutory functions related to ~~to policy and regulation as stated in NCGS 153A-77(d)(6),~~ NCGS 153A-77(d)(10), ~~NCGS 153A-77(d)(4) and NCGS 153A-77(d)(5) (any of~~ which may be amended from time to time), advocating for the agency and for the well-being of the community, and performs community relations functions. This is accomplished through: ~~as follows:~~

- ~~a. Reviews agency policies along with state, federal and local policy and law, and makes recommendations to the HHS Board for compliance;~~
- ~~b. Works on adopting local health regulations and participating in enforcement of appeals. Also provides monitoring to assure that the agency is complying with federal and state laws;~~
- ~~c. Monitors developments at the state level and in the General Assembly with regard to laws and other developments that would impact Health and Human Services.~~
- ad. Committee members representing the interests of the agency at public meetings and functions as needed;
- b. through assisting agency staff with promotion and publicity efforts;
- c. through direct involvement within the community, with members advocating on behalf of the agency and related community programs

that contribute to the health and well-being of Haywood ~~Listens to the community, actively seeks community input on policies affecting the local citizenry;~~
e. ~~Assists HCHHSA staff in completing Accreditation reapplication, Community Health Assessment, and other community involvement and data gathering processes as needed~~

5) ~~Board~~ Procedures, ~~and~~ Bylaws, Policy and Regulation Committee

This committee meets as needed to research and recommend changes or additions to board procedures, and any changes to state law or policy as it relates to Boards of Health and Human Services; and to make recommendations to the HHS Board. ~~As needed, this committee also fulfills several statutory functions related to policy and regulation as stated in NCGS 153A-77(d)(6), NCGS 153A-77(d)(4) and NCGS 153A-77(d)(5)~~

- a. ~~Reviews agency policies along with state, federal and local policy and law, and makes recommendations to the HHS Board for compliance;~~
- b. ~~Works on adopting local health regulations and participating in enforcement of appeals. Also provides monitoring to assure that the agency is complying with federal and state laws;~~
- c. ~~Monitors developments at the state level and in the General Assembly with regard to laws and other developments that would impact Health and Human Services.~~
- d. ~~Listens to the community; actively seeks community input on policies affecting the local citizenry.~~

c. Membership of Standing Committees

1) Chair and Vice Chair

The Chair and Vice Chair (if one is needed), of each standing HHS Board committee shall be members of the Health and Human Services Board who are appointed to lead the committee by the HHS Board Chair for a term of two years, with no more than two consecutive terms in office.

2) Terms

~~Committee membership will continue after initial appointment until such time as a replacement is appointed. Committee membership will be two-year terms and members will be eligible for re-appointment at the discretion of the Chairman of the HHS Board. Terms shall begin on January 1 although members may be appointed mid-term.~~

3) Board Members on Committees

HHS Board members will be appointed to Committees by the Board Chair. The number of Board Members serving on each Standing Committee at any given time is expected to vary from a minimum of 3 to a maximum of 7 Board members, plus community representation if warranted and appropriate, at the discretion of the Board Chair. Former Board members are eligible to apply for community representative membership on a committee at the conclusion of their term of service on the Board.

4) Responsibilities of Committee Members:

- a. Attend the committee meetings;
- b. Read materials sent to them for review prior the scheduled meetings in preparation for active participation in discussions;
- c. Participate fully in meeting discussions and decisions;
- d. Identify any conflict of interest as defined by North Carolina law and withdraw from discussion of or voting on the issue with which there is a conflict.

5) Voting

In the event that any vote is taken at a Committee meeting, only HHS Board members may vote. A member must abstain from voting in cases involving conflicts of interest as defined by North Carolina law.

2. Statutorily-Defined Agency Committees and Temporary Advisory Committees

HHS Board members, agency personnel and community members may be asked to serve on agency committees to fulfill a function defined in North Carolina General Statutes and on temporary advisory committees formed to address a specific issue.

a. Statutorily-Defined Agency Committees – These committees meet on an as needed basis to perform functions connected to statutorily-defined responsibilities of the agency, and may include HHS Board members, agency personnel and community members.

b. Temporary Advisory Committees - The Board may establish Temporary Advisory Committees to address specific issues at any time. The HHS Board Chair will appoint Board members to serve on a Temporary Advisory Committee. The HHS Board may appoint, or may delegate the Board Chair to appoint, community members to serve on a Temporary Advisory Committee.

H. Board Meetings

1. Meeting Schedule

The HHS Board will hold meetings as required by GS153-A-77 (as may be amended from time to time). ~~A regular monthly meeting will be scheduled,~~ A regular monthly meeting

will be scheduled, unless cancelled by the Chair. **The regular board meeting schedule may be altered at the direction of the Chair.** The meeting location and time shall be advertised on the County's website and posted at least one week before the meeting.

2. Special, Emergency, and Recessed or Adjourned Meetings

(a) Special Meetings – The Chair, or a majority of the members, may call a special meeting of the board at any time. At least 48 hours before a special meeting called in this manner, written notice of the meeting, stating its time and place and the subjects to be considered, shall be (1) given to each HHS Board member; (2) posted on the HHS Board's principal bulletin board or, if none, at the door of the HHS Board's usual meeting room; and (3) distributed to each media representative who has filed a written request for notice with the HHS Board's clerk or a person designated by the Board.

A special meeting may also be called or scheduled by vote of the HHS Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place and purpose.

(b) Emergency Meetings – The chair, or a majority of the members may at any time call an emergency meeting of the HHS Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each board member and to each local medial representative that has filed a written emergency meeting notice request with the board's clerk or a person designated by the board.

Emergency Meetings may be called only because of generally unexpected circumstances that require immediate consideration by the HHS Board. Only business connected with the emergency may be considered at an emergency meeting.

(c) Recessed or Adjourned Meetings - properly called regular, special, or emergency meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2 in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, special or emergency meeting.

3. Agenda

The Secretary to the HHS Board shall prepare an agenda for each meeting in consultation with the Board Chair. A request to have an item of business placed on the agenda must be received at least four working days before the agenda is distributed to the public. Any HHS Board member may, by a timely request, have an item placed on the proposed agenda. A copy of all documents related to an agenda item shall be attached to the proposed agenda. The agenda for a special or emergency meeting may

be altered only if permitted by and in accordance with the North Carolina open meetings laws.

The HHS Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on.

4. Presiding Officer

The Chair of the Board shall preside at HHS Board meetings if he or she is present. If the Chair is absent, the Vice Chair shall preside. If the Chair and Vice Chair are both absent, another member designated by a majority vote of members present at the meeting shall preside.

5. Quorum

A majority of the actual membership of the HHS Board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present. If a member must abstain from voting on a specific issue due to a conflict of interest, that member shall be counted as present for purposes of determining whether or not a quorum is present.

6. Duty to Vote

Board members have a duty to vote on all matters requiring a vote, unless he or she has conflict of interest as defined by NC statutes. In such cases, a member must abstain. If a board member does not vote, and there is no recognized conflict of interest, that board member's vote will be counted an "affirmative" vote; e.g. in favor of the motion.

7. Minutes

The Secretary shall prepare minutes of each HHS Board meeting. Copies of the minutes shall be made available to each Board member before the next regular Board meeting. At each regular meeting, the Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Board meeting minutes by request from the Secretary.

I. Committee Meetings

1. Meeting Schedule

Each Committee will meet as needed in accordance with the disposition of their responsibilities as it relates to reporting to and seeking timely action from the HHS Board. The meeting location and time shall be advertised on the County's website and posted at least 48 hours before the meeting. The Chair of the Committee shall schedule meetings in sufficient advance to allow public notice to be made.

2. Agenda

The staff to the Committee shall prepare an agenda for each meeting in consultation with the Chair. Any Committee member or person who wishes to place an item of business on the agenda shall submit a request to the Chair. The Committee may add items to the agenda or subtract items from the agenda by a majority vote.

3. Presiding Officer

The Chair of the Committee shall preside at Committee meetings if he or she is present. If the Chair is absent, a member designated by the Committee Chair or the HHS Board Chair shall preside. If the Chair and Vice Chair are both absent, another member designated by a majority vote of members present at the meeting shall preside.

4. Quorum

A majority of the actual membership of the Committee, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present. If a member must abstain from voting on a specific issue due to a conflict of interest, that member shall be counted as present for purposes of determining whether or not a quorum is present.

5. Voting

~~A member must abstain from voting in cases involving conflicts of interest as defined by North Carolina law and in such cases no vote is counted for the abstaining member.~~ Committee members have a duty to vote on all matters requiring a vote, unless he or she has conflict of interest as defined by NC statutes. In such cases, a member must abstain. If a committee member does not vote, and there is no recognized conflict of interest, that committee member's vote will be counted an "affirmative" vote; e.g. in favor of the motion.

6. Minutes

The staff to the Committee shall prepare minutes of each Committee meeting. Copies of the minutes shall be made available to each Committee member before the next regular Committee meeting. At each regular meeting, the Committee shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Committee meeting minutes by request from the Secretary to the HHS Board.

J. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are

discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

K. Other Procedural Matters

The HHS Board shall refer to the current edition of Robert's Rules of Order Newly Revised (RONR) to answer procedural questions not addressed in this document, so long as the procedures prescribed in RONR do not conflict with North Carolina law.

L. Compliance with North Carolina Law

In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, statutes regarding conflicts of interest, and the laws setting forth the powers and duties of the Health and Human Services Agency Board and all assumed powers under NGGS. To assist the Board in compliance, the local Health and Human Services Director shall maintain a current copy of relevant North Carolina General Statutes and make them available to Board members on request.

III. Applicability and Exceptions: These procedures apply to current members of the Haywood County Health and Human Services Board.

IV. Operating Procedures Responsibility and Management:

A. These operating procedures shall be reviewed annually by the Health and Human Services Board, the Health and Human Services Director, and the Haywood County Manager. A record of this review shall be documented in the HHS Board minutes for Accreditation purposes.

B. Any recommendations for changes to these operating procedures shall be forwarded to the Haywood County Board of Commissioners, after approval by the Health and Human Services Board.

C. New HHS Board members will receive a copy of the Board Operations Manual and review it as part of their orientation.

Adopted 10-21-14

Revisions approved by Haywood County Board of County Commissioners 4-6-15

Revised 5-25-16—awaiting approval