

Frederick County Board of Health
Rules of Procedure
DRAFT – 05/05/2022

I. Authority

Maryland law establishes a Board of Health in each county. §§ 3-201 and 3-202 of the Annotated Code of Maryland, Health General Article establishes the requirement that each county have a Board of Health (BOH).

II. Purpose

The local Board of Health may adopt and enforce rules and regulations on any nuisance or cause of disease in the county as long as these are not contrary to and are at least as stringent as existing State laws, rules and regulations. The board may adopt guidelines and recommendations to express its current thinking on health-related topics pertinent to Frederick County, and to provide policy guidance for other entities. The guidelines and recommendations are advisory only and do not have the force and effect of law.

III. Members

- (a) The membership of the Board of Health consists of the seven County Council members and the County Executive. The County Health Officer is the executive officer and secretary of the Board of Health.
- (b) Staff support and coordination is provided by the Frederick County Health Department.

IV. Meetings

- (a) Regular Meetings. The Maryland Annotated Code requires the Board of Health to meet in May and October, but it may also meet at any other time the executive officer considers necessary.
- (c) Emergency or Special Meetings. Emergency or Special meetings may be held at the discretion of the executive officer or by a request of a majority of the members, when such meeting is necessary to address unexpected circumstances that require immediate action by the board.
- (d) Notice of Meeting. Public notice of meetings should be provided in accordance with the Maryland Open Meetings Act. Written notice stating the time, place, and subject of each meeting shall be given to each member not less than five days before each meeting unless it is called as an Emergency or Special meeting and in such a situation the written notice shall be distributed at least twenty-four hours prior to the proposed meeting. Announcement of meetings will be made through the local media and posted to the Board of Health's webpage.

- (e) Quorum. A quorum of the Board members shall consist of five (5) members and shall be required to conduct business.
- (f) Voting is to be by roll call, except on procedural motions, consent agenda items, and adoption of minutes. The ayes and nays must be recorded in the minutes of the meeting. Each member shall be entitled to one vote on each matter submitted to a vote. The Executive Officer may only cast a vote to break a tie.
- (g) Meetings shall be completed by 11:00 pm. Any agenda item which has not begun by 10:00 p.m. will be moved to the next meeting agenda under Old Business.
- (h) Parliamentary Procedure. Robert's Rules of Order is adopted. In all matters not provided for in these policies and procedures, the applicable rules in the current edition of Robert's Rules of Order Newly Revised shall govern.

V. Meeting Agendas

- (a) The executive officer is to prepare an agenda for each meeting. Agendas should be posted a week before each meeting. For emergency meetings, agendas should be prepared and posted online as soon as practicable.
- (b) Each agenda is to be distributed to Board members. After distribution, the executive officer may amend an agenda. Members may make requests to amend the agenda. In the event the Executive Officer amends the agenda, the Executive Officer will prepare and distribute a replacement agenda.
- (c) A copy of any proposed rule, regulation, guideline or recommendation, as well as any supporting documentation, must be linked to the agenda when it is posted and made accessible to the public.
- (d) A request by a member to include an item on a given agenda must be submitted to the Executive Officer no later than 13 calendar days preceding the meeting at which it is proposed for discussion.

VI. Board of Health Minutes

- (a) Copies of the minutes of Board of Health meetings should be drafted and posted to the Board of Health website within 21 days of the meeting. Draft minutes are not final until approved by the Board. Approval of minutes should occur at the next regularly scheduled meeting of the Board.

- (b) Video recordings of meetings that are open to the public pursuant to State law are to be made available on the County's website under Board of Health Meetings.

VII. Public Participation at Meetings

- (a) The Executive Officer may provide time for members of the public to address the Board on pertinent matters. The executive officer may set a time limit on public comment. Individuals will have three (3) minutes for public comment.
- (b) No person will be allowed to address the Board until the appropriate time, as determined by the Executive Officer.
- (c) A person who wishes to address the Board cannot proceed until recognized by the Executive Officer. Upon recognition, the person must begin by first stating his or her name, hometown and zip code.
- (d) A person attending a public meeting who is not a member of the Board is a guest of the Board. As a guest, a person may not engage in any conduct that interferes with the right of anyone to attend the meeting, listen to the meeting or engage in behavior that disrupts a meeting, such as by waving placards, signs, or banners. The Executive Officer may order a person who persists in disruptive conduct to be removed from the meeting and may request security or law enforcement assistance to restore order.
- (e) When presenting written materials to the Board during a public meeting, a minimum of fifteen (15) copies shall be provided to the Board and staff. If additional copies are needed, a request should be made to Board staff prior to the meeting.

VIII. Rules and Regulations

- (a) A rule or regulation shall embrace one subject. The subject shall be described in its title. No regulation may be enacted, revised, or amended by reference to its title alone. The duty of the Board shall be to enact the same format and arrangement of words as the regulation would read when it goes into effect.
- (b) A rule or regulation may be introduced by one or more members or Executive Officer during a regular, special, or emergency meeting.
- (c) Before the adoption, amendment or repeal of any rule or regulation, the Board shall conduct a public hearing on the subject of the proposed rule or regulation.
- (d) Before a public hearing on a rule or regulation, the title and a fair summary of the rule or regulation and the date, time, and place of the public meeting shall be published at least once each week for two successive weeks on the Board of Health website and in a newspaper of general circulation in the County. If the Board determines that no such newspaper exists in the County, the Board shall use whatever media it deems most suited to satisfy the public notice requirements of this subsection. The Executive

If circumstances require, the Executive Officer may schedule more than one public meeting on a regulation, provided that public notice of any subsequent hearing date is provided. provided the publication and notice requirements of this subsection are met for each hearing.

- (e) After a public hearing, the Board may enact a regulation, with or without amendment, by an affirmative vote of at least five (5) members. In the event a regulation is amended before enactment, and the amendment or amendments constitute a change of substance, the regulation, as amended, may not be enacted until a public meeting is held on the amendment and a fair summary of the amendment and the date, time and place of a public meeting are posted on the Board of Health website at least four days in advance of this public meeting.
- (f) If the Board finds that the immediate adoption, amendment or repeal of a rule and regulation is necessary for the preservation of the public health, safety or general welfare, and that the observance of advance notice requirements of these rules of procedure, including notice and a public hearing, would be contrary to the public interest, the Board may dispense with these requirements and adopt, amend or repeal the rule or regulation as an emergency rule or regulation.

IX. Amendments to the Rules of Procedure

The Rules of Procedure of the Board of Health may be amended by any member of the Board of Health at any meeting by providing notice of the proposed change to each member at least five (5) days prior to the date of the meeting. Written notice of the proposed change shall be linked to the agenda. Any amendment requires a supermajority vote of the Board of Health members.

X. Books and Records

The Frederick County Health Department shall keep minutes of all proceedings of the Board of Health and such other books and records as may be required for the proper conduct of its business and affairs.

XI. Conflict of Interest

Any member of the Board of Health who has, or whose relative has, or who is employed by or associated with a firm or company which has a substantial financial interest in any decision of the Board of Health, shall make known such interest so that it is recorded in the minutes of the Board, and shall refrain from participating in any manner in such decision. The Frederick County Health Department shall not enter into any agreement with a member of the Board, or a relative of a member of the Board, or a firm or company which employs or is associated with a member of the Board, to provide equipment, materials, supplies, or services to the Board provided, however, such procedures shall not apply to an award of agreement after competitive bidding.