



BOH Organization Guide: #2 BOH Structure

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the steps needed today to organize a Massachusetts Board of Health.

The checklist is designed to be used in tandem with the **BOH SOP and Appendices**. BOXES CAN BE CHECKED WITH the CURSOR.

BOH Structure

Annual Organizational Meeting

- Hold properly posted meeting annually after elections or appointments are completed.
- Current Chair or most senior BOH member call meeting to order
- Quorum must be present (50% or more of entire board)
- Nominations accepted by Meeting Chair
- Voting is usually oral, but may be written
- Majority elects BOH Chair and Vice Chair; Meeting minutes reflect the votes taken.

Open Meeting Law

- All BOH meetings with a quorum present must be run in accordance with Open Meeting Law
- Meetings must be properly posted according to municipal procedure, at least 48 hours in advance
- If a hearing is scheduled, abutters and interested parties should be informed.
- Agenda must adequately reflect any items that are reasonably anticipated at the time of posting
- Public should be given an opportunity to speak in the beginning of the meeting. The BOH is not obligated to respond at that time and the public may only speak during the meeting with explicit permission from the Chair.
- Written minutes should be taken, and publicly posted once approved at the next meeting.
- Anyone may attend a public meeting, and may tape or video that meeting, as long as it is not disruptive.
- Disruptive members of the public may be ejected or banned from meetings.

Duties of the BOH Chair

- Runs BOH meetings or delegates someone to run the meetings to ensure an orderly, fair, and legal process.
- Chair of Meetings decides the rules of order. Often it is Roberts Rules of Order, but this can be changed by the Meeting Chair at any time.
- Approves BOH Meeting schedule
- Approves BOH Meeting Agenda before posting
- Ensures annual budget is approved by BOH and submitted/approved
- Ensures annual BOH staff reviews/evaluations are completed
- Monitors BOH activities so that State mandates are met
- Acts as BOH Spokesperson to speak to the public/media on behalf of the BOH or delegates this role.

Conflicts of Interest and Liability

- Abutting properties/business relationships are always considered potential conflicts for BOH members, staff.
- BOH Agents/Inspectors that are not employees should be appointed Special Municipal Employees by the Town.
- BOH Members are considered Town Employees for liability purposes as long as they are acting in good faith and within the scope of their duties.

BOH Health Agents

Appointment of Health Agents

- Health Agents may only be appointed at a BOH meeting, with approval of a majority of the board.
- Appointment should be noted in BOH meeting minutes.
- BOH may appoint multiple Health Agents or an entity (like BPHA).
- BOH may appoint BOH Members/Staff as Health Agents.
- Health Agents should be appropriately trained, certified and knowledgeable.
- BOH may restrict Health Agent powers and duties and limit the appointment in length of time (e.g., one year).
- Inspectors appointed by City/Town authority do not have full BOH powers unless also appointed by the BOH.

Duties of Health Agents

- Acts on behalf of the BOH, including acting in emergencies. All Health Agent actions are subject to BOH review.
- Have almost all BOH power unless specifically restricted, except the power to appoint Health Agents or spend money without authorization.
- May issue orders, permits and certificates of compliance unless restricted by the BOH.