



## Bismarck- Burleigh Commissions Committee

The Bismarck-Burleigh Commissions Committee is scheduled to meet on Friday, September 1, 2023, at 9:00 AM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

### Call to Order

1. Consider approval of minutes of August 4, 2023, meeting.

Documents:

[August 4, 2023 - Minutes.pdf](#)

2. Public Health Discussion Relating to the Board of Health By-Laws

Documents:

[Draft BOH By-Laws 2023.pdf](#)

3. Other Business

### Adjourn

Next meeting: 9:00 AM, September 15, 2023  
Tom Baker Meeting Room- Bismarck City/County Building  
221 N 5th Street, Bismarck, ND



## Bismarck-Burleigh Commissions Committee

8/4/2023 - Minutes

### Call To Order

Mayor Schmitz called the meeting to order at 9:00 AM. Committee members present were Mayor Mike Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

#### 1. Consider approval of minutes of July 21, 2023, meeting.

Mayor Schmitz called for approval of the minutes from the July 21, 2023, meeting. Administrator Hunke noted an error in the Other Business portion of the agenda noting the word homes was used instead of hopes. Chair Matthews motioned to approve the minutes from the July 21, 2023, meeting as amended, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

#### 2. Discuss Committee Meeting Topics

##### A. City/County Building Lease

The Committee agreed to review the lease agreement in the first quarter of 2024, prior to budgetary discussions for the following year.

##### B. Extraterritorial Area (ETA)

The Committee discussed the ongoing efforts to collaborate between the City of Bismarck and Burleigh County staff with the understanding that this topic will appear on future agendas.

##### C. Grants/Federal Funding

The general consensus of the group was to remove this topic from the list and to add it to future agendas as needed.

##### D. Information Technology Services

The Committee discussed the ongoing efforts of Burleigh County to establish its own IT department. The Committee agreed to discuss this topic during the first quarter of 2024.

##### E. Municipal Court Lease

The Committee agreed to discuss this topic during the first quarter of 2024 prior to budgetary preparations.

##### F. Prisoner Care

Chair Matthews recommended moving this discussion to the Joint Jail Committee which sets the prisoner care rates for the Burleigh-Morton Detention Center. Sherrif Kelly Leben remarked that the Joint Jail Committee is composed of a Burleigh County Commissioner, a Morton County Commissioner, a Burleigh County Sherrif, and a Morton County Sherrif. Mayor Schmitz requested Sherrif Leben provide a report during the first quarter of 2024 relating to the prisoner care rates and the operations of the Detention Center to promote transparency.

#### G. Public Health

Director Renae Moch provided a brief update noting she has prepared a draft Joint Powers Agreement between the City of Bismarck and Burleigh County and she has drafted bylaws and a template for the composition of a combined Board of Health. The Committee agreed to discuss this topic at the September 1, 2023 meeting.

#### H. Senior Center

The general consensus of the group was to remove this topic from the project list and discuss at future meetings as needed.

### 3. Discuss Future Meeting Schedule

The committee agreed to cancel the August 18, 2023, scheduled meeting due to a lack of agenda items and will meet next on September 1, 2023, to discuss the draft materials for Public Health and to receive an update on the topic of the Extraterritorial Area (ETA).

The group discussed moving to one meeting each month after October 2023 with the understanding meeting frequency may increase prior to budget preparations in 2024.

### 4. Other Business

#### Adjourn

There being no further business to discuss, the meeting adjourned at 9:23 AM.

**BY-LAWS OF THE BISMARCK-BURLEIGH BOARD OF HEALTH  
BISMARCK, NORTH DAKOTA**

The Board of Health for the City of Bismarck and Burleigh County, North Dakota, hereinafter referred to as the "Board," does hereby adopt these by-laws that shall govern board operations.

**I. PURPOSE**

The mission of the "Board" shall be to act in advisory capacity to Bismarck-Burleigh Public Health (BBPH) to carry out the core functions of public health identified in ND Century Code 23-35-02. The "Board" shall also make recommendations to the board of city and county commissioners for appointment of a local health officer.

**II. MEMBERSHIP**

The Board of Health shall consist of the following:

- One (1) Bismarck City Commissioner who holds the portfolio for BBPH.
- One (1) Burleigh County Commissioner who holds the portfolio for BBPH.
- Two (2) physicians (MD/DO) licensed in good standing in the state of North Dakota working in one of the following specialties: (Family Medicine, Internal Medicine, Pediatrics, Epidemiology, Infectious Disease).
- One (1) Dentist or Pharmacist licensed in good standing in the state of North Dakota.
- One (1) Superintendent or a designated employee of Bismarck Public Schools or Burleigh County Schools.
- One (1) Bismarck-Burleigh Public Health consumer/client, but more specifically, a consumer/client representing the needy, underprivileged, or elderly population in the City of Bismarck and/or Burleigh County.
- The Public Health Director and City-County Health Officer shall serve as ex-officio members to the board, with the Public Health Director serving as secretary to the board. The board shall elect a chair and vice-chair at its first meeting and annually thereafter. It is the duty of the chair to call all meetings of the board.
- All "Board" members, except ex-officio members, shall be residents of Bismarck and/or Burleigh County.
- All of these members shall be appointed and approved by the Board of City Commissioners, Bismarck and the Board of County Commissioners, Burleigh for a term of four (4) years. Staggered terms may apply. All vacancies shall be filled to serve the remainder of the unexpired term. A majority of the board shall constitute a quorum.
- City and/or County Commissions may remove an appointed member for cause.

In no instance may the board be either all male or all female. Each appointee shall serve until a successor is appointed or qualified, and if a vacancy occurs, the vacancy shall be filled by appointment for the remainder of the unexpired term in the same manner as the initial appointment. Each appointee shall qualify by filing the constitutional oath of office in the office of the city attorney.

### **III. OFFICERS**

Officers shall be elected annually. The officers will include a Chair and a Vice Chair. Subsequent terms are allowed if the Board member agrees to continue on in the elected position and a quorum of Board members are in approval.

The Chair shall generally preside and conduct all Board meetings, all special meetings and, with the advice and consent of other members, may appoint committees from Board members to perform specific duties.

The Vice-Chair - In the event of the absence, disability, resignation or conflict of interest of the Chair, the Vice-Chair shall exercise all the powers and duties of said Chair. The Board may elect from its own members a successor Vice-Chair to fill this vacancy at its next regular meeting.

### **IV. MEETINGS**

Quorum - A quorum shall consist of four (4) members (7 members serving).

Regular Meetings - the Board shall meet at a minimum of quarterly. At the December meeting, the following year dates for meetings will be scheduled. Meetings will be scheduled for an hour in duration.

Special Meetings - The Chair may, from time to time, call special meetings of the Board on not less than three days' notice to all Board members.

Meeting Location - All regular meetings of the Board shall be held at the City/County Building Tom Baker Chambers and/or virtually. Special meetings may be held at other locations and at other times which shall be designated in the written notice of special meetings, which shall be transmitted to each member not later than three days prior to the special meeting date.

Order of Business - The items of business to be considered at any regular or special meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member, in the case of a regular meeting, not later than five days immediately preceding the meeting date and, in the case of special meetings, not later than provided above. Items of business at any regular or special meeting will be considered by the Board in the order in which they appear on the meeting agenda. Additional items may be placed on the agenda if agreed to by the membership.

Public Notice – Public notice will be given in advance of the meeting as required by law.

Records - The Board shall keep a record of its resolutions, transactions, findings, and determinations; and, such record shall be a public record.

## **V. VOTING**

All Board members, including the Chair and Vice-Chair, shall be entitled to one equal vote at any regular or special meeting. There shall be no voting by proxy. Dissenting votes or abstentions on any matter presented to the Board shall be clearly expressed orally or in writing when voting is in process. When a quorum is present, all matters presented for Board consideration shall be decided by the majority vote of those present at the meeting.

## **VI. COMPENSATION**

All members of the Board shall serve without compensation. When duly authorized by the Board, members thereof may attend conferences or meetings that pertain to public health and the Board may pay the reasonable traveling expenses.

## **VII. RESPONSIBILITIES OF THE BOARD**

The Board of Health is an advisory board for the public health department.

1. Be a community advocate for public health.
2. Make recommendations to the Board of Bismarck City Commissioners and Burleigh County Commission regarding public health issues ensuring policy and legislation is based on the most rigorous and current scientific evidence based on expert recommendation or evidence-based or promising practices.
3. Provide feedback on performance evaluations on the Health Officer and the Director of Public Health positions if requested by City Administration.
4. Provide feedback on the public health department's strategic plan and provide guidance on goals and objectives and ensure alignment with the health department's mission.
5. Assist in providing feedback in identifying and prioritizing programs using data highlighting community needs.
6. Review the annual budget requests and provide a recommendation to support or revise.
7. Review and make recommendations regarding the public health department's policies and procedures involving significant changes.

## **VIII. OTHER PROCEDURES**

All operating procedures not specifically provided for herein shall be governed by "Robert's Rules of Order" which are hereby incorporated for purposes of reference. In the event any provision of "Robert's Rules of Order" are inconsistent herewith, these by-laws shall govern.

**IX. CONTROL OF LAW**

The by-laws of the Board generally shall be governed by the applicable ordinances of the City of Bismarck, laws of the State of North Dakota, and laws of the United States of America and any provisions herein inconsistent or in conflict with such laws or ordinances shall be deemed void.

**X. AMENDMENT AND REPEAL**

Except when in conflict with state statutes, these by-laws may be amended or repealed from time to time by the affirmative vote of a majority of the appointed Board members at a regular or special meeting. Said by-laws may be made inoperative regarding any particular subject matter by the affirmative vote of a majority of Board members.

**Signature:**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Bismarck-Burleigh Board of Health Chair