



## The Local Board of Health

The local board of health is described in law in Iowa Code Chapter 137. It is described in rule in Iowa Administrative Code chapter 641.77. Law and rule define the structure, powers, and duties of the local board of health. The following information is a summation of the two.

### LOCAL BOARD OF HEALTH JURISDICTION AND APPOINTMENT:

There are three types of local boards of health.

1. City (has to have been in existence before July 1, 2010)
  2. County
  3. District
- City boards of health have jurisdiction over public health matters within the city. City board members are appointed by the city council.
  - County boards of health have jurisdiction over public health matters within the county. County board members are appointed by the county board of supervisors.
  - District boards of health have jurisdiction over public health matters within the district. District board of health members are appointed by the county boards of supervisors from the counties represented by the district.

### MEMBERSHIP OF A LOCAL BOARD OF HEALTH:

- Each local board of health shall consist of at least five members. One of the members must be a physician licensed in the state of Iowa.
- The membership term is three years, members may be re-appointed.
- Members shall serve without compensation, but may be reimbursed for necessary expenses.
- Vacancy due to death, resignation, or other cause shall be filled as soon as possible after the vacancy exists for the unexpired term of the original appointment.

### ORGANIZATION OF A LOCAL BOARD OF HEALTH:

- Each year the local board of health needs to elect a member to serve as the chairperson.
- The board may choose to elect a vice-chairperson, secretary, or other officers as necessary.

**MEETINGS:**

- The board shall meet at least six times a year.
- The time, place, and date of regular meetings should be determined by vote of the local board.
- Meetings must comply with Open Meeting Law (Iowa Code Chapter 21) and Public Records Law (Iowa Code Chapter 22).
- A majority of the members shall be considered a quorum.
- An affirmative vote of the majority of the members present is necessary for action taken.
- Before approving any rule or regulation the board shall hold a public hearing on the proposed rule.

**BOARD OF HEALTH REPORTING TO THE IOWA DEPARTMENT OF PUBLIC HEALTH:**

- Each member's name and contact information is to be submitted once a year.
- Names of the chairperson and other officers are to be submitted once a year.
- A copy of regular and special meeting minutes should be submitted once they are approved. Meeting minutes should include a list of the members present and clearly document official action taken by the board.

**FISCAL RESPONSIBILITY:**

- Boards of health in Iowa should take an active role in assessing public health needs in their jurisdiction and evaluating whether current services are being successful in helping meet those needs. It is expected that this role will continue to expand and will include setting public health goals and priorities, shaping service delivery systems, and ensuring the efficient and effective use of resources. Boards of health will be bringing together contractors, payees, and other partners in order to fulfill the roles and responsibilities laid out in Iowa Code and Iowa Administrative Code.
  - Advantages to this control include better management of limited resources, increased flexibility to direct funds to address local needs and priorities, decreased duplication of services and support of regional linkages.
- When a board of health employs and directly oversees public health staff, the board's fiscal responsibilities will include:
  - Setting financial direction, approving the annual budget, approving financial guidelines, and policies and procedures.
  - Planning for expenses and revenues and monitoring financial status.

- Delegating implementation of the budget
- When the local board of health does not directly oversee public health staff, but contracts with other entities for public health services, the board will have its own budget for board of health operating expenses.
- When the board of health is a contractor (a legal arrangement for the receipt of public health funds in exchange for services) or establishes subcontracts with nonprofit organizations, the board is required to meet the fiscal and reporting requirements of the funding source.

ALLOWABLE BOARD OF HEALTH BUSINESS EXPENSES:

- Reimbursement for travel in private car or public transportation.
- Lodging and meal expenses.
- Public transportation when traveling on board of health business.
- Training and education expenses.
- Reimbursement for necessary expenses in accordance with rules established by the state board of health or the applicable jurisdiction.

POWERS OF THE LOCAL BOARD OF HEALTH:

Local boards of health are the governing boards in their city, county, or district for public health. They establish the framework for public health. They provide local public health vision, mission, and advocacy and encourage community involvement in selecting public health priorities. Local boards of health:

- Enforce state health laws and the rules and lawful orders of the state department.
- Make and enforce such reasonable rules and regulations not inconsistent with law, the rules of the state board, or the Iowa public health standards as may be necessary for the protection and improvement of the public health.
  - Rules of a city board shall become effective upon approval by the council and publication in a newspaper having general circulation in the city.
  - Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in Iowa Code 331.101, subsection 13, and publication in a newspaper having general circulation in the county.
  - Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district.
  - Before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation shall be published in a newspaper having general circulation as provided in Iowa Code section 331.305 in the area served by the local board of health.

- Employ persons as necessary for the efficient discharge of its duties.

#### ADDITIONAL POWERS OF THE LOCAL BOARD OF HEALTH INCLUDE:

- May provide such population-based and personal health services as may be deemed necessary for the promotion and protection of the health of the public.
- May provide such environmental health services as may be deemed necessary for the protection and improvement of the public's health.
- May engage in joint operations and contract with colleges and universities, the state department, other public, private, and nonprofit agencies, and individuals or form a district health department to provide personal and population-based public health services.
- May enforce appropriate public health ordinances by agreement with the council of any city within its jurisdiction.
- May charge reasonable fees for personal and public health services. No person shall be denied necessary services within the limits of available resources because of inability to pay the cost of such services.
- May issue licenses and permits and charge reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems.

#### LOCAL BOARDS OF HEALTH AND THE IOWA PUBLIC HEALTH STANDARDS:

- Local boards of health may:
  - Designate an agency to assure compliance with the Iowa Public Health Standards in the jurisdiction.
  - Demonstrate a commitment to comply with the Iowa Public Health Standards.
  - Request at least annually reports from organizations that provide public health services within the jurisdiction.

#### LEGAL RESPONSIBILITIES OF THE LOCAL BOARD OF HEALTH:

The local board of health may by contract, merger, or any other legal means see that certain responsibilities can be provided by another entity. If a local board of health chooses to subcontract services the board is still responsible for making sure that the services are delivered.

As stated earlier the local board of health's responsibilities and duties are established in Iowa Code, and implemented through Iowa Administrative Code. Duties covered above in this guidebook have come directly from Iowa Code Chapter 137 and Iowa Administrative Code 641.77, but these are not the only areas of code and administrative code that describe responsibilities and duties of the local board of health.

Iowa Code and Iowa Administrative Code authorize local boards of health to conduct a broad array of legal activities. This list is updated annually by the Iowa

Department of Public Health. The list is available on the department's website at [http://www.idph.state.ia.us/hpcdp/local\\_board\\_of\\_health.asp](http://www.idph.state.ia.us/hpcdp/local_board_of_health.asp).

#### LOCAL BOARD OF HEALTH PHYSICIAN RESPONSIBILITY:

The physician member of the local board of health has a unique responsibility as a liaison to the community and other medical professionals because of specific medical training and experience. The physician member of the board should:

- Know the health and threats to the health of the community the local board of health serves.
- Take an active role in healthcare discussions with physician colleagues.
- Explain the role of public health in prevention of disease and promotion of health in community settings.

#### CONFLICT OF INTEREST:

Because of the public service mission of public health, it is important that the community have confidence in their local board of health. In order to deal with the issue of conflict of interest and the disclosure of such it is recommended that the board of health consult with the local county attorney.

- Guidelines for avoiding conflict include:
  - Serve public health as a whole rather than any special interest group or constituency
  - Avoid the appearance of a conflict of interest and disclose any potential conflicts to the board in a timely fashion
  - Maintain independence and objectivity with a sense of fairness, ethics, and personal integrity
  - Comply with Iowa Code Chapter 68B which includes Iowa Gift Law.

#### WORKING WITH THE COUNTY BOARD OF SUPERVISORS:

It is very important that the local board of health and county board of supervisors have a good working relationship. Both have different responsibilities related to public health, but it is in the interest of both to have quality public health services available to the constituents they each serve.

- The local board of health is reliant on the county board of supervisors for:
  - Appointment of board of health members
  - Approval of adopted rules and regulations of the board of health
  - Appropriation of funding.
- A district board of health is reliant of local boards of supervisors for:
  - Appointment for members of a district board of health
  - Adopted rules and regulations approved and so they can be implemented by the district board of health
  - Financial support for public health of the district's constituents when appropriate.

**WORKING WITH THE COUNTY ATTORNEY:**

The county attorney has an obligation to represent and provide advice and opinion to local boards of health. The local board of health may under certain circumstances seek outside legal counsel.

**GUIDELINES FOR MEETINGS:**

- Meetings should be arranged for the convenience of the board members. If at all possible select a regular time and date for the meeting.
- Meeting materials should be provided to board of health members several days prior to the meeting. All materials should be reviewed by the board of health in preparation for the meeting.
- Board of health members should assist in determining meeting agendas.
- Begin meetings on time.
- Take attendance.
- Approve minutes from the last meeting.
- Receive reports from public health officials, directors, and other providers. Written reports may be submitted in advance.
- Handle unfinished business from earlier meetings before moving on to new business.
- End each meeting by stating the date and time of the next scheduled meeting.
- Adjourn the meeting at the conclusion of the meeting.
- A designated person should keep the minutes. The minutes should be on letterhead and include:
  - Date, time, place, board members and guests present.
  - Include all motions and actions taken by the board.
  - A record of the vote of each member present.
- Additional tips on meeting minutes:
  - Minutes do not need to include the discussion that led to the board action, but should have enough detail to explain the reasoning of the board.
  - Minutes should be kept concise and factual.
  - The minutes should reflect who took the minutes.

**OPEN MEETINGS AND OPEN RECORDS:**

Board of Health meetings need to be conducted according to the requirements of the Iowa open meetings and open records laws, which are in Chapters 21 and 22 of Iowa Code. For more information on this topic consult the “Iowa Open Meetings, Open Records Handbook” available from the Iowa Freedom of Information Council.

**ELECTRONIC MEETINGS:**

Requirements for holding electronic meetings are contained in the Iowa Open meetings law (Section 21.8 of Chapter 21 of the Iowa Code).