

**BYLAWS
OF
NORTHEAST NEBRASKA HEALTH DEPARTMENT
AND ITS
BOARD OF HEALTH**

ARTICLE 1

PURPOSES

The Northeast Nebraska Public Health Department (Health Department) is created pursuant to the power delegated by the Nebraska Legislature as set forth in applicable Nebraska Statutes, particularly Sections 71-1626 to 71-1636 and 13-801-807, which Legislative mandate is controlling. Pursuant to that mandate, the counties set forth herein (Cedar, Dixon, Thurston, and Wayne) entered into an Interlocal Agreement for the Joint Establishment and operation of a the Northeast Nebraska Public Health Department; a Board of Health and a full-time Health Director. These Bylaws are therefore subject to Nebraska Law in the Interlocal Agreement and reflect a good faith, cooperative effort to accomplish the purpose for which the agreement was adopted, to-wit:

1. To work collaboratively with local providers and statewide organizations to assure that the full range of public health services is provided within the geographic boundaries of the Counties as prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.
2. To carry out core public health functions within the geographic boundaries of the Counties, including assessment and policy development, prevention of illness and disease, and assurance of the services including public health nursing, health education, and environmental health services. To the extent funds are available, the Health Department's core functions shall fulfill certain essential elements, which can include without limitation:
 - A. Monitoring health status to identify health problems;
 - B. Diagnosing and investigating health problems and health hazards;
 - C. Informing, educating and empowering people about health issues;
 - D. Mobilizing community partnerships to identify and solve health problems;

1. One Cedar County Member shall serve for a one year term, and one Cedar County Citizen Member shall serve for a one year term, as determined by the Cedar County Board;
2. One Dixon County Member shall serve for a one year term, and one Dixon County Citizen Member shall serve for a two year term, as determined by the Dixon County Board;
3. One Thurston County Member shall serve for a one year term, and one Thurston County Citizen Member shall serve for a three year term, as determined by the Thurston County Board;
4. One Wayne County Member shall serve for a one year term, and one Wayne County Citizen Member shall serve for a four year term, as determined by the Wayne County Board;
5. The dentist appointed by the Counties shall serve for a two-year term.
6. The physician appointed by the Counties shall serve for a four-year term.
7. *all terms to be served four years thereafter.*

B

The particular county shall confirm the appointment and/or removal of its particular members of the Board of Health, in writing. Only that particular county appointing its particular members may remove such members from the Board of Health. However, the counties, by majority vote, may remove either the physician or the dentist upon notice and opportunity to be heard prior to taking any removal action. Conversely, notice and opportunity to be heard shall be afforded by any particular county to any public spirited minded person before removal action is taken.

C

Appointments to fill any vacancy shall be for the unexpired time. A county may reappoint any member to serve for consecutive terms without restriction.

D

No member, director, officer, or employee of, or member of a committee of, or person connected with the Health Department or its Board of Health, or any other private individual shall receive at any time any of the public monies or funds flowing to the Department or Board of Health, or any of the earnings on such funds; PROVIDED that this shall not prevent the payment to any such persons of such reasonable compensation or expenses for services rendered to or for the Health Department or its Board of Health as determined by such Department or Board. Except to the extent otherwise required by

6. The Board of Health shall hire a Health Director having full time management responsibility over the activities of the Health Department. The Health Director shall meet the qualifications of Neb. Rev. Stat. §71-1631, including any amendments thereto, and assume those duties required of a health director under Neb. Rev. Stat. §71-1632, including any amendments thereto. The Board of Health may also set out additional duties and responsibilities of the Health Director. The Health Director shall report solely to the Board of Health.
7. The Board of Health shall advise and inform the Health Department in the exercise of the Departments' duties, obligations and powers reserved only to the Department under Nebraska law, such as but not limited to, issuance of bonds, receipt or disbursement of funds, proportion of budgets, annual reports, incurring debts and other obligations, record keeping and any and all other powers and duties reserved to the Department by Nebraska law including but not limited to, those duties specifically set forth in §71-1631 and any amendment thereto.

POWERS AND DUTIES OF THE HEALTH DEPARTMENT AND THE HEALTH DIRECTOR

1. The Department shall prepare an annual report setting out the core public health functions carried out by the Department during the prior fiscal year, submitting the report prior to October 1 to the Nebraska Department of Health and Human Services Regulation and Licensure as required by law. Prior to submission of the annual report, the Health Director shall provide a draft thereof to each Member of the Board of Health for review and comment.
2. The Health Department shall have authority to issue bonds as authorized by the Interlocal Cooperation Act.
3. The Health Department shall have sole authority to receive and disburse all funds otherwise authorized to be received by, or disbursed to, the Counties which relate specifically to the functions delegated by the Counties hereunder, including without limitation those funds disbursed by: (a) the Nebraska County Public Health Aid Program, (b) any federal or other state program, (c) any charitable grant, and (d) any agency in receipt of taxes or special assessments generated for such functions. All funds shall be held in such accounts and with such financial institutions authorized by the Board of Health. Funds of the Health Department shall be disbursed only in accordance with Neb. Rev. Stat. §71-1634 and as otherwise required by law. A full and accurate accounting of all funds received and disbursed shall be prepared and provided to any County upon request.

- L. Assists the staff to implement program activities based on the identification of program needs.
- M. Insures financial support of the agency's work through funding activities such as grants.
- N. Professes the history, purpose, program, policies and practices of the agency.
- O. Accepts the powers and duties mandated by the Legislature as set forth in §71-1632.

7. Relationship with the Board

- A. Keeps Board informed of organization activities, progress and problems.
- B. Gives due diligence to Board Member ideas and suggestions.
- C. Makes recommendations for Board action.
- D. Maintains friendly, courteous attitude toward Board Members and Board Members likewise towards the Director.
- E. Facilitates the decision-making process for the Board.
- F. Accepts Board criticism as constructive suggestion for improvement.
- G. Gives constructive criticism in a friendly, firm and positive way.
- H. Follows up on all problems and issues brought to his/her attention.

8. Effective Leadership of Staff

- A. Encourages staff development.
- B. Deals with staff in an honest, courteous, professional manner.
- C. Maintains open, concerned and congenial relations with staff.
- D. Delegates effectively.
- E. Involves staff in appropriate decision-making.
- F. Communicates well with staff.

- G. Cognizant of auditor's annual findings and observations and recommends adjustments to the Board.

12. Community and Public Relations

- A. Represents the organization in a positive, professional manner.
- B. Actively promotes the organization to the public.
- C. Accepts public criticism and responds appropriately.

13. The Department and Board

- A. Supports its Director to the fullest, reasonable extent to implement and accomplish the purposes set forth in the Legislative intent giving due consideration and diligence for the expertise of it's Director.

ARTICLE IV

**FURTHER GENERAL CONDITIONS APPLICABLE TO THE DEPARTMENT,
BOARD AND ITS DIRECTOR**

1. Additional Counties – One or more counties immediately adjacent to a County may petition to become an additional County to the Agreement as permitted by L.B. 692, passed by the 2001 Session of the Nebraska Legislature. No additional county may become a County to the Agreement without the prior consent of all Counties to this Agreement. If a county shall first set out in writing its petition and those amendments to this Agreement, or the draft of a new interlocal agreement, it seeks to impose on all Counties. The Counties shall have one hundred and twenty (120) days following receipt of the petition and the proposed amendments, or draft of a new interlocal agreement, within which to respond. If the petition is denied and the county seeking admission appeals such denial to the Nebraska Department of Health and Human Services agent they deem mutually agreeable to represent the interests of the Counties before the Nebraska Department of Health and Human Services Regulation and Licensure.
2. Name – The name of the public health department established by the Agreement is "Northeast Nebraska Public Health Department" and the name of its Board is "Northeast Nebraska Health Department Board".

of the members present at a meeting at which a quorum is present shall be the act of the Board of Health.

8. Debt and Other Liabilities. Subject to any limitations provided herein, the Health Department may incur debt and other liabilities only to the extent permitted by law. No debt, liability, or other obligation of any kind incurred by the Health Department shall be separately binding upon any County except to the extent mandated by law.
9. Compliance and indemnification. The Health Department shall at all times comply with all applicable laws and regulations of any kind. To the extent any insurance is available, the Health Department shall further indemnify, defend, and hold the Counties harmless from any claim, cause of action, or liability of any kind arising in connection with the performance of its functions hereunder.
10. Amendment. Any County desiring to amend the Bylaws shall first submit a copy of such amendment to each other County for its consideration at least forty-five days prior to its proposed effective date. The Bylaws may be amended at any time only upon the written consent of all Counties or the Board of Health with county approval by county resolution.
11. Records. The Health Department shall keep those records required by Neb. Rev. Stat. §71-1633, including any amendments thereto. The Board of Health shall be responsible for establishing policies and procedures related to the preparation and retention of all records kept by the Health Department. Each County shall, following reasonable notice to the Health Director, have the right to inspect any or all records.
12. Notices. All written notices required to be given to a County must be in writing properly addressed to the respective Chair of the County Board and shall be deemed delivered on the earlier of: (i) actual receipt, if delivered in person or by messenger; or (ii) upon deposit with the U.S. Postal Service, certified, return receipt requested, postage prepaid.

ARTICLE V

MEETINGS

1. Annual and Quarterly Meetings. The annual meeting of the Board of Health shall be held in January of each year at the call of the President, or if the President shall not have called the meeting by February 15, then at the call of at least two Members. Quarterly meetings shall be held every three months at such times approved by the Board of Health.

ARTICLE VI

OFFICERS

1. Number and Qualification. The officers of the Health District shall elect a President, a Vice President, a Secretary, and, either from its own Members or otherwise, a Treasurer. The Board of Health may elect other officers with those duties specified. The same person may hold any two or more offices.
2. Election and Tenure. The Board of Health, at its annual meeting, shall elect the officers. Each officer shall hold office for a term of one year or until his or her successor shall have been duly elected and shall have become qualified, unless his or her service is terminated sooner because of death, resignation or otherwise.
3. Removal. Any officer or agent of the Health Department may be removed from his or her position as an officer but may not be removed as a member by the Board. Only the County may remove a Member and only with due process. Removal of an officer of the Board, and only as to the position of an officer (and not a member) shall be by a majority vote of the entire membership of the Board.
4. Vacancies. Vacancies occurring in any office by reason of death, resignation or otherwise may be filled by the Board of Health at any meeting.
5. Duties and Authorities of Officers.
 - A. President. The President shall, when present, preside at all meetings of the Members of the Board of Health. The President may sign, with the Secretary or any other proper officer of the Board of Health so authorized, deeds, mortgages, contracts or other instruments authorized by the Department for the Board to execute. Execution thereof shall be expressly delegated by the Board of Health or by these Bylaws. The President in general, shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Health from time to time.

absence, the Secretary are authorized to approve such vouchers before any funds are disbursed. In the absence of the President and Health Director, the Vice President and the Secretary are authorized to approve such vouchers before any funds are disbursed

ARTICLE VII

AMENDMENT

Except as otherwise provided by the Interlocal Agreement, the Bylaws may be amended or repealed by the Board of Health by a majority vote at any duly constituted annual, regular or special meeting, provided however, that if any County is not represented at the meeting, then any amendment or repeal shall require the vote of at least a two-thirds majority of the Members present.

ARTICLE VIII

INDEMNIFICATION OF MEMBERS, OFFICERS AND EMPLOYEES AND AGENTS

1. To the extent permitted by law, the Health Department shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the Health Department, by reason of the fact that he or she is or was a Member, officer, employee or agent of the Health Department against expenses, including attorney fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Health Department, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful.
2. To the extent permitted by law, the Health Department shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Health Department to procure a judgment in its favor by reason of the fact that he or she is or was a Member, officer, employee or agent of the Health Department, or is or was serving at the request of the Health Department as a Member, officer, employee or agent of another Health Department, partnership, joint venture or other enterprise or as a trustee, officer, employee or agent of an employee benefit plan, against expenses, including attorney fees, actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Health Department.

IN WITNESS WHEREOF, these Bylaws are executed on the date signed by each County collectively as provided.

CEDAR COUNTY:

Merle Steema
Board Chair

David Oubins
Attest: County Clerk

Date Executed: 11-7, 2002.

DIXON COUNTY:

Russell Flinn
Board Chair

Diane Gooker
Attest: County Clerk

Date Executed: October 23, 2002.

THURSTON COUNTY:

Roger Smith
Board Chair

Muri Roth
Attest: County Clerk

Date Executed: 10-22, 2002.

WAYNE COUNTY:

Myron Miller
Board Chair

Debra Fenn
Attest: County Clerk

Date Executed: 11-18, 2002

