

MINUTES  
LAKE CUMBERLAND DISTRICT  
BOARD OF HEALTH MEETING

February 19, 1987

The Lake Cumberland District Board of Health met Thursday, February 19, 1987, 6:30 p.m., CST, at Lindsey Wilson College, Columbia, Kentucky.

MEMBERS PRESENT

Richard L. Walker, Adair County Judge-Executive  
Charles E. Schaefer, D.V.M.  
David Johnson, Casey County Judge-Executive  
Woodrow Lester, D.M.D.  
Donnie McWhorter, Clinton County Judge-Executive  
Tony Sloan  
Russell Ballard, Cumberland County Judge-Executive  
Jack Baker  
Morris Goff, Green County Judge-Executive  
Bennie Garland, Proxy for Floyd Frasure, McCreary  
County Judge-Executive  
Joe Ferguson  
Darrell Beshears, Pulaski County Judge-Executive  
Robert Drake, Jr., M.D.  
Peggy Dugger, R.N.  
Louie Floyd  
Henry Chambers, M.D.  
Hallice F. Upchurch, Wayne County Judge-Executive

MEMBERS ABSENT

Louise Slinker  
Grover Wilson  
Joseph Dunkum, D.M.D.  
Terril Flanagan, Russell County Judge-Executive  
Charles V. Henry, D.M.D.  
Samuel Phillips, Taylor County Judge-Executive  
Doris Reese, R.N.  
John Simmons, M.D.

OTHERS PRESENT

Patrick R. Bell	Jeff Wilson, WTLO
Rita Dobbs	June Burton
Forest F. Shely, M.D.	J. P. Wiles
Billie Buchanan	Joyce Mize
Linda Hutton, WSFC/WSEK	Michael D. Thomas, M.D.
Madelynn Coldiron,	Norma Watson
Commonwealth-Journal	Claude Tiller
Becky Upchurch, WJDJ/WKEQ	Jeneane Price

OTHERS PRESENT (continued)

Clifford L. Cook	Russell Long
Bob Ping	Jim Wesley
Earl Morrison	Donna Turner
Mary Jean Goff	Emily Greene
Bill Garner	

OPENING MEETING/QUORUM/MINUTES

Judge Hallice Upchurch called the meeting to order with a quorum in attendance. Judge McWhorter made a motion to approve the minutes of the January 8 board meeting previously mailed. Motion was seconded by Judge Johnson and carried unanimously.

DR. MICHAEL THOMAS, MEDICAL DIRECTOR

Dr. Thomas praised health department nurses district-wide as being excellent nurses dedicated to doing a good job. The department having had occasion with the last month or so to hire nurses for new programs and to replace retiring nursing staff, Dr. Thomas said he had found salaries for health department nurses are not competitive with the private sector, making recruitment difficult.

Dr. Thomas told the board that some issues once considered to be moral issues have become public health issues. He spoke of the need for more emphasis on public health education. One long-range goal would be to have a TV and VCR in each county health center waiting room so that patients can view educational films while they wait. His remarks were well received.

CLAUDE TILLER, HEALTH EDUCATION DIRECTOR

Claude Tiller provided an overview of two new health incentive programs for which the district had submitted proposals and received funding from the state.

A health incentive program for citizens 60+ in public housing units and organized church groups focuses on areas of high blood pressure, nutrition, and physical fitness.

Through the Teen Initiative grant, a hot line has been installed and is being operated by two B.S. Degree nurses who answer health related questions from teens. Also, non-prescription contraceptives, along with educational pamphlets on sexually transmitted diseases, are being provided through a "brown bag" program.

JENEANE PRICE, PERSONNEL OFFICER

Jeneane Price briefly explained Merit System procedures followed by the department in recruiting and hiring employees. A nurse, for example, falls under Merit System for Local Health Department's open-continuous recruitment category. Nursing applications are submitted to the Merit System Office in Frankfort for qualification--based upon degree, training, and experience--and for placement on a register and/or certification. A certification is sent to the health department, upon request, for interviews and selection to fill a vacancy; whereas clerks, for example, fall under the closed-competitive category. If a vacancy exists for a clerk and there is not a current register, the department advertises. Applications secured are sent to the Merit System for eligibility determination to take an applicable exam. After exams have been administered and returned to Frankfort, the health department receives a certification of the top five scorers. Interviews are conducted and selection made. A register is valid one year from the date of establishment.

District employees, with the exception of the District Director and Medical Director, are on Compensation Plan C. There are eleven regular steps, then three longevity steps in each grade on this salary scale. Upon completion of a full year of service an employee is eligible for an annual increment (5% pay increase) moving the employee one step along on the compensation plan. Failure to grant an annual increase must be documented as to reason. Just cause might be if the department has no funds to grant any annual increment or if an employee is at the end of the salary scale, etc. However, an employee may be granted a salary adjustment accordingly; though one may not enter longevity without having earned rights of longevity.

Effective December 15, 1986, the Merit System Council abolished the compensation plan for District Directors and Medical Directors and incorporated these positions into a revised plan with physicians and dentists. There were only seven regular steps on the abolished plan. District Director Pat Bell was at Step 7 on this plan and had been ineligible for an annual increase since 1983. However, the revised plan contained four additional regular steps and three longevity steps, making him eligible for a salary adjustment, in lieu of the annual increment(s) he had not received. The authority for this adjustment is found in Article IV, Section D, Item 4, of the Merit System Rules and Regulations. Mrs. Price contacted the Merit System Supervisor on December 1, 1986, and was advised that Mr. Bell was eligible for a salary adjustment based on the above-mentioned Article. Although Mr. Bell is an exempt employee, his fringe benefits are the same as covered employees. Salary adjustments have been awarded other eligible staff. The Merit System Rules and Regulations do not speak to the necessity of board approval.

PAT BELL, EXECUTIVE DIRECTOR

Mr. Bell distributed a packet containing the following materials:

- Old and new by-laws. Copies of the new by-laws (model by-laws provided by the state) were mailed to board members February 11.
- A letter from Phillip Spangler dated December 30, 1986, pertaining to the department's old by-laws. Mr. Spangler stated the statutory requirement is for the district health officer to be Secretary to the board, and there is no statutory basis for proclaiming the District Director to be Secretary to the board. And that, in lieu of a health officer, the Secretary should be elected by the board from among its members.
- Copy of Local Health Policy 400-1, Duties and Responsibilities of a District Health Officer, and Local Health Policy 400-2, Duties and Responsibilities of a Chief Executive Officer. Secretary to the board is not referenced in duties of a Health Officer. LHP 400-2, Duties and Responsibilities of a Chief Executive Officer, states:

In addition to his other basic duties, he shall  
serve as Secretary to the local board of health

. . . . .

- March 1, 1985, letter from Dr. Hernandez to Judge Upchurch advising that no new or renewed contracts should be written for the services of a director.
- A letter from Phillip Spangler dated February 3, 1987, directing that Mr. Bell's salary adjustment would require board approval.
- A letter from Mr. Bell to Stan Smith regarding his salary adjustment.
- Copy of the state travel policy adopted by the board January 8. This policy, along with a cover memo from Mr. Bell, was distributed to all staff in January.
- A letter dated January 22, 1987, from Dr. Carlos Hernandez. In this letter Dr. Hernandez advised that health departments not purchase any additional computer equipment or services unless absolutely necessary, as a statewide computer network is in the developmental stage. For this reason, Mr. Bell had not advertised for computer services as authorized by the board at their January 8 meeting.

NEW BUSINESS

Chairman Upchurch brought the subject of Mr. Bell's salary increase before the board for discussion.

Judge Beshears expressed the opinion that although he did not consider Mr. Bell's salary to be excessive for the position, the increase should have been delayed until the department's problems were settled. He said if the board has authority to hire a director they should be able to set his salary.

Joe Ferguson thought the timing of the raise was bad and it could have been discussed with the board in December or January.

Judge McWhorter urged that the feeling of dissension be replaced with unity and cooperation, allowing the health department to get on with its business of providing health services to the community.

Dr. Chambers felt that although the salary increase was probably deserved, it was not good timing in view of recent problems and extensive press coverage.

Judge Johnson responded that the board should not allow the press to rule their actions.

Bennie Garland, proxy for Judge Frasure, assured the board he was speaking in behalf of Judge Frasure when he urged the salary increase be ratified. Mr. Garland said he has known Mr. Bell for several years and has found him to be accountable and responsible.

Dr. Thomas expressed concern with the situation, saying he had accepted the Medical Director job with the understanding his salary would be upgraded as permissible.

Dr. Chambers made a motion to delay the salary adjustment, for reasons previously stated. By a show of hands, the voting was seven in favor of the motion, seven opposed. The board chairman voted against the motion to break the tie. Motion defeated, seven in favor, eight opposed.

Judge Johnson made a motion that the salary adjustment be ratified and the budget amended accordingly. Judge McWhorter seconded the motion. Eight members voted in favor of the motion, six opposed. Motion passed.

Mr. Bell told the board he would consider the matter and if he became convinced that declining the pay raise would be a unifying factor, he would decline.

NEW BUSINESS (continued)

Louie Floyd assured the board his negative vote for the salary increase did not extend to other issues they might be considering, but he wished to work together with them in the best interest of the health department.

Judge Walker asked if the committee appointed at the January 8 meeting had met with Al Austin and Dr. Hernandez. Judge Upchurch reported he had spoken with Dr. Hernandez by phone. Dr. Hernandez did not think a meeting was indicated for the present, since the money being withheld was not vital to the department's operation, or resulting in services being cut. Dr. Hernandez told Judge Upchurch he felt the department was headed in the right direction.


Mr. Bell reported to the board that he had discussed the possibility of the State Commission for Handicapped Children participating financially in conversion of the district conference room into offices for the district's Commission for Handicapped Children Program, as they were in dire need of additional office space. Mr. Bell had obtained an estimate of \$15,000 for the work. Judge Beshears made a motion to allow the director, at the appropriate time, to advertise and accept bids in each county, and to proceed with the renovation. Motion seconded by Judge Johnson. Motion was approved unanimously.

Dr. Thomas issued a personal invitation to each board member to visit the health department. He told the board his outlook had changed greatly since experiencing firsthand what the health department is all about.

BY-LAWS

Motion was made by Judge McWhorter to adopt the state's model by-laws. Motion was seconded by Judge Walker and carried unanimously.

There being no further business the meeting adjourned.



Hallice F. Upchurch, Chairman

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Secretary

Model  
10/22/86

## BY-LAWS

### ARTICLE I

#### NAME AND ORIGIN

- Section 1. **NAME.** The name of this organization shall be the Lake Cumberland District Board of Health.
- Section 2. **ORIGIN.** The Lake Cumberland District Board of Health became a legal entity when the Secretary for the Cabinet for Human Resources, signed a declaration creating the Lake Cumberland District Health Department effective July 1, 1971.

### ARTICLE II

#### PURPOSE

- Section 1. **GOVERN DISTRICT DEPARTMENT.** It shall be the purpose of the District Board of Health to serve as the governing body of the District Health Department, creating policies affecting the health department which are not in conflict with the Kentucky Revised Statutes or the regulations and policies of the Cabinet for Human Resources.
- Section 2. **ADOPT REGULATIONS AFFECTING THE GENERAL PUBLIC.** It shall be the further purpose of the District Board of Health to adopt such regulations not in conflict with the Kentucky Revised Statutes, or with the regulations and policies of the Cabinet for Human Resources as are deemed necessary to carry out the statutory responsibilities of the District Board of Health.

### ARTICLE III

#### MEMBERSHIP

- Section 1. **COMPOSED OF COUNTY REPRESENTATIVES.** The Lake Cumberland District Board of Health shall be composed of the ex officio members and the members appointed by the Secretary of the Cabinet for Human Resources as provided by KRS 212.855.
- Section 2. **ADDITIONS.** When additional counties unite their health departments with the district department or when a county withdraws from participation in the district health department, membership on the district board shall be adjusted to comply with the statutory requirements regarding district board membership.

## ARTICLE IV

### OFFICERS

Section 1. **NUMBER.** The officers of the Board shall be: Chairman, Vice-Chairman and Secretary.

Section 2. **ELECTION.** The officers of the Board shall be elected annually for a one year term at the first regular meeting in each new fiscal year. The Health Officer, by statutory requirement, serves as secretary to the Board. In the absence of a Health Officer, the Board shall elect a secretary from among its members. Upon notification of the new Board appointments, the Board Chairman will appoint a nominating committee to draw up a slate of nominations to present at the next regular meeting for election by the Board.

Section 3. **VACANCIES.** A vacancy in any office because of death, resignation, removal, or otherwise, may be filled by the board for the unexpired term.

Section 4. **DUTIES OF OFFICERS:**

**Chairman:**

The chairman shall preside at all meetings of the Board, sign the records thereof, and shall sign official papers executed on behalf of the Board and perform generally all duties performed by the chairman of like or similar boards and such further duties as may be required by the Board.

**Vice-Chairman:**

The vice-chairman shall perform all the duties of the chairman in the event of the absence of the chairman. In the case both the chairman and vice-chairman are absent or unable to perform their duties, the Board may appoint a chairman pro tem.

**Secretary:**

The secretary shall provide for the preparation of minutes of the proceedings of the Board, and shall sign official papers executed on behalf of the Board as required.

## ARTICLE V

### MEETINGS

Section 1. **RULES OF ORDER.** All business meetings of this organization will be conducted in accordance with Roberts Rules of Order and the provisions of the Open Meetings Statutes, KRS 61.805 to 61.850.

Section 2. **FREQUENCY.** The board shall hold regular meetings quarterly as required by KRS 212.230. Special meetings may be called by the chairman or by the request of a majority of the members of the Board.



**Section 3.**

**TIME AND LOCATION.** Meetings will be held in a central location and/or locations agreeable to the members and at such time that participation by members from all parts of the district will be practical. The calling of special meetings shall be governed by the provisions of the Kentucky Open Meetings Statutes.

**ARTICLE VI**

**QUORUM**

**Section 1.**

**MAJORITY VOTE.** A simple majority of the board membership shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members voting at which a quorum is represented shall be the affirmative vote of the Board.

**ARTICLE VII**

**REGULATIONS**

**Section 1.**

**ADVANCE NOTICE.** No proposed regulation affecting the general public may be voted upon at a meeting of the board unless all members have been notified of the proposal by mail, postmarked seven (7) days prior to the meeting.

**Section 2.**

**PUBLICATION.** Any newly adopted regulation affecting the general public must be published in the newspaper with the largest circulation in each county at least thirty (30) days prior to its effective date.

**ARTICLE VIII**

**EXECUTIVE COMMITTEE**

**Section 1.**

**FUNCTION.** The Executive Committee, when the Board is not in session, shall have and may exercise all of the functions delegated to it by the Board with the exception of election of officers, changing the by-laws, or enacting regulations. Meetings of the Executive Committee shall be governed by the Kentucky Open Meetings Statutes. Each action of the Executive Committee shall be reported to the Board at its next regular meeting and separately considered for ratification. Actions of the Executive Committee not ratified at the following regular meeting of the Board are void.

**Section 2.**

**COMPOSITION.** The Executive Committee shall have two (2) persons from each of the counties comprising the district, one of whom shall be the county judge or his designee. The other shall be appointed by the Chairman of the District Board. The officers of the district board shall serve as officers of the Executive Committee. Executive committee members shall serve a one (1) year term and shall be named at the first meeting of the fiscal year following election of officers.

**Section 3.**

**QUORUM.** A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business.

**ARTICLE IX**

**OTHER COMMITTEES**

Section 1. **ADDITIONAL COMMITTEES.** The Chairman shall appoint such additional committees from time to time as required.

**ARTICLE X**

**GRIEVANCE**

Section 1. **RELATING TO THE GENERAL PUBLIC.** As provided in KRS 212.230, the Board shall hear and decide appeals from rulings, decisions and actions of the health department or health officer, where the aggrieved party makes written request therefore to the board within thirty (30) days after the ruling, decision, or action complained of.

Section 2. **RELATING TO PERSONNEL.** Health department personnel covered under the Merit System shall follow the established grievance procedure of the department. The Merit Council shall be the final authority in all such matters covered in the Merit System Rules and Regulations. The Board may hear and decide appeals of non-merit employees. In the absence of a departmental grievance procedure, the Board may hear and decide any personnel appeals which are not specifically appealable directly to the Merit System Council. The Board may obtain advice from legal counsel when determining which appeals it will hear.

**ARTICLE XI**

**BY-LAWS AMENDMENTS**

Section 1. **AMENDMENTS.** The by-laws of this organization may be amended by a majority vote of the District Board of Health provided that each member has been supplied a copy of the proposed amendment at least seven (7) days prior to the meeting at which the amendment is to be considered for adoption.

**ARTICLE XII**

**ENACTMENT**

Section 1. **ENACTMENT.** Adopted at a meeting of the District Board of Health held on the 19th day of February, 1987, to have immediate effect and to be made a part of the minutes of that meeting.

  
Chairman

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Secretary