

## PUBLIC HEALTH COUNCIL

### BYLAWS

#### I. Creation of Membership

1. The purpose of the Public Health Council (PHC or Council) is to preserve and improve public health in New Jersey.
2. Pursuant to Reorganization Plan No. 003-2005, entitled “A Plan for the Transfer of Certain Functions, Powers and Duties of the Public Health Council to the Department of Health and Senior Services” (Reorganization Plan), published at 37 N.J.R. 2735(a) (August 1, 2005), the statutory functions, powers and duties of the PHC were transferred to the Department except for the PHC’s advisory and consultative functions. The Reorganization Plan became effective August 26, 2005 and has the force and effect of law.
3. Effective June 29, 2012, the Department was reorganized as the Department of Health, with the Senior Services agencies being moved to the Department of Human Services by P.L. 2012, c.17. The term “Department” used herein below refers to the Department of Health.
4. Description of Membership:
  - a. The PHC shall consist of 10 members, each of whom shall be chosen with due regard to his/her knowledge of and interest in public health and each of whom shall be a citizen of this State;
  - b. 2 members shall be duly licensed physicians;
  - c. 1 member shall be a dentist licensed to practice in the State of New Jersey;
  - d. 1 member shall be a person knowledgeable by education or professional experience in health-related aspects of terrorism agents that may be used in acts of terrorism; and
  - e. 1 member shall be a public health professional.

N.J.S.A. 26:1A-6.

#### II. Terms of Office of Appointed Members

1. Each member of the Council shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of 7 years and until his/her successor is appointed and qualified.

2. Any vacancy occurring in the membership of the Council for any cause shall be filled in the same manner as the original appointment but for the unexpired term only.
3. Any member of the Public Health Council may be removed from office by the Governor, for cause.

### III. Compensation and Expenses

The appointed members of the Council shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

### IV. Meetings of the Council

1. Quorum and Voting Requirements at all Meetings
  - a. Four members of the Council shall constitute a quorum.
  - b. A quorum shall be present to take a vote for action of the Council.
  - c. Actions of the Council shall require the majority vote of the members present and voting.
  - d. No appointed member shall vote by proxy.
2. Frequency and Place of Meetings
  - a. Elections of Council Officers shall be held at a meeting of the Council where a quorum is present.
  - b. In the event that neither the Chairperson nor the Vice-Chairperson is present at a meeting of the Council, and provided that a quorum exists, the members constituting the quorum shall elect a Chairperson Pro Tempore. Such office is terminated by the entrance of the Chairperson or Vice-Chairperson.
  - c. The Council shall meet monthly in the Department of Health, at Trenton, or at such place or by electronic means as the Council shall designate, on a regular working day. Regular meetings shall be held on the second Monday of each month except that such meetings shall be rescheduled where necessary in order to avoid an official holiday or conflict with another meeting of state or national importance. The Council may by motion and vote select a substitute date providing notice to the public is given in accordance with the Open Public Meetings Act.
  - d. The Chairperson shall have the authority to suspend a regular meeting

upon approval of (1) the majority of the Council, or (2) in consultation with the Commissioner of Health or designee.

3. Special Meetings

The Commissioner of Health, or designee, or the Chairperson shall have the authority to hold meetings to be conducted by telephone/virtual conference upon giving all members (1) a five day written or verbal notice of such a meeting, or (2) in case of special circumstances less than a five day notice if a quorum can be secured.

4. Meetings by Telephone/Virtual Conference

- a. The Commissioner of Health, or designee, or the Chairperson shall have the authority to hold meetings to be conducted by telephone/virtual conference upon giving all members (1) a five day written or verbal notice of such a meeting, or (2) in case of special circumstances, less than a five day notice if a quorum can be secured.
- b. The Commissioner of Health, or designee, or the Chairperson can only conduct a meeting by telephone conference provided that a majority of the members have no objection to the meeting. If such objections are raised, they shall be held as scheduled or rescheduled to a date satisfactory to the majority of the members or the matters that were to be heard are to be considered at the next regularly scheduled meeting of the Council.

5. Open Public Meetings Act

All meetings will be held in open and are subject to the Open Public Meetings Act, P.L. 1975, c. 231, (N.J.S.A. 10:4-6 et seq.).

V. Subcommittees

1. The Council with the approval of the Council may establish subcommittees as it deems necessary and appropriate.
2. Subcommittees shall meet as often as necessary to accomplish the purpose for which the subcommittee was formed.
3. Subcommittees shall be comprised of the membership of the Council and other individuals who have specialized expertise necessary to accomplish the

purpose for which the subcommittee was established.

#### VI. Attendance Requirements for Regular Meetings

1. The Commissioner of Health, or designated representatives, shall attend all meetings of the Council.
2. Members will be required to attend all Council meetings unless excused by the Chairperson prior to the meeting.
3. Any appointed member who is absent, without reasonable cause, to be determined by the Chairperson from two (2) consecutive regular meetings on two occasions within twelve-month period, shall have his/her name brought to the attention of the original appointing authority by the Chairperson for any action the original appointing authority deems appropriate.

#### VII. Election and Removal of Officers

1. The Council shall elect from its appointed membership a Chairperson and a Vice-chairperson.
2. Upon the vacancy of any officer, the Chairperson, or acting Chairperson, shall accept nominations prior to the next regularly scheduled meeting of the Council and the nominee(s) shall be presented at the following meeting of the Council.
3. Votes for election of officers shall be by open ballot.
4. Each officer shall hold office for one year and until his/her respective successor shall be duly elected. No officer shall serve in the same position for more than 3 years in succession, but may be re-appointed after he/she has not held office for 1 year.
5. Officers shall be elected annually in the month of \_\_\_\_\_ or the next regularly scheduled meeting.

#### VIII. Duties of Officers

1. The Chairperson:
  - a. Shall consult with the Department of Health in the preparation of the agenda and shall preside over the agenda at Council meetings.
  - b. Has the authority to call special meetings.
  - c. Has the authority to suspend a regular meeting upon approval of the Council or in consultation with the Commissioner of Health or

- d. designee.  
Shall appoint all subcommittees with the approval of Council and shall be an ex-officio member of all subcommittees.
  - e. Shall be a member of and attend the meetings of the Council.
2. The Vice-Chairperson:
- a. Shall perform the duties of the Chairperson when the Chairperson is absent or when requested by the chairperson.
3. The Secretary:
- a. Shall sign the finally approved record of the minutes which copy shall be kept on file in the Department as the permanent record of the Council's activities.

IX. Duties of the PHC

1. The Council shall do the following, consistent with its statutory duties as modified by the Reorganization Plan, which amended the Council's functions, powers and duties to retain only advisory and consultative functions:
- a. To consult with and advise the Commissioner of Health regarding the reasonable protection of the health of the public-at-large;
  - b. To recommend action regarding, research projects undertaken by the Department in accordance with N.J.S.A.1A-37.2;
  - c. To review from time to time, and consult with the Commissioner regarding, reasonable sanitary regulations called the State Sanitary Code, N.J.S.A. 26:1A-7;
  - d. To consult with and advise the Commissioner regarding recognized public health activities and minimum standards of performance, N.J.S.A. 26:3A2-13;
  - e. To consult with and advise the Commissioner regarding the qualifications of health officers, sanitary inspectors, food and drug inspectors, meat inspectors, and public health laboratory technicians;
  - f. To review the administration of funds under the Public Health Priority Funding Act of 1977 (N.J.S.A. 26:2F-1 et seq.), and recommend to the Commissioner approval of those "standards of performance" which should be considered priority health services under said Act, and consult with the Commissioner regarding grants payable from the "special projects and development fund" also established under said Act;
  - g. Consider any matter relating to the preservation and improvement of public health, and advise the Commissioner thereon;

- h. From time to time submit to the Commissioner any recommendations which it may deem necessary for the proper conduct of the department;
- i. Study and investigate the public health activities of the State and report its findings thereon to the Commissioner, Governor and the Legislature;
- j. To perform all other duties in such manner as are, or may be, prescribed by law.

X. Conflict of Interest

- 1. All members of the Council, excluding members of the Legislature, are subject to those sections of the New Jersey Conflicts of Interest Law pertaining to Special State Officer (N.J.S.A. 52:13D et seq.).
- 2. Any appointed member of the Council who is a member of the Legislature is subject to those sections of the New Jersey Conflicts of Interest Law pertaining to Members of the Legislature.
- 3. Any appointed member shall refrain from the discussion and voting on any matter which puts such member in conflict according to the Conflicts of Interest law.

XI. Council Business / Meetings

- 1. Any business matter brought before the Council by the Commissioner of Health or designee shall be considered within two consecutive regular meetings of the Council or as the Commissioner of Health or designee shall direct.
- 2. Any business matter brought before the Department of Health or designee by the Council shall be considered within two consecutive regular meetings of the Council.
- 3. The Department of Health shall supply the Council with staff services.

XII. Enactment and Adoption of Bylaws

- 1. The Council may enact, and from time to time may amend, its Bylaws by a two-thirds majority vote of the members of the Council.
- 2. All members of the Council shall be given a copy of the Bylaws upon appointment to the Council.
- 3. Any amendment to the Bylaws presented to the Council shall be considered for

adoption at the Council's next regular meeting.

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These bylaws, together with any appended rules and regulations, if adopted at any regular meeting of the Council shall replace any previous bylaws, rules and regulations and shall become effective when approved by the Council.

Approved by the New Jersey Public Health Council on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chairperson

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Commissioner of Health

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