

LEWIS AND CLARK CITY-COUNTY  
BOARD OF HEALTH MEETING  
LEWIS AND CLARK PUBLIC HEALTH CONFERENCE ROOM

**ZOOM Web Meeting**

**April 23, 2020**

**(Note: Meeting time 1:00-3:00pm)**

REGULAR BOARD MEETING AGENDA

1:00	<b>CALL TO ORDER</b>	
1:00	<b>REVIEW OF AGENDA</b>	
	1. Review and Revision of Agenda.....	Pg. 1
1:05	<b>MINUTES</b>	
	2. Minutes of February 27, 2020, March 26, 2020 Board of Health Meeting.....	Pg. 2
1:10	<b>ACTION ITEM</b>	
	3. Onsite Wastewater Regulation Variance Hearing: Hollie Ressler at 3006 Euclid Avenue, Helena, MT 59602. Variance heard on April 22, 2020.....	Pg. 8
	4. Lead Regulation Presentation and Open Public Comment Period.....	Pg. 12
1:30	<b>BOARD DISCUSSION</b>	
	5. - FY 2021 DRAFT Budget -FY 2020, 3rd Quarter Finance Report .....	Pg. 24
	<b>HEALTH OFFICER'S REPORT</b>	
	6. Report on Current Health Department Issues.....	Pg. 27
1:50	<b>PUBLIC COMMENT</b>	
	7. Public comments on matters not mentioned above.....	Pg. 28

**Adjourn**

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**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**1**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS:** Review of Agenda

**PERSONNEL INVOLVED:** Board Members

**BACKGROUND:** Time is allowed for board members to review the agenda and to add any new agenda items.

**HEALTH DIRECTOR'S RECOMMENDATION:** Approval

ADDITIONAL INFORMATION ATTACHED

**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**2**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS:** Minutes February 27, 2020, March 26, 2020

**PERSONNEL INVOLVED:** Board Members

**BACKGROUND:** Upon approval, the minutes represent official actions of the Board of Health. Every effort is made to have these recommended minutes accurately portray the proceedings and procedures of the board. **\*\*Board minutes will be emailed for review prior to the board meeting.\*\***

**HEALTH DIRECTOR'S RECOMMENDATION:** Approval

ADDITIONAL INFORMATION ATTACHED

**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**LEWIS AND CLARK CITY-COUNTY  
BOARD OF HEALTH – MINUTES  
316 N. PARK AVENUE, HELENA, MONTANA 59601  
Lewis and Clark City-County Building  
February 27, 2020**

Members Present

Justin Murgel, chair  
Commissioner Andy Hunthausen, vice chair  
Kammy Johnson  
Jenny Eck (arrived @ 1:10 p.m. & dept. @ 2:23 p.m.)  
Brie Oliver  
Dr. Mikael Bedell  
Tyler Ream  
Raymond Berg

Members Absent  
Mayor Wilmot Collins

Staff Present

Drenda Niemann    Kathy Moore  
Jolene Helgersen    Jennifer McBroom  
Jacqueline Isaly    Eric Merchant  
Gayle Shirley  
Frank Preskar  
Brett Lloyd

Guests Present

Pat Christian, Helena Citizens Council

Justin Murgel, chair, called the meeting to order at 1:00 p.m. A quorum was established. Introduction of new Board Member Raymond Berg was made.

**REVIEW OF AGENDA**

No changes were made.

**MINUTES**

Mr. Murgel asked if there were any corrections or additions to the December 5, 2019, minutes. The Board approved the minutes as written.

**ACTION ITEM**

Onsite Wastewater Regulation Adoption:

Frank Preskar, Sanitarian, read an additional public comment regarding the new Onsite Wastewater Regulations that was submitted after the Board met in December. After final review of the regulations, Kammy Johnson made a motion to approve the adoption of the Onsite Wastewater Regulations. Commissioner Andy Hunthausen seconded the motion. The motion carried 8-0.

**BOARD MEMBER DISCUSSION**

New Staff Introduction and Employee of the Quarter: Jay Plant, Sanitarian, was named Lewis and Clark Public Health (LCPH) Employee of the Quarter. LCPH recently hired two new interns, Gretchen Farkas for the Community Health Promotion Program and Jackie Snyder for the Disease Control and Prevention Program.

Quarterly Finance Report: Heather Parmer, Finance Coordinator, referenced the FY20 comparison to budget and cash flow for July-December 2019 (pages 8-9 of the board packet). Ms. Parmer noted that the department is 50% of the way through its fiscal year. Total revenue to date is \$1,216,982 or 52% of the amount budgeted; actual expenditures are \$1,364,543 or 52% of the amount budgeted. Revenues are under expenditures by \$147,561; total ending cash is \$810,764.

Variance Update: Kathy Moore, Environmental Services Division (ESD) Administrator, gave an update on variance procedures and the roles of the Board of Health (BOH) (see Attachment “A”). In answer to a question from Mr. Murgel, Ms. Moore said that she does not foresee an increase in variances for newly developed subdivisions since they go through the subdivision process that includes ESD site work for a septic system installation. Ms. Moore gave a brief description of the process leading up to a variance. In answer to a question from Jenny Eck, Ms. Moore said there are about 2 site evaluations a year that fail to have a variance as an option. The Board has denied 2 variances officially as part of the process. Both were appealed to the Montana Department of Environmental Quality (MDEQ). One was overturned and in the other case, MDEQ sided with the BOH.

Air Quality Update: Mr. Plant gave an update on air quality in which he discussed ambient air particulate matter (PM), air quality ratings, emissions, and variances to air quality regulations (see Attachment “B”). In answer to a question from Ms. Eck, Mr. Plant stated that when a complaint is called in or emailed, staff check out the complaint. If staff can see visible emissions, a warning letter is mailed. If the warning is disregarded, a fine is issued. In answer to a question from Raymond Berg, Mr. Plant stated that a person should look at the turnover rate in an air filter when purchasing an air purifier. Mr. Plant noted that the newly built grade schools in the district have air purification systems installed. Schools without these systems will need to use an air purification device based on room size. Mr. Plant said dust masks might do more harm than necessary. When purchasing a facemask, he recommends speaking to your physician regarding your health concerns. If you do purchase one, it should be specially fitted for your face.

Licensed Establishment Cooperative Agreement: Laurel Riek, Licensed Establishment Supervisor, presented the Cooperative Agreement between the Montana Department of Public Health and Human Services and the Board of Health (on pages 10-19 of the board packet). Ms. Riek stated that the purpose of the agreement is to establish a payment schedule for maximizing the disbursement of funds to the BOH to support inspections of licensed establishments and to determine which optional programs the BOH will conduct. In answer to a question from Ms. Johnson, Ms. Riek said that a well that serves 25 or more people or has 15 or more service connections and operates at least 60 days per year is considered a public water supply. Anything less than that is a non-public water supply.

Communicable Disease Report: Ms. Riek and Shelly Maag, Public Health Nurse Supervisor, highlighted the 2019-Year End and the January 2020 Communicable Disease Report (see Attachment “C”). Ms. Riek announced that the Centers for Disease Control (CDC) is seeing an increase in Coronavirus (COVID-19) cases. At this time, there are no known cases in Montana.

## **HEALTH OFFICER’S REPORT**

Pete Schade, Water Quality Specialist with the Environmental Services Division, announced that the National Guard has received the results of PFAS (per- and polyfluoralkyl substances) sampling of 4 domestic wells near Fort Harrison. The results showed that the 4 wells were below the 70 parts per trillion Montana groundwater standards for PFAS. All wells sampled were also below Fort Harrison’s action level of 40 parts per trillion. Fort Harrison’s next step is to move forward with the Superfund process. The Water Quality Protection District (WQPD) is also participating in the development of a statewide PFAS action plan, under the guidance of a work group led by the MDEQ. In answer to questions from Ms. Oliver, Mr. Schade said that the DEQ, through its action plan, would look at possible contamination caused by the movement of groundwater. The Army National Guard will assist with communication of possible health effects of PFAS contamination to local residents. PFAS are still in use but are starting to be phased out of manufacturing. In answer to a question from Commissioner Hunthausen, Mr. Schade said that the State of Montana is creating an action plan regarding PFAS and that the Environmental Protection Agency (EPA) is moving forward with a regulatory process.

Jacqueline Isaly, Community Health Promotion Division Administrator, announced that her division is applying to the state for 2 VISTA positions, one each for the Early Childhood Coalition and for the Suicide Prevention Program. If awarded, both VISTAs would begin working in July. Ms. Isaly is asking for a letter of support from the Board.

Eric Merchant, Disease Control and Prevention Division Administrator, provided an update on the integrated syringe service program, seasonal flu and COVID-19 (see Attachment “D”). Ms. Maag explained the testing process for COVID-19. In answer to a question from Tyler Ream, Mr. Merchant said that the COVID-19 fact sheet (page 30 of the board packet) will be updated with information from the CDC and will be placed on our website. Public Health will provide ongoing communication with the public regarding COVID-19.

There being no public comment, the meeting adjourned at 2:53 p.m.

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Justin Murgel, Chair

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Drenda Niemann, Secretary

**LEWIS AND CLARK CITY-COUNTY  
BOARD OF HEALTH – MINUTES  
1930 9<sup>th</sup> AVE, HELENA, MONTANA 59601  
Zoom Meeting  
March 26, 2020**

Members Present by Zoom

Justin Murgel, chair  
Commissioner Andy Hunthausen, vice chair  
Mayor Wilmot Collins (Arrived at 1:36 p.m.)  
Kammy Johnson  
Jenny Eck  
Brie Oliver  
Dr. Mikael Bedell  
Tyler Ream  
Raymond Berg

Staff Present by Zoom

Drenda Niemann      Laurel Riek  
Jolene Helgersen      Beth Norberg  
Jacqueline Isaly  
Eric Merchant  
Kathy Moore  
Frank Preskar  
Jay Plant

Guests Present by Zoom

Emily Dunklee

Members Absent

Justin Murgel, chair, called the meeting to order at 1:00 p.m. A quorum was established. Introduction of board members, staff, and guests were made.

**REVIEW OF AGENDA**

No changes were made.

**MINUTES**

Mr. Murgel announced that approval of the February Board of Health minutes would be tabled until the May board meeting.

**ACTION ITEM**

Hearing Officer Recommendation, Ms. Sherry Partlow Variance:

Kammy Johnson, Hearing Officer, and Frank Preskar, Sanitarian, gave a brief account of the Partlow variance hearing held on March 24, 2020. Ms. Johnson recommended approval of the variance. She said the request met all of the Montana Department of Environmental Quality criteria for granting a variance. Mikael Bedell noted a grammatical error in section 1 of the variance conditions. In answer to a question from Raymond Berg, Ms. Johnson reported that the applicant said it would be a hardship if the variance were not granted because her property would be contaminated with surfacing sewage. Brie Oliver moved to ratify the hearing officer recommendation for approval. Tyler Ream seconded the motion. Mr. Berg abstained from voting. The motion carried 7-0.

Hearing Officer Recommendation, Mr. James Larson Variance:

Kammy Johnson, Hearing Officer, and Jay Plant, Sanitarian, gave a brief account of the Larson variance hearing held on March 24, 2020. Ms. Johnson recommended approval of the variance. She said the request met all of the Montana Department of Environmental Quality criteria for granting a variance. In answer to a question from Mr. Berg, Ms. Johnson and Mr. Plant said that the applicant's parcel had been approved for a variance requested by the previous owner in 2016. The applicant at that time had a year to complete the work on the property. The septic system was never permitted. The new owner, Mr. Larson, is now asking for the same variance. Mr. Plant explained that the proposed system would require a new

1000-gallon septic tank in addition to a 500-gallon dose tank. Brie Oliver moved to ratify the hearing officer recommendation for approval. After further board member discussion, Commissioner Andy Hunthausen made a motion to ratify the hearing officer's recommendation. Mr. Ream seconded the motion. Mr. Berg abstained from voting and explained that he knew the applicant in the previous variance, that this was his first variance approval, and that he wanted more information on the procedure. Commissioner Hunthausen requested that staff present an informational update on the variance process to the board as refresher. The motion carried 7-0.

### **HEALTH OFFICER'S REPORT**

Drenda Niemann, Health Officer, addressed Governor Steve Bullock's March 26, 2020, directive implementing Executive Orders 2-2020 and 3-2020, extending closures and updating social distancing requirements and guidance (see Attachment "A"). Ms. Niemann announced that she would adopt the Governor's order and that it would supersede her March 16, 2020, Order of Health Officer. Mr. Murgel said that Ms. Niemann would not enact the Order of the Health Officer until after the Governor's news conference at 3:00 p.m. In answer to a question from Mr. Berg, Ms. Niemann said that her Order of the Health Officer would mirror the language of the Governor's order. Commissioner Hunthausen made a motion approving Health Officer Order matching the Governor's order. He asked Ms. Niemann to keep the Board informed. Mr. Berg seconded the motion. The motion carried 8-0.

Eric Merchant, Disease Control and Prevention Division Administrator, gave a COVID-19 situation update (see Attachment "B"). In answer to a question from Jenny Eck, Mr. Merchant said that, if a shelter has an active case of COVID-19, it will need to isolate the person from the rest of the people in the shelter (separate room and bathroom facility). All shelters should have a plan in place for isolation and avoiding contact. If the shelter has an open-bay living concept that could lead to direct contact, it would need to quarantine the facility. A COVID-19 Guidance for Homeless Shelters is available on the Health Department's COVID-19 web page.

There being no public comment, the meeting adjourned at 1.56 p.m.

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Justin Murgel, Chair

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Drenda Niemann, Secretary

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**3**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS**    Onsite Wastewater Regulation Variance Hearing, Hollie Ressler, 3006 Euclid Avenue, Helena, MT 59602

**PERSONNEL INVOLVED:**    Kammy Johnson, Hearing Officer

**BACKGROUND**    The Board will ratify the hearings officer recommendation for variance to the Onsite Wastewater Regulation.

**HEALTH DIRECTOR’S RECOMMENDATION:**    N/A

**ADDITIONAL INFORMATION**    **\*\*The Hearing Officer Recommendation and the Findings of Fact will be emailed to you for review prior to the meeting.\*\***

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**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						



**FINDINGS OF FACT  
HOLLIE RESSLER  
VARIANCE REQUEST**

On April 22, 2020 a hearing was held before the Hearings Officer of the Lewis and Clark City-County Board of Health to consider granting a variance from the current regulations governing on-site wastewater treatment to Hollie Ressler. The applicant requested to install new on-site wastewater treatment systems at a site less than 100 feet from a designated 100 year flood plain, less than 10 feet from a property line, less than 10 feet from a foundation, and less than 50 feet from a well with a sealed component .

Based on the record established at this hearing, the Lewis and Clark City-County Board of Health now make the following findings of fact:

1. The parcel is approximately 2.3 acres in size.
2. The parcel is developed with a mobile home park.
3. No additional residences are proposed.
4. This project is not subject to the non-degradation requirements of the Montana Water Quality Act.
5. The existing wastewater treatment systems were installed legally.
6. All of the existing wastewater systems are standard systems.
7. All of the existing wastewater treatment fields will be properly abandoned, and the homes connected to the new systems.
8. The proposed systems will include level II treatment.
9. The proposed systems will comply with all other requirements of the current L&C County on-site wastewater treatment regulations.
10. Only residential strength wastewater will be discharged to the systems.
11. There are no public wastewater treatment systems available for connection.
12. The City of Helena will not allow additional connections to their water system.
13. There are no designated utility easements along the property lines.
14. Sealed components less than 50 feet from any well will be sleeved for additional protection.

Based on the findings of fact, the Lewis and Clark City-County Board of Health now makes the following conclusions of law:

1. The proposed onsite wastewater treatment system will not discharge any wastewater to ground surface, or to any state water;

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2. The proposed onsite wastewater treatment system will not contaminate any actual or potential drinking water supply;
3. The proposed onsite wastewater treatment system will not cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
4. The proposed onsite wastewater treatment system will not cause a public health hazard by being accessible to persons or animals;
5. The proposed onsite wastewater treatment system will not violate any law or regulation governing water pollution or wastewater treatment and disposal;
6. The proposed onsite wastewater treatment system will not pollute, contaminate or degrade state waters;
7. The proposed onsite wastewater treatment system will not cause a nuisance due to odor, unsightly appearance or other aesthetic consideration;
8. Not granting this variance will result in undue hardship to the applicant;
9. Granting of this variance addresses extraordinary conditions that the applicant could not reasonably have prevented;
10. There are no reasonably feasible alternatives other than the variance granted;
11. The variance granted is not more than the minimum needed to address the extraordinary conditions.

Based on the facts and conclusions presented above, the Lewis and Clark City-County Board of Health Hearing Officer recommends the variance be granted.

Lewis and Clark City-County Board of Health Hearing Officer

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Kammy Johnson, Hearing Officer

Based on the Recommendation of the Lewis and Clark City-County Board of Health Hearing Officer, the Lewis and Clark City-County Board of Health ratifies the recommendation of the Hearing Officer.

Lewis and Clark City-County Board of Health

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Justin Murgel, Chairman Board of Health

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HEARING OFFICER RECOMMENDATION  
FOR  
VARIANCE REQUEST FOR HOLLIE RESSLER

April 23, 2020

On April 22, 2020, a hearing was held before Kammy Johnson, the Lewis and Clark City-County Board of Health Hearing Officer, to consider granting a variance as outlined in Section 3.4 of the Lewis and Clark County On-Site Wastewater Treatment Regulations.

Hollie Ressler requested variances to Section 4.3 Table 4A, setback distances in feet. Absorption systems must be located a minimum of 100 feet from the 100 year flood plain, absorption systems and sealed components must be located 10 feet from property lines and foundations, and sealed components must be 50 from wells .

Based on the facts presented to me and the record established at this hearing, I, Kammy Johnson, now make the following recommendation to the Lewis and Clark City-County Board of Health:

Grant the variances from the regulations requiring 100 feet of separation between an absorption system and the 100 year flood plain, 10 feet of separation between absorption systems and sealed components and property lines and foundations, and 50 feet of separation between sealed components and wells with the following conditions.

1. That any wastewater piping less than 50 feet from a well will be sleeved for protection.
2. The applicant will obtain a flood plain development permit for any work done in the 100 year flood plain.
3. That the system be designed by a Professional Engineer licensed in the state of Montana

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Kammy Johnson, Hearings Officer

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Date

*Our mission is to improve and protect the health of all Lewis and Clark County residents.*

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**4**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS**    Lead Regulation Presentation and Open Public Comment Period

**PERSONNEL INVOLVED:**    Jan Williams, Environmental Health Specialist

**BACKGROUND** Ms. Williams will give a brief presentation on the Lead Regulations and open the Lead Regulations comment period.

**HEALTH DIRECTOR’S RECOMMENDATION:**    N/A

**ADDITIONAL INFORMATION**

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**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Benish						
Bedell						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Ream						
St. Clair						



<b>Changes made to the Soils Regulation</b>	<b>What section of the soils regulation the change is in.</b>	<b>Why the change was made.</b>
Lewis and Clark City County Health Department was changed to Lewis and Clark Public Health	1.4 Definitions	Changed the name of the health department.
Lead Education and Abatement Program was changed to Lead Education and Assistance Program	1.4 Definitions	Changed the Name of LEAP  Properties that do not have lead or arsenic concentrations in the soils are not subject to the Soils Regulation.
Letters of Exemption	1.4 Definitions	
Topsoil Production and Sales mean the excavation of topsoil for the purpose of selling the topsoil as a business for profit. These regulations do not apply to sampled or remediated properties where lead concentrations are below 500 mg/kg and the average arsenic concentration is less than 100 mg/kg.	1.4 Definitions  1.5 Scope	Needed to address the potential sale of topsoil in the Administrative Boundary. Needed to include properties that have been remediated and or sampled and have no lead concentrations above 500 mg/kg in the parcels that the
For undeveloped lands that have no sampling records, the applicant or his/her representative must refer to the Soil Sampling Program for Undeveloped Lands Quality Assurance Project Plan.	2.2 Application Process For Permit	In the QAPP for Undeveloped lands, it states that the developer must work directly with Betsy Burns of the EPA

## **SECTION 1.0 AUTHORITY, DEFINITIONS, AND SCOPE**

### **1.1 TITLE**

These regulations will be known and cited as: THE REGULATIONS GOVERNING SOIL DISPLACEMENT AND DISPOSAL IN THE EAST HELENA SUPERFUND AREA IN LEWIS AND CLARK COUNTY, MONTANA.

### **1.2 AUTHORITY**

The Lewis and Clark City-County Board of Health promulgates these regulations under the authority of Section 50-2-116(2) (c) (v), Montana Code Annotated (MCA).

### **1.3 FINDINGS**

The Lewis and Clark City-County Board of Health finds that:

- (1) The United States Environmental Protection Agency (EPA) has identified and designated the City of East Helena and the surrounding area as a Superfund site and in 1984 placed the site on the EPA's National Priorities List for clean-up and remediation under the Comprehensive Environmental Response, Compensation, and Liability Act); and
- (2) The East Helena Superfund Site, Operable Unit No. 2, Residential Soils and Undeveloped Lands: Final Record of Decision (ROD), September 2009, identifies institutional controls that have been selected and approved by the EPA; and
- (3) The lead smelter, formerly owned by ASARCO, was the primary source of lead and arsenic soil contamination; and
- (4) East Helena and the surrounding area, as shown on the Administrative Boundary map attached to these regulations as Attachment A, contains lead and arsenic contaminated soils; and
- (5) Regulation of soil displacement within the Administrative Boundary is necessary to prevent lead and arsenic contamination of uncontaminated areas, prevent recontamination of remediated areas, and prevent potential health risks to humans; and
- (6) These regulations are necessary to protect public health and to control environmental lead and arsenic contamination within the Administrative Boundary.

#### 1.4 DEFINITIONS

**ADMINISTRATIVE BOUNDARY** means the boundary area identified in Attachment A.

**BOARD** means the Lewis and Clark City-County Board of Health.

**CLEANED UP** means a property has been remediated to acceptable levels of contamination using EPA approved remediation methods which may be either in-situ treatments, such as deep tilling, or removal and replacement of contaminated soils.

**COMMERCIAL PROPERTY OR SITES** means property or sites having profit as a chief aim, excluding daycares, schools, and agricultural property.

**CONTAMINATED SOIL** means soil containing lead and/or arsenic in excess of background concentrations, identified in the "Remedial Investigation of Soils, Vegetation and Livestock for East Helena Site (Asarco), East Helena, MT"; EPA Work Assignment No. 68-8L30.0 May 1987 .

**CUBIC YARD** means a volume of soil equal to a cube one yard long on each side, which is approximately the size of an average desk or washing machine.

**ENVIRONMENTAL SERVICES DIVISION** means a component of the Lewis and Clark Public Health

**EPA** means the United States Environmental Protection Agency.

**LEAP** means the Lead Education and Assistance Program of the Environmental Services Division of Lewis and Clark Public Health.

**Letter of Exemption means** a letter sent to property owners whose property does not have lead concentrations above 500 mg/kg, which releases the owner from having to obtain a soils displacement permit when disturbing more than 1 cubic yard of soil.

**MG/KG** means milligram per kilogram and is approximately equivalent to parts per million (ppm).

**QUALIFIED RESIDENTIAL YARD** means a yard that was in existence prior to the release of the 2009 EPA ROD on September 17, 2009, and any part of that yard has at least one section with lead concentrations at or above 1000 ppm, or an arsenic average concentration at or above 100 ppm.

**PERMIT** means the written authorization from the Lead Education and Assistance Program to disturb soil within the Administrative Boundary.

**PERSON** means any individual, corporation, company, association, society, firm, partnership, Joint Stock Company or any branch of state, federal or local government; or any other entity that owns rents, or leases property subject to this regulation.

**PROJECT** means a plan or proposal resulting in or requiring the displacement of more than one cubic yard of soil.

**RCRA** means the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.

**RELOCATION** means the movement of any volume of soil from one location to another location.

**REPOSITORY** means an EPA-approved location for the disposition of contaminated soils.

**REPRESENTATIVE** means a person that is authorized to act as an official delegate or agent for another person.

**ROD** means the 2009 EPA Record of Decision for the East Helena Superfund Site Operable Unit 2.

**SOIL DISPLACEMENT** means the relocation of one cubic yard or more of soil. Soil displacement does not include tilling if no excess soil is removed from the area.

**SOIL SAMPLING** means the collection and analysis of surface soil samples taken either as part of the Superfund clean-up action or taken in response to meeting conditions of this permit process.

**TILLING** means to prepare land for the raising of crops as by plowing or harrowing, or to cultivate or dig with a rototiller.

**TOPSOIL PRODUCTION AND SALES** means the excavation of topsoil for the purpose of selling the topsoil as a business for profit.

## 1.5 SCOPE

- (1) These regulations apply only to parcels of land lying within the Administrative Boundary of Lewis and Clark County.
- (2) These regulations apply to all persons engaging in soil displacement in excess of one cubic yard within the Administrative Boundary exclusive of tilling when no soil is removed from the parcel.
- (3) These regulations apply to all land use types, including but not limited to residential, commercial, recreational, right-of-ways, and industrial.
- (4) These regulations do not apply to parcels where the undisturbed native, average soil lead levels are less than 500 mg/kg or to properties in which soils have been cleaned to less than 500 mg/kg spatially and in depth.
- (5) In accordance with Section 9621(e) of Title 42 of the United States Code, nothing contained in this section or these regulations shall require or be construed to

**Commented [KM1]:** This might not work. It has to be worded clearly enough for people to understand that no contamination above 500 can remain in place at any depth or across an area.

require the obtaining of a permit by any agency, employee, or contractor of the United States, the State, or the Montana Environmental Custodial Trust (MECT) for activities conducted entirely within the Administrative Boundary and carried out in compliance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S. C Section 9601, et seq. and the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., and approved by EPA.

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- (6) These regulations do not apply to sampled properties where lead concentrations are below 500 mg/kg and the average arsenic concentration is less than 100 mg/kg.

Commented [KM2]: I think this covers #4 above.

## **SECTION 2.0 PERMIT PROCEDURES AND REQUIREMENTS**

### **2.1 PROHIBITED ACTIVITY**

No person shall displace soil within the Administrative Boundary without first complying with the permit procedures and requirements as provided in this section.

### **2.2 APPLICATION PROCESS FOR PERMIT**

- (1) Application for a permit to displace soil within the Administrative Boundary is made by completing a permit application available at the LEAP office, Room 201, East Helena City Hall, 306 East Main Street, East Helena, MT 59635 or online at LewisAndClarkHealth.org.
- (2) The applicant must submit all information required by these regulations before the LEAP staff must begin review of the application.
- (3) The applicant is required to submit information including, but not limited to:
  - a. Name and address of property owner
  - b. Name and address of applicant, if different than the property owner.
  - c. Address and legal description of location of proposed activity
  - d. Description of the proposed activity
  - e. Depth of any proposed excavation
  - f. Volume of soil to be excavated or displaced
  - g. Describe proposed method for controlling contaminated dust.
  - h. Describe proposed method for handling contaminated soil.
  - i. Location of final disposal site.
  - j. Source of replacement soil.
  - k. Name of contractor or other representative, if applicable.
- (4) Upon receipt of a complete application, LEAP staff must schedule an appointment within 5 working days to finalize the project plan. During the appointment, LEAP staff will develop a project timeline with the applicant or his/her representative. The project timeline will include:
  - a. Start date

Draft soil regulations for Board of Health Consideration April 23, 2020

- b. Proposed end date
  - c. Proposed date and time of final inspection
- (5) Prior to permit approval, LEAP must review existing soil sampling and clean-up information for the site, if any exists.
  - (6) For undeveloped lands that have no sampling records, the applicant will refer to the Soil Sampling Program For Undeveloped Lands Quality Assurance Project Plan. Yards in existence prior to the release of the 2009 EPA ROD on September 17, 2009 will be sampled by EPA's Contractor at no cost to the owner.
  - (7) The person doing the work must complete training for certification as described in Section 3.
  - (8) Upon applicant's compliance with the requirements of this Section, LEAP must issue a permit in writing and the applicant or his/her representative must comply with the terms of the permit.
  - (9) Permits are valid for 2 years after date of issue. If work is not completed within 2 years, a new permit must be obtained.
  - (10) All permits issued by LEAP must be in compliance with the conditions set forth in the 2009 Record of Decision and must meet the clean-up criteria for the land use identified in Table 2.2.
  - (11) Emergency actions may be conducted by an applicant or their representative without a permit. The emergency action taken must be reported to LEAP as soon as possible and by the next business day at the latest. Emergencies may include water or sewer line leaks, natural gas line leaks, hazardous waste spills and other urgent events.

Commented [KM3]: This would apply to undeveloped property only.

### 2.3 INSPECTIONS

- (1) Upon completion of the project, the applicant or the applicant's representative must notify the LEAP staff that the project is ready for a final inspection to determine compliance with these regulations.
- (2) Upon notification of project completion, LEAP will perform a final site inspection within 5 working days.
- (3) The final inspection LEAP staff will:
  - a. verify that work was conducted within the area described on the permit; and
  - b. verify that excess soils generated by the project are properly capped or have been removed to an approved repository; and
  - c. photograph the project site to document that the permit requirements were met; and

d. verify that the work has been completed in compliance with the permit requirements by signing and dating the permit.

- (4) Upon final inspection and approval of the project, LEAP staff must file the permit and documentation of project completion in the LEAP office. Summary information must be entered into the Soils Database by LEAP and will become part of the permanent site record. The permit will be the official record of compliance with the 2009 ROD and will be maintained on file for public review.

Commented [KM4]: Need research on retention. Ask Paul if we need to specify electronic or hardcopy here.

## 2.4 PERMIT FEES

No fees will be charged either to obtain a permit or to participate in the training or certification program held by the Lead Education and Assistance Program (LEAP) of the Lewis and Clark Public Health.

## 2.5 CONTROL OF EXCESS SOIL DISPOSAL AND REPLACEMENT SOIL STANDARDS

- (1) All excess soils removed from any property within the Administrative Boundary that is determined by LEAP to be contaminated must be transported by the applicant or the applicant's representative to one of the EPA approved repositories identified on the permit.
- (2) Excess soil from residential areas may be reused only on the property of origin, if applicant demonstrates that lead concentrations are less than 500 milligrams per kilogram (mg/kg) and arsenic levels are below 100 mg/kg.
- (3) Soil brought in for replacement or backfill will meet the replacement requirements listed in Table 2-1. Source of soil must be approved by LEAP prior to use.

Commented [KM5]: If LEAP can't sample, how is this determined? If all sampling must follow protocol, we won't be able to act quickly enough.

Commented [KM6]: EPA wants to sample this? How does this affect the county issuing permits?

TABLE 2-1 REPLACEMENT SOIL REQUIREMENTS

Parameter	Requirements
Lead	≤ 100 mg/kg
Arsenic	≤ 45 mg/kg

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## 2.6 CLEAN-UP ACTION LEVEL

- (1) Soils from qualified residential yards and vacant lots developed prior to the release of the 2009 ROD on September 17, 2009, will have soils excavated and disposed of when any section of a yard is found to have:
  - a. A soil lead concentration greater than 1,000 milligrams/kilogram (mg/kg). All portions of the yard with soil lead greater than 500mg/kg will be cleaned up; or
  - b. An average yard arsenic concentration of greater than 100 mg/kg

Draft soil regulations for Board of Health Consideration April 23, 2020

- (2) Clean-up criteria for all land uses are listed in Table 2-2

Table 2-2 East Helena Superfund Site Operable Unit 2 Clean-up Criteria

Land Use	Frequency of use	Clean-up Criteria	
		Lead	Arsenic
Existing Residential and Public Use	Frequent or daily	If any sample unit is greater than 1,000 mg/kg, then all areas greater than 500 mg/kg	Yard average greater than 100 mg/kg
Proposed Residential and Public Use	Frequent or daily	Greater than 500 mg/kg	Greater than 100 mg/kg
Roads, Alleys, and Railroad Rights-of-Way (ROWs)	Adjacent to occupied residential or public use	Greater than 1,000 mg/kg	Greater than 100 mg/kg
	Adjacent to Recreational or Industrial/Commercial	See Land Use	See Land Use
Drainages, Floodplains, and Irrigation Ditches	Adjacent to occupied residential or public use	Greater than 1,000 mg/kg	Greater than 100 mg/kg
	Adjacent to Recreational or Industrial/Commercial	See Land Use	See Land Use
Recreational Land	Infrequent	Greater than 3,245 mg/kg	Greater than 794 mg/kg
Industrial and or Commercial	Frequent or daily	Greater than 1,482 mg/kg	Greater than 572 mg/kg
Agricultural and/or Undeveloped Land	Infrequent	Greater than 3,245 mg/kg	Greater than 794 mg/kg
	Frequent or Actively Managed	Greater than 1,482 mg/kg	Greater than 572 mg/kg

Note: mg/kg = parts per million = milligrams per kilogram (mg/kg)

**SECTION 3.0 CERTIFICATION PROGRAM**

**3.1 CERTIFICATION**

- (1) Certification means that a person has demonstrated knowledge of these regulations and is able to undertake projects in compliance with these regulations.
- (2) Certification is free.

Draft soil regulations for Board of Health Consideration April 23, 2020

- (3) Applicants, applicant’s representatives, contractors, construction workers, and property owners may obtain certification from LEAP. Certification is a privilege extended to an applicant, contractor, construction worker, and property owner, and is not a right.
- (4) Application for certification must be in writing and must contain the name, address, and phone number of the individual and other information deemed necessary by LEAP.
- (5) To become certified, an individual must attend and satisfactorily complete the LEAP’s certification program:
  - (a) Training will be provided by LEAP on an appointment basis, as needed.
  - (b) Training includes, but is not limited to the following topics:
    - Reducing or eliminating exposure to lead from soil during excavation.
    - Information about personal protective clothing.
    - Requirements for covering loads of soils prior to hauling to reduce blowing dust.
    - Methods and best management practices for dust control at construction sites.
    - Proper cleaning of equipment before leaving a construction site.
    - Acceptable disposal or reuse of excess soils.
- (6) Certification will depend upon completion of training.
- (7) Certification is valid for two years.
- (8) Certification is a prerequisite for any excavation of soil in excess of one cubic yard for properties that have lead concentrations above 500 mg/kg or have not been sampled.
- (9) Any person may attend training and become certified.

Commented [KM7]: Do we want to apply this to RCRA?

Commented [J8]: I think that they have to follow state and federal laws regarding air quality.

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## **SECTION 4.0 VIOLATIONS AND ENFORCEMENT**

### **4.1 VIOLATIONS**

- (1) Failure to have a permit.
- (2) Failure to post the permit at the site.
- (3) Failure to comply with the permit requirements.
- (4) Failure to allow access by Health Department representatives will invalidate the permit and/or other written record of compliance with these regulations which are

Draft soil regulations for Board of Health Consideration April 23, 2020

necessary to document that all work was completed in compliance with the 2009 ROD.

#### **4.2 PENALTIES FOR VIOLATIONS**

Violations of any of the provisions of these regulations are a misdemeanor and are punishable as provided for in Section 50-2-124, Montana Code Annotated.

#### **4.3 INJUNCTIONS**

The County Attorney may commence an action to restrain and enjoin acts in violation of these regulations. Violation of any such injunction is subject to punishment by the issuing court.

### **SECTION 5.0 ACCESS, APPEAL AND SEVERABILITY**

#### **5.1 ACCESS RIGHTS**

- (1) Health Department representatives are authorized and directed to make such inspections as are necessary to determine compliance with these regulations.
- (2) It is the responsibility of the owner, occupant, or contractor of a property to give Health Department representatives free access to the property at reasonable times for the purpose of making such inspections as are necessary for determining compliance with these regulations.
- (3) No person may interfere with representatives of the Health Department in the discharge of their duty.

#### **5.2 APPEAL**

- (1) If a permit is denied or the department determines the permit requirements have not been met, the applicant or his/her representative may appeal the denial to the Board.
- (2) A written request for an appeal must be submitted to the Environmental Services Division Administrator at least 10 days prior to the next regularly scheduled board meeting or the appeal hearing. The request must include:
  - (a) A description of the proposed activity
  - (b) The boundaries and location of the proposed activity; and
  - (c) A summary of the reason for the appeal

- (3) Board Chair, in consultation with the Environmental Services Division Administrator and the Health Officer will determine whether the appeal will be heard by the Board or its designated hearing officer.
- (4) The Board or its designated hearing officer will hear the applicant's appeal and the permit requirements at a regularly scheduled board meeting or a specially scheduled appeal hearing, whichever occurs first.
- (5) The Board or its designated hearing officer must provide a decision in writing to the property owner or his/her representative within 10 working days after the hearing.
- (6) Decisions of the Board or the designated hearing officer may be appealed to District Court.

### **5.3 SEVERABILITY**

In the event that any section, subsection, or other portion of these regulations is for any reason held invalid or unconstitutional, such section, subsection, or portion will be considered a separate provision of these regulations and such holding will not affect the validity of the remaining portions of these regulations which will remain in full force and effect.

## **SECTION 6.0. REVISION, REPEALER AND EFFECTIVE DATE**

### **6.1 REVISION**

Revisions to these regulations may be made by the Board as needed to ensure proper administration and to allow for improved mitigation measures or procedures for protecting the previously conducted clean-up activities. The Board must hold a public hearing before any revision to these regulations.

### **6.2 REPEALER**

All previous rules, regulations, resolutions and ordinances as adopted by the Lewis and Clark City-County Board of Health governing soil disturbances within the Administrative Boundary are hereby repealed.

### **6.3 EFFECTIVE DATE**

These regulations must be in full force and effect

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

These regulations will be reviewed and evaluated by the Lewis and Clark City-County Board of Health at least two years from the effective date, and every two years thereafter.

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**5**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS:** Board Member Discussion

**PERSONNEL INVOLVED:** Board Members/Staff

**BACKGROUND** FY2021 Draft Budget Update; FY2020 3<sup>rd</sup> Qtr Finance Report

**HEALTH DIRECTOR'S RECOMMENDATION:** N/A

ADDITIONAL INFORMATION ATTACHED

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**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						



LEWIS & CLARK PUBLIC HEALTH

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FY 2021 Budget Summary

	FTE	Total Revenue	Taxes & Assessments	Grants	Charges for Services & Fees	Other *	Total Expenditures	Personnel	Operations	Rent, Allocated Costs	Revenue Over (Under) Expenditures	
<b>Mill Funding</b>												
Administration	4.790	1,686,050	1,348,781	5,000	\$ -	332,269	768,014	381,704	43,515	342,795		
Community Health Promotion	2.050	194,500	-	192,500	-	2,000	295,661	173,885	54,129	67,647		
Environmental Services	3.630	148,080	-	10,000	138,080	-	439,316	307,374	88,602	43,340		
Disease Control & Prevention	6.600	367,385	-	31,675	309,109	26,601	1,114,563	544,742	274,359	295,462		
<b>SUBTOTAL - MILL FUNDS</b>	<b>17.070</b>	<b>\$ 2,396,015</b>	<b>\$ 1,348,781</b>	<b>\$ 239,175</b>	<b>\$ 447,189</b>	<b>\$ 360,870</b>	<b>\$ 2,617,554</b>	<b>\$ 1,407,705</b>	<b>\$ 460,605</b>	<b>\$ 749,244</b>	<b>\$ (221,539)</b>	
<b>Community Health Promotion</b>												
160 Asthma Home Visiting	0.300	30,000	-	30,000	-	-	29,992	26,467	825	2,700	8 prior year reserves	
178 MCH Block Grant/Childrens Trust Fund	1.200	114,800	-	65,600	-	49,200	115,712	103,689	6,119	5,904	(912)	
180 Maternal, Infant, Early Childhood Home Visit	0.600	-	-	-	-	-	40,235	34,105	2,130	4,000	(40,235)	
189 Healthy Montana Families	1.500	-	-	-	-	-	157,179	127,179	30,000	-	(157,179)	
193 Targeted Case Management	0.850	64,000	-	-	64,000	-	88,949	74,650	2,250	12,049	(24,949)	
176 Early Childhood Intervention Services	0.500	45,000	-	-	-	45,000	48,123	44,073	-	4,050	(3,123)	
177 WIC	3.000	232,457	-	232,457	-	-	233,653	195,216	8,873	29,564	(1,196)	
182 Peer Breastfeeding	0.200	12,971	-	12,971	-	-	12,971	10,453	2,518	-	-	
161 Chronic Disease (Cancer & Tobacco)	2.850	246,009	-	246,009	-	-	296,416	232,497	36,173	27,746	(50,407) prior year reserves	
188 Tobacco Use Prevention	0.000	-	-	-	-	-	-	-	-	-	- prior year reserves	
165 Consent Referral	1.000	40,000	-	30,000	-	10,000	71,136	66,482	1,638	3,016	(31,136) prior year reserves	
204 Mental Health(Behavioral Health Specialist)	1.000	78,598	-	78,598	-	-	86,047	74,417	4,188	7,442	-	
<b>Total Community Health Promotion</b>	<b>13.000</b>	<b>\$ 863,835</b>	<b>\$ -</b>	<b>\$ 695,635</b>	<b>\$ 64,000</b>	<b>\$ 104,200</b>	<b>\$ 1,180,413</b>	<b>\$ 989,228</b>	<b>\$ 94,714</b>	<b>\$ 96,471</b>	<b>\$ (316,578)</b>	
<b>Environmental Services</b>												
102 East Helena Lead Education & Assistance	1.280	126,349	-	126,349	-	-	126,349	113,965	987	11,397	-	
104 Junk Vehicle	1.120	-	-	-	-	-	103,496	94,483	620	8,393	(103,496)	
124 Lake Helena WRP Implementation	0.000	-	-	-	-	-	-	-	-	-	-	
127 Upper TenMile Mining	0.000	-	-	-	-	-	-	-	-	-	-	
140 W Q Protection District-Donation Program	0.000	-	-	-	-	-	-	-	-	-	-	
186 Outdoor Air Quality	0.450	44,197	-	-	-	44,197	44,197	40,640	365	3,192	-	
251 Septic Maintenance	0.000	-	-	-	-	-	-	-	-	-	-	
203 Water Quality Protection District	3.910	388,503	370,000	-	-	18,503	355,980	325,361	2,798	27,821	32,523 prior year reserves	
<b>Total Environmental Health</b>	<b>6.760</b>	<b>\$ 559,049</b>	<b>\$ 370,000</b>	<b>\$ 126,349</b>	<b>\$ -</b>	<b>\$ 62,700</b>	<b>\$ 630,022</b>	<b>\$ 574,449</b>	<b>\$ 4,770</b>	<b>\$ 50,803</b>	<b>\$ (70,973)</b>	
<b>Disease Control &amp; Prevention</b>												
107 Licensed Establishments	3.550	97,405	-	66,250	30,625	530	354,943	305,032	36,890	13,021	(257,538)	
191 HIV Prevention	0.170	20,570	-	20,570	-	-	25,253	16,003	9,250	-	(4,683)	
196 Public Health Emergency Preparedness	1.180	101,307	-	101,307	-	-	151,466	116,158	22,553	12,755	(50,159) prior year reserves	
<b>Total Disease Control &amp; Prevention</b>	<b>4.900</b>	<b>\$ 219,282</b>	<b>\$ -</b>	<b>\$ 188,127</b>	<b>\$ 30,625</b>	<b>\$ 530</b>	<b>\$ 531,662</b>	<b>\$ 437,193</b>	<b>\$ 68,693</b>	<b>\$ 25,776</b>	<b>\$ (312,380)</b>	
<b>Total Health Department</b>	<b>41.730</b>	<b>\$ 4,038,181</b>	<b>\$ 1,718,781</b>	<b>\$ 1,249,286</b>	<b>\$ 541,814</b>	<b>\$ 528,300</b>	<b>\$ 4,959,651</b>	<b>\$ 3,408,575</b>	<b>\$ 628,782</b>	<b>\$ 922,294</b>	<b>\$ (921,470)</b>	
	<b>41.740</b>	<b>4,038,181</b>					<b>\$ 4,959,651</b>					

\* Other includes: Donations, transfers, etc.

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**HEALTH DEPARTMENT MILL DOLLARS Thru March 2020**

REVENUE	FY 2020 BUDGET	REVENUE RECEIVED YTD				TOTAL RECEIVED YTD	75% of the year elapsed 73% % of payroll		
		Administration	Community Health Promo	Environmental Health	Disease Ctrl & Prevention		Budget Remaining	% of Budget Collected	Prior Year to Date
Taxes	\$ 1,305,227	\$ 740,833				\$ 740,833	\$ 564,394	56.76%	\$ 725,626.87
Cost Allocation Recovery	\$ 122,499	\$ 98,190				\$ 98,190	\$ 24,309	80.16%	\$ 72,522
Health Insurance Credits	\$ 185,138	\$ 82,884				\$ 82,884	\$ 102,254	44.77%	\$ 73,902
Environmental Health Charges	\$ 138,080			\$ 124,534		\$ 124,534	\$ 13,546	90.19%	\$ 99,235.00
Community Health Charges	\$ 309,109				\$ 264,639	\$ 264,639	\$ 44,470	85.61%	\$ 233,953.22
Contracts/Grants	\$ 239,175	\$ 7,675	\$ 112,192	\$ 13,228	\$ 22,168	\$ 155,264	\$ 83,912	64.92%	\$ 43,702.75
Miscellaneous	\$ 36,601	\$ 9,269	\$ 3,978	\$ 290	\$ 11,061	\$ 24,599	\$ 12,002	67.21%	\$ 367,958.64
<b>TOTAL REVENUE</b>	<b>\$ 2,335,829</b>	<b>\$ 938,851</b>	<b>\$ 116,171</b>	<b>\$ 138,053</b>	<b>\$ 297,868</b>	<b>\$ 1,490,943</b>	<b>\$844,886</b>	<b>63.83%</b>	<b>\$ 1,616,900</b>
	FTE	3.790 26.23%	1.100 7.61%	2.675 18.51%	6.886 47.65%	14.451			
<b>YEAR TO DATE ACTUAL EXPENDITURES</b>	<b>FY 2020 BUDGET</b>	<b>Administration</b>	<b>Community Health Promo</b>	<b>Environmental Health</b>	<b>Disease Ctrl &amp; Prevention</b>	<b>TOTAL YTD SPENT</b>	<b>Budget Remaining</b>	<b>% of Budget Spent</b>	<b>Prior Year to Date</b>
<b>PERSONNEL</b>									
Regular Salary	\$ 950,016	\$ 178,115	\$ 90,580	\$ 124,552	\$ 285,735	\$ 678,982	\$ 271,034	71.47%	\$ 599,085
Temporary /Seasonal Salary	\$ 1,204	\$ 2,524	\$ -	\$ -	\$ 1,387	\$ 3,911	\$ (2,707)	324.80%	\$ 481
Overtime	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	--	\$ 298
Term Pay/ Uncomp Absences		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	--	\$ 10,874
Benefits	\$ 313,052	\$ 56,792	\$ 29,863	\$ 40,248	\$ 84,178	\$ 211,083	\$ 101,969	67.43%	\$ 192,864
Extra Pay period Savings	\$ 9,808						\$ 9,808		
<b>TOTAL PERSONNEL</b>	<b>\$ 1,274,080</b>	<b>\$ 237,431</b>	<b>\$ 120,444</b>	<b>\$ 164,800</b>	<b>\$ 371,301</b>	<b>\$ 893,975</b>	<b>\$ 380,105</b>	<b>70.71%</b>	<b>\$ 803,603</b>

YEAR TO DATE							TOTAL YTD SPENT	Budget Remaining	% of Budget Spent	Prior Year to Date
ACTUAL EXPENDITURES		FY 2020 BUDGET	Administration	Community Health Promo	Environmental Health	Disease Ctrl & Prevention				
<b>OPERATIONS</b>										
21.10	Office Supplies	\$ 24,324	\$ 3,198	\$ 1,126	\$ 1,157	\$ 929	\$ 6,410	\$ 17,914	26.35%	\$ 4,571
21.20	Minor Equipment	\$ 22,919	\$ -	\$ 4,589	\$ 977	\$ 1,314	\$ 6,880	\$ 16,039	30.02%	\$ 3,853
21.50	Computer Equipment	\$ -	\$ 1,872	\$ -	\$ -	\$ -	\$ 1,872	\$ (1,872)	--	\$ -
22.10	Operating Supplies	\$ 11,789	\$ 2,873	\$ 21,791	\$ 1,676	\$ 2,163	\$ 28,504	\$ (16,715)	241.78%	\$ 19,224
22.21	Hep B Vaccine	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	--	\$ -
22.23	Non Travel Vaccinations	\$ 106,310	\$ -	\$ -	\$ -	\$ 69,772	\$ 69,772	\$ 36,538	65.63%	\$ 72,904
22.24	Flu Vaccine	\$ 52,308	\$ -	\$ -	\$ -	\$ 107,326	\$ 107,326	\$ (55,018)	205.18%	\$ 52,308
22.26	Travel Vaccines	\$ 45,627	\$ -	\$ -	\$ -	\$ 16,891	\$ 16,891	\$ 28,736	37.02%	\$ 38,411
22.27	Lab Expenses	\$ 4,082	\$ -	\$ -	\$ -	\$ 1,710	\$ 1,710	\$ 2,372	41.89%	\$ 2,923
22.61	Titers/tests	\$ 1,500	\$ -	\$ -	\$ -	\$ 2,736	\$ 2,736	\$ (1,236)	182.43%	\$ 1,132
23.10	Repair & Maintenance	\$ -	\$ -	\$ 676	\$ 600	\$ -	\$ 1,276	\$ (1,276)	--	\$ -
23.20	Gas & Oil	\$ 1,000	\$ -	\$ 343	\$ 1,244	\$ 91	\$ 1,678	\$ (678)	167.78%	\$ 819
31.20	Postage	\$ 2,730	\$ 128	\$ 77	\$ 736	\$ 839	\$ 1,780	\$ 950	65.20%	\$ 1,751
31.40	Vehicle Parking	\$ 1,608	\$ -	\$ -	\$ 1,224	\$ -	\$ 1,224	\$ 384	76.12%	\$ 1,206
31.45	Vehicle Registration	\$ -	\$ 171	\$ -	\$ -	\$ -	\$ 171	\$ (171)	--	\$ 43
31.60	Credit Card Fees	\$ 4,182	\$ -	\$ -	\$ -	\$ 2,728	\$ 2,728	\$ 1,454	65.22%	\$ 2,580
31.65	Credit Card Fees	\$ 2,000	\$ -	\$ -	\$ 988	\$ -	\$ 988	\$ 1,012	49.38%	\$ 1,054
32.10	Printing	\$ 6,386	\$ 2,669	\$ 1,305	\$ 219	\$ 2,368	\$ 6,561	\$ (175)	102.74%	\$ 18,646
33.10	Subscriptions	\$ 1,200	\$ 285	\$ -	\$ 530	\$ -	\$ 815	\$ 385	67.92%	\$ 360
33.20	Advertising	\$ 5,226	\$ 1,215	\$ 9,977	\$ 415	\$ 117	\$ 11,725	\$ (6,499)	224.36%	\$ 5,278
33.50	Membership	\$ 8,550	\$ 4,505	\$ 100	\$ 370	\$ 225	\$ 5,200	\$ 3,351	60.81%	\$ 8,520
33.60	Licenses	\$ 1,320	\$ -	\$ -	\$ -	\$ 280	\$ 280	\$ 1,040	21.21%	\$ 100
33.70	Education Awareness	\$ -	\$ -	\$ 791	\$ 106	\$ -	\$ 897	\$ (897)	--	\$ -
33.80	Health Club Dues	\$ 859	\$ 190	\$ 143	\$ 160	\$ 162	\$ 655	\$ 204	76.22%	\$ 604
34.10	Utilities (Augusta)	\$ 1,200	\$ -	\$ -	\$ -	\$ 1,200	\$ 1,200	\$ -	100.00%	\$ 1,200
34.50	Telephone	\$ 16,569	\$ 4,423	\$ 1,687	\$ 2,425	\$ 4,340	\$ 12,876	\$ 3,693	77.71%	\$ 11,961
35.10	Professional Services	\$ 12,000	\$ 3,522	\$ 150	\$ -	\$ 1,765	\$ 5,437	\$ 6,563	45.31%	\$ 5,887
35.65	Patient Services (BCH)	\$ 5,000	\$ -	\$ 5,398	\$ -	\$ -	\$ 5,398	\$ (398)	107.96%	\$ 3,476
35.70	Community Projects	\$ -	\$ -	\$ 17,589	\$ -	\$ -	\$ 17,589	\$ (17,589)	--	\$ -
36.10	Repair & Maintenance	\$ 500	\$ -	\$ -	\$ -	\$ 170	\$ 170	\$ 330	34.00%	\$ 1,085
36.20	Office Repair/Maint	\$ 8,000	\$ 5,710	\$ 420	\$ 1,530	\$ 45	\$ 7,705	\$ 295	96.31%	\$ 6,495
36.30	Vehicle Repair	\$ 500	\$ -	\$ -	\$ 335	\$ -	\$ 335	\$ 165	67.06%	\$ 752
37.10	Travel	\$ 12,937	\$ 953	\$ 4,290	\$ 1,027	\$ 2,976	\$ 9,246	\$ 3,691	71.47%	\$ 4,765
37.50	Board Expenses	\$ 300	\$ 3	\$ -	\$ -	\$ -	\$ 3	\$ 298	0.83%	\$ 20
38.10	Training	\$ 20,505	\$ 373	\$ 8,476	\$ 1,661	\$ 420	\$ 10,930	\$ 9,575	53.30%	\$ 3,159
39.10	Contracted Services	\$ 151,340	\$ 1,120	\$ 62,132	\$ 210	\$ 26,126	\$ 89,587	\$ 61,753	59.20%	\$ 3,845
39.20	Recruitment Services	\$ -	\$ -	\$ 39	\$ -	\$ -	\$ 39	\$ (39)	--	\$ 329
39.61	Software Maint	\$ 36,457	\$ -	\$ -	\$ 11,968	\$ -	\$ 11,968	\$ 24,489	32.83%	\$ 11,398
50.10	Admin	\$ 49,168	\$ 36,876	\$ -	\$ -	\$ -	\$ 36,876	\$ 12,292	75.00%	\$ 36,619
50.11	HD Admin (applied to grants)	\$ 10,000	\$ 675	\$ 11,331	\$ -	\$ -	\$ 12,006	\$ (2,006)	120.06%	\$ 450
50.20	Insurance	\$ 26,308	\$ 18,381	\$ -	\$ -	\$ -	\$ 18,381	\$ 7,927	69.87%	\$ 30,893
50.25	Deductibles	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	--	\$ -
50.30	Rent	\$ 158,494	\$ 78,210	\$ 3,836	\$ 23,880	\$ 10,563	\$ 116,489	\$ 42,005	73.50%	\$ 81,658
50.40	Technology	\$ 99,094	\$ 74,318	\$ -	\$ -	\$ -	\$ 74,318	\$ 24,776	75.00%	\$ 91,324
80.10	Transfers Out match	\$ 328,345	\$ -	\$ 25,205	\$ 20,744	\$ 213,909	\$ 259,858	\$ 68,487	79.14%	\$ 163,348
80.10	Transfers Out septic	\$ 64,320	\$ -	\$ -	\$ 15,503	\$ -	\$ 15,503	\$ 48,817	24.10%	\$ 3,866
80.10	Transfer out to Consent Refer	\$ 5,000	\$ -	\$ 2,500	\$ -	\$ -	\$ 2,500	\$ 2,500	50.00%	\$ 2,500
80.20	Transfer to Outside Source	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	--	\$ -
<b>TOTAL OPERATIONS</b>		<b>\$ 1,309,957</b>	<b>\$ 241,670</b>	<b>\$ 183,971</b>	<b>\$ 89,686</b>	<b>\$ 471,166</b>	<b>\$ 986,492</b>	<b>\$ 323,465</b>	<b>75.31%</b>	<b>\$ 701,319</b>
<b>CIP TRANSFERS</b>		<b>\$ 30,626</b>	<b>15,313</b>				<b>\$ 15,313</b>	<b>\$ 15,313</b>		<b>\$ 12,709</b>
<b>GRAND TOTAL EXPENDITURES</b>		<b>\$ 2,614,663</b>	<b>494,413.19</b>	<b>304,414.74</b>	<b>254,486.11</b>	<b>842,466.52</b>	<b>\$ 1,895,781</b>	<b>\$ 718,882</b>	<b>72.51%</b>	<b>\$ 1,517,630</b>
<b>Revenue Over (Under) Expenditu</b>		<b>(\$278,834)</b>	<b>\$444,438</b>	<b>(\$188,244)</b>	<b>\$ (116,433)</b>	<b>\$ (544,598)</b>	<b>\$ (404,838)</b>			<b>\$ 99,269</b>

CASH FLOW		FY 2020 BUDGET	CASH FLOW		Year to Date Actual	Fund Bal last FY thru March
BEGINNING CASH	\$	638,784	BEGINNING CASH (non	\$	955,085	
REVENUES	\$	2,335,829	REVENUES	\$	1,490,943	
EXPENDITURES	\$	2,532,161	EXPENDITURES	\$	1,895,781	
Restricted Cash (BCH [	\$	-	restricted to unrestricted transfer	\$	3,240	
ENDING CASH	\$	442,452	ENDING CASH (non res	\$	553,487	\$ 849,555
90 Day Reserve=	\$	644,711	Restricted Cash (BCH D	\$	23,716	
Current Cash Reserve (In Days)		80				

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**6**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS:** Health Officer’s Report

**PERSONNEL INVOLVED:** Drenda Niemann, Health Officer

**BACKGROUND:** Ms. Niemann is providing a report on current Health Department issues.

**HEALTH DIRECTOR’S RECOMMENDATION:** N/A

ADDITIONAL INFORMATION ATTACHED

**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH  
Helena, Montana**

**BOARD AGENDA ITEM**

**Meeting Date**

**April 23, 2020**

**Agenda Item No.**

**7**

Minutes     Board Member Discussion     Staff & Other Reports     Action     Hearing of Delegation

**AGENDA ITEMS:** Public Comment

**PERSONNEL INVOLVED:** Public and Board Members

**BACKGROUND:** Time is allowed for public comment on matters not mentioned in the agenda within the Board of Health’s jurisdiction.

**HEALTH DIRECTOR’S RECOMMENDATION:** n/a

ADDITIONAL INFORMATION ATTACHED

**BOARD ACTION:**

**NOTES:**

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Berg						
Collins						
Eck						
Hunthausen						
Johnson						
Murgel						
Oliver						
Ream						

**Attendance Record for the  
Lewis & Clark City-County Board of Health**

**FY 2020**

	Jul	Aug	Sep	Oct	Nov/Dec	Jan	Feb	Mar	Apr	May	Jun
Bedell	O	X	X	X	X	T	X	X			
Berg	---	---	---	---	---	O	X	X			
Collins	X	O	X	O	O	O	O	X			
Eck	X	X	O	X	X	O	X	X			
Hunthausen	O	X	X	X	O	O	X	X			
Johnson	O	X	O	X	X	T	X	X			
Murgel	X	O	X	X	X	T	X	X			
Oliver	X	X	O	X	X	O	X	X			
Ream	O	X	X	X	X	O	X	X			
St. Clair	X	O	X	O	O	---	---	---	---	---	---

**Legend:**

X = Present

X<sub>p</sub> = Present by phone

--- = Not a member of the board at that time.

O = Absent

\* = No meeting held

P = Strategic Planning Session

T = Training

Andy Hunthausen-vice chair  
County Commissioner  
316 N. Park  
Helena, Montana 59623  
447-8304 (W) 447-8370 (Fax)  
E-mail: [ahunthausen@lccountymt.gov](mailto:ahunthausen@lccountymt.gov)

(1)  
Pleasure of L & C County Commission

Mayor Wilmot Collins  
City Commissioner  
316 N. Park  
Helena, Montana 59623  
447-8410 (W)  
E-mail: [wcollins@helenamt.gov](mailto:wcollins@helenamt.gov)

(2)  
Pleasure of City of Helena Commission

Tyler Ream  
Superintendent, Helena School Dist. No. 1  
55 S. Rodney  
Helena, Montana 59601  
324-2001 (W)  
E-mail: [tream@helenaschools.org](mailto:tream@helenaschools.org)

(3,a)  
Superintendent of Schools

Dr. Mikael Bedell  
710 Madison Ave  
Helena, MT 59601  
208-630-3848 (c)  
E-mail [mbedell@sphealth.org](mailto:mbedell@sphealth.org)

(3,b)  
Term expires - June 30, 2022

Kammy Johnson  
2030 Cromwell Dixon Ln  
Ste F, PMB 202  
Helena, MT 59602  
799-3654 (W) 458-1956 (H) 439-0914 (C)  
E-mail: [kjohnsonmt@gmail.com](mailto:kjohnsonmt@gmail.com)

(3,c)  
Term expires - June 30, 2021

Raymond Berg  
PO Box 786  
East Helena, MT 59635-0786  
431-9861 (C)  
E-mail: [rberg7867@icloud.com](mailto:rberg7867@icloud.com)

(3,d)  
Pleasure of East Helena City Council

Brie Oliver  
710 N. Davis St.  
Helena, MT 59601  
461-0784 (C)  
E-mail: [brie@hmhb-mt.org](mailto:brie@hmhb-mt.org)

(3,e)  
Term expires - June 30, 2022

Justin Murgel- chair  
903 East Groschell  
East Helena, MT 59635  
422-9928 (H)  
E-mail: [Justin.Murgel@PacificSource.com](mailto:Justin.Murgel@PacificSource.com)

(3,f)  
Term expires - June 30, 2021

Jenny Eck  
563 3<sup>rd</sup> Street  
Helena, MT 59601  
459-1082 (C)  
E-mail: [jennyeck4mt@gmail.com](mailto:jennyeck4mt@gmail.com)

(3,g)  
Term expires - June 30, 2021

Updated June 2019

*"To Improve and Protect the Health of all Lewis and Clark County  
Residents."*



# LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH

1930 Ninth Avenue  
Helena, MT 59601  
PH 406.457.8900  
Fax: 406.457.8990

## MEMBERS

Jenny Eck	Term expires - June 30, 2021	Second Term
Justin Murgel	Term expires - June 30, 2021	First Term
Mikael Bedell	Term expires - June 30, 2022	First Term
Brie Oliver	Term expires - June 30, 2022	First Term
Kammy Johnson	Term expires - June 30, 2021	Second Term
Tyler Ream	Superintendent of Schools	
Andy Hunthausen	Pleasure of Lewis & Clark County Commission	
Mayor Wilmot Collins	Pleasure of Helena City Commission	
Raymond Berg	Pleasure of East Helena City Council	

## MEETING DATES FOR FISCAL YEAR 2020

Scheduled for 1:00 p.m. in Room 330 of the City-County Building.

July 25, 2019

August 22, 2019

September 26, 2019

October 24, 2019

December 5, 2019

January 23, 2020

February 27, 2020

March 26, 2020

April 23, 2020

May 28, 2020

June 25, 2020