

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 1:00 p.m.
January 28, 2021**

Members Present by Zoom

Justin Murgel, chair (departed @ 3:10 p.m.)
Commissioner Andy Hunthausen, vice chair
Mayor Wilmot Collins
Kammy Johnson
Dr. Mikael Bedell
Jenny Eck (arrived @ 1:04 p.m.)
Raymond Berg
Tyler Ream

Staff Present by Zoom

Drenda Niemann Laura Hendley
Eric Merchant
Kathy Moore
AC Rothenbuecher
Dorota Carpenedo
Damian Boudreau
Jolene Helgersen

Guests Present by Zoom

Charles Lane, Deputy County Attorney

Members Absent

Brie McLaurin

Justin Murgel, Chair, called the meeting to order at 1:00 p.m. A quorum was established. Introductions of board members were made.

REVIEW OF AGENDA

No changes were made. No public comment was given.

MINUTES

Mr. Murgel asked if there were any corrections or additions to the November 19 and December 3, 2020, minutes. There being none, the Board approved the minutes as written. The December 17 minutes will be available for review at the February meeting. No public comment was given.

BOARD DISCUSSION

COVID-19 Update: Drenda Niemann, Health Officer, highlighted the COVID-19 Dashboard, the HUB map of current numbers of confirmed, active, and recovered cases, age groups, and the number of hospitalizations and deaths, the Event Risk Assessment map, and the COVID-19 Exposure Survey Report (page 28-33 of the board packet). Discussion was had regarding the COVID-19 Act Now web page active outbreak numbers for Lewis and Clark County in comparison to surrounding counties with the same or higher population but at less of a risk of outbreak.

ACTION

Review of the COVID-19 Emergency Rules and Regulations:

Base on the COVID-19 Dashboard triggering Criteria, the Board reviewed and discussed the recommended changes to the COVID-19 Emergency Rules and Regulations made by Ms. Niemann and made the following changes:

III. Event Restriction

Events and gatherings of less than 250 people must adhere to the following as determined by the triggering criteria:

Summed Total of Triggering Criteria	Events and Gathering sizes subject to restrictions
18 < (sum) < 33	50 – 250
34 < (sum) < 46	25 – 250

After board member discussion, Jenny Eck made a motion to approve the restriction amendment based on the triggering criteria. Kammy Johnson seconded the motion. There being no public comment, the motion carried 8-0.

IV. Location Specific Restrictions

Capacity

Gyms, restaurants, bars, breweries, distilleries, and casinos shall operate at a capacity and hours as determined by the triggering criteria reflective of community conditions.

Summed Total of

Triggering Criteria	Capacity	Hours
18 < (sum) < 33	75%	4:00 a.m. - 10 12:00 a.m.
34 < (sum) < 46	50%	4:00 a.m. - 10 12:00 a.m.

After board member discussion, Ms. Eck made a motion to approve the change of the hours of the 75% capacity of gyms, restaurants, bars, breweries, distilleries, and casinos based on the triggering criteria. Commissioner Hunthausen seconded the motion. Mr. Murgel opened motion up to public comment.

Dax Cetraro, Helena business owner, discussed his concerns for the smaller establishment's ability to operate at a 75% capacity and hours of operation while following the Centers for Disease Control (CDC).

Bruce McCullough, Helena resident, expressed his concerns regarding hours of operation in Lewis and Clark County and how it varies with neighboring counties who are operating at full capacity and normal hours.

John Shook, Helena business owner, is in favor of an increase to the hours of operation.

After further board member discussion, Ms. Eck made a substitute motion to extend both capacity hours to 12:00 am. The motion carried 7-1.

Buffets

Ms. Niemann described the reasoning for board member discussion on the possible ban on buffet style service into rule making. After board member discussion, Charles Lane, Deputy County Attorney, provided recommended language for self-service buffets. Ms. Johnson made a motion to add into the rules and regulations that self-service buffets are prohibited. Mr. Berg seconded the motion. No public comment was given. The motion carried 8-0.

Cleaning

The Board discussed adding language into rules and regulations regarding cleaning tables and chairs between customers. After board member discussion, Mr. Berg made a motion to add into the Emergency Rules and Regulations under section IV Location Specific Restriction Capacity the following language: Clean all surfaces accessible to customers between customers, including tables, chairs, booths, highchairs,

and gaming machines. Commissioner Hunthausen seconded the motion. No public comment was given. The motion carried 8-0.

BOARD MEMBER DISCUSSION

Legislative Update:

HB 121 would require elected official approval of local health board and officer actions. HB 121 would require certain rules, regulations, and fees be proposed by a local Board of Health and adopted by the governing body; allowing a governing body to amend a directive, mandate, or order given by a local Board of Health during a time of emergency or disaster; allowing a governing body to amend an order given by a local health officer during a time of emergency or disaster; and providing a definition of “local governing body.” This bill is currently in committee executive action as amended. Ms. Niemann recommended that the Board review the language in HB121.

Ms. Niemann also noted there are other bills that public health is watching such as tobacco, Medicaid Expansion, and immunizations.

Ms. Niemann noted that public health has hired a full-time COVID-19 contact tracer to work directly with the legislative session and will be responsible for case investigation and contact tracing when cases occur within the legislative environment. The dedicated staff will be working collaboratively with LCPH and DPHHS when multi-jurisdictional issues arise.

Board of Health Calendar:

Ms. Niemann presented the draft Board of Health Calendar for 2021 (pages 35-36 of the board packet) for board review. No action is required.

Vaccine Update:

Eric Merchant, Disease Control and Prevention Division Administrator, gave a brief update on the rollout of vaccine clinics, collaboration between St. Peters Health, PureView Health Center, Blue Cross Blue Shield Caravan and Carroll College, vaccine supply, staffing resources, and distribution infrastructure. In answer to a question from Mayor Collins, Mr. Merchant noted that CVS Pharmacy was awarded the federal contract to administer COVID vaccine to licensed long-term, skilled nursing care facilities in our jurisdiction. To Mr. Merchant’s knowledge, everyone in those facilities has had at least one vaccination if not two.

Chairman Murgel left the meeting at 3:10 p.m. Vice Chairman Commissioner Hunthausen resumed facilitating the meeting.

Ms. Niemann recommended that the Board check out the [COVID-19 HUB](#) to keep up-to-date on the latest vaccine information, county cases, wastewater testing, and school district cases.

PUBLIC COMMENT

No public comment was given.

The meeting adjourned at 3:15 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary