

**LEWIS AND CLARK CITY-COUNTY HEALTH DEPARTMENT  
BOARD OF HEALTH - MINUTES  
316 N. Park, Room 309, HELENA, MONTANA 59601  
March 22, 2012**

Members Present

Peter Donovan, chair  
Ken Wallace, vice-chair  
Chris Deveny  
Susan Epstein  
Commissioner Andy Hunthausen  
Mayor Anthony Strainer  
Mayor Jim Smith

Staff Present

Melanie Reynolds     Laurel Riek  
Jolene Helgerson     Laura Hendley  
Frank Preskar     Mark Syverson  
Dorothy Bradshaw     Norman Rostocki  
Mike Henderson  
Gayle Shirley

Members Absent

Steve Ackerlund  
Keith Meyer

Peter Donovan, chair, called the meeting to order at 1:30 p.m. A quorum was established.

**REVIEW OF AGENDA**

Peter Donovan stated that the Findings of Fact for the Patricia Bartmess variance would be added to the action items on today's agenda.

**MINUTES**

Peter Donovan asked if there were any corrections or additions to the February 23, 2012 minutes. Ken Wallace made a correction to the Health Officer's Report on page 5 of the board packet. Ken stated that the minutes should reflect that a sponsor at the Independent Record Health Fair was not a tobacco vendor but a tobacco-less chew producer. The Board approved the minutes as amended.

**PRESENTATION**

Laurel Riek, registered sanitarian for the Health Department, introduced the staff of the Licensed Establishment Program: John Geach, Laura Hendley, and Mark Syverson, all Registered Sanitarians. Laurel gave a PowerPoint presentation on Licensed Establishment Program 2007-2011 trends and future goals for food establishments, special events, and food facility plan reviews. Information included trends in risk-factor violations in food establishments and participation by food service workers and managers in food safety training. Laurel stated that next steps to improve food safety are to reduce the number of facilities with 3 or more risk-factor violations, move forward with the electronic inspection system to improve public access to inspections, and seek adoption of a local food rule based on the latest science to protect public health.

**ACTION ITEM**

Mike Henderson, Division Administrator, presented the Cooperative Agreement between the Montana Department of Public Health and Human Services (MDPHHS) and the Lewis and Clark County Board of Health (BOH) on pages 10-15 of the board packet. Mike stated that the purpose of the agreement is to establish a payment schedule for reimbursing license fees to the BOH and to facilitate payment of funds that support inspection of licensed establishments. In answer to a question from Mayor Smith, Mike

stated that the MDPHHS did support the Association of Montana Public Health Officials (AMPHO) request for a fee increase during the 2009 legislative session, but the entire fee increase request did not pass. Melanie Reynolds, Health Officer, stated that she would talk with the lead AMPHO officials to see about getting the establishment license fee increase on the next legislative agenda. In answer to a question from Ken Wallace, Mike stated that, previously, pools and spas were covered in a separate agreement from other licensed establishments. The 2012 agreement includes all types of establishments that are reimbursed from the state Local Board Inspection Fund. Chris Deveny made a motion that the Board of Health approves the 2012 Cooperative Agreement with the Montana Department of Public Health and Human Services for licensed establishments. Susan Epstein seconded the motion. The motion carried 7-0.

Findings of Fact, Patricia Bartmess: Ken Wallace, Hearing Officer during the Patricia Bartmess Variance Hearing that was held on March 22, 2012, gave a brief explanation of the variance. Susan Epstein moved to approve the Findings of Fact and Conclusion of Law for the Patricia Bartmess variance (See Attachment A). Commissioner Hunthausen seconded the motion. The motion carried 7-0.

### **BOARD MEMBER DISCUSSION**

Finance Reports: Norman Rostocki, Finance Coordinator, referenced the comparison to budget and cash flow for the period ending February 29, 2012, on page 17 of the board packet. Norman noted that we are 66% through the fiscal year. Total revenue is \$915,567, or 59% of the amount budgeted; actual expenditures are \$1,017,070, or 64% of the amount budgeted. Revenues are under expenditures by \$101,502; total ending cash is \$556,854. Norman presented the draft Fiscal Year 2013 Budget Summary for the Mill and Health Department programs (See Attachment B). The Board of Health Finance Committee will meet on April 9, 2012, to review the budget in detail. Norman will provide a more accurate budget summary for the Board to review at the April board meeting.

Best Bet Casino Update: Dorothy Bradshaw, Division Administrator, stated that the Best Bet Casino was found guilty on three of four misdemeanor counts of violating the Montana Clean Indoor Air Act (CIAA). The maximum fine the owner of Best Bet Casino could receive is \$800. This case is the first CIAA case in the state to go to trial by jury. Staff will work with the county attorney to clarify documentation practices and communication on future inspections.

Board of Health Letter Regarding Tobacco-Free Properties: Melanie Reynolds, Health Officer, presented a letter to the Lewis and Clark County Commissioners, City of Helena Commissioners, and Mayor Smith from Board of Health Chairman Peter Donovan requesting tobacco-free grounds at the City-County Courthouse and City-County Building, as well as at other city- and county- owned properties (See Attachment C). Mayor Smith stated that after reviewing the letter, the City Commission suggested that this request go through the City-County Building Board and that if this request goes through as a resolution, it does not have the force of law to back it like an ordinance would. Commissioner Hunthausen stated that the County Commission supports the request. Commissioner Hunthausen stated that he personally sees this request as a pilot project for other city and county buildings. Melanie stated that the Health Department is a tobacco-free campus for the public and staff and that the tobacco-free campus policy has worked well for the Health Department. Mayor Smith stated that he will bring a proposal to the City Commission that Centennial Park be designated as a tobacco-free park.

Wood Stove Survey Update: Frank Preskar, Sanitarian, stated that the Environmental Services Division and the Montana Department of Environmental Quality (MDEQ) chose the Frause Group from Seattle, Washington, to complete the wood stove survey. Completion of the project is projected for June 30, 2012.

Ten Mile Lagoons Update: Frank Preskar stated that John Arrigo with MDEQ has confirmed that, at this time, there is no date set for a hearing against the owner of the lagoons. The Home Owners Association has agreed to join MDEQ in the lawsuit.

### **HEALTH OFFICER REPORT**

Melanie Reynolds stated that the Cooperative Health Center (CHC) will submit a bid for the state employee clinic proposed by the governor. Deadline for submission of the bid is April 2, 2012. Melanie noted that there would be effects to having this clinic as part of the CHC and may have possible effects on the Health Department – in terms of building space. Mayor Smith and Ken Wallace voiced their uncertainty about the role the Board of Health plays concerning this bid and the legal ramifications it could cause for the Health Department. Melanie stated that she is working with the County Administrator to set up a Coordinating Committee meeting at which to discuss the cooperative agreement between the CHC and Health Department, as well as clarify the roles of the CHC Board and Board of Health. Chris Deveny, Mayor Smith, and Peter Donovan will represent the Board of Health on the Coordinating Committee. Chris Deveny made a request to have a representative from the County Attorney's Office at the meeting.

The Health Care Task Force was unable to meet with the St. Peter's Hospital Board of Directors to discuss the BOH recommendations on finance issues, charity care, and referrals. Melanie will send out new dates and times for this meeting.

Steve Ackerlund and Melanie have met twice to work on a draft health officer appraisal form for board consideration.

### **BOARD MEMBER DISCUSSION** continued

Update on Community Health Report and Accreditation Preparation: Melanie stated that she is continuing to work on the next steps of the accreditation process. A core team of has been set up to help plan for the Community Health Assessment.

Peter Donovan congratulated Gayle Shirley, Communication Coordinator, on the Miz Word Nerd section of the County Pulse newsletter.

There being no public comment, the meeting adjourned at 3:04 p.m.

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Peter Donovan, Chair

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Melanie Reynolds, Secretary

Action Items from March 22, 2012, BOH Meeting

- Melanie will set a date for the Coordinating Committee to meet to discuss the roles of the CHC Board and the Board of Health. Melanie will also work with the County Administrator on getting a representative from the County Attorney's Office to the meeting.
- Melanie will set a date for the next Health Care Task Force meeting with St. Peter's Hospital.