

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 1:00 p.m.
April 23, 2020**

Members Present by Zoom

Justin Murgel, chair
Commissioner Andy Hunthausen, vice chair
Mayor Wilmot Collins
Kammy Johnson
Jenny Eck
Brie Oliver (Arrived at 1:11 p.m.)
Dr. Mikael Bedell
Tyler Ream
Raymond Berg

Members Absent

Staff Present by Zoom

Drenda Niemann Gayle Shirley
Jolene Helgersen
Jacqueline Isaly
Eric Merchant
Kathy Moore
Frank Preskar
Heather Parmer

Guests Present by Zoom

Mary Ann Dunwell, State Representative
Nicky Twitchell,

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

Mr. Murgel announced that action item 4 will be tabled to the May agenda.

MINUTES

Mr. Murgel asked if there were any corrections or additions to the February 27 and March 26, 2020, minutes. Raymond Berg announced that the March 26 minutes should read that he abstained from voting on the variances because he grew up in the area of the variances and not because he knew the applicant. The Board approved the amended minutes as written.

ACTION ITEM

Hearing Officer Recommendation, Ms. Holly Ressler Variance:

Kammy Johnson, Hearing Officer, and Frank Preskar, Sanitarian, gave a brief account of the Ressler variance hearing held on April 22, 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 questions from Raymond Berg, Ms. Johnson said that there were 11 mobile homes and 1 stick built home on the property. There are several permits for this property, but there may also be systems installed prior to the permitting program. Mr. Preskar said he doesn't know the exact number of septic systems in the county as the county planning department didn't have an addressing program or addresses, and some permit records do not match home addresses. In answer to a question from Mr. Murgel, Mr. Preskar said the mobile homes are supplied water by two on-site wells and the stick built home is connected to the City of Helena water system. The City of Helena will not allow any additional connections to their water system without annexation and connection to the sewer system, which is not possible at this time. Mr. Berg moved to ratify the hearing officer recommendation for approval. Jenny Eck seconded the motion. The motion carried 9-0.

BOARD DISCUSSION

FY 2021 Draft Budget: Heather Parmer, Finance Coordinator, referenced the FY21 draft budget summary (page 25 of the board packet). Revenues and expenditures are unknown at this time. A full-time Behavior Health Specialist position has been added to the FY21 budget. In answer to a question from Ms. Eck, Drenda Niemann, Health Officer, said that outreach education funding is unknown at this time as we are waiting on funding from our grants to budget for the upcoming fiscal year. Ms. Niemann gave an overview of the budget timeline. Ms. Niemann will schedule a Board Finance meeting for May.

Finance Report: Ms. Parmer referenced the FY20 comparison to budget and cash flow for July 2019 through April 2020 (pages 25-26 of the board packet). Ms. Parmer noted that the department is 75% of the way through its fiscal year. Total revenue to date is \$1,490,943, or 63% of the amount budgeted; actual expenditures are \$1,895,781 or 72% of the amount budgeted. Revenues are under expenditures by \$404,838; total ending cash is \$553,487.

HEALTH OFFICER'S REPORT

Drenda Niemann, Health Officer, announced that the governor's directive regarding COVID-19 reopening is to open the State of Montana in 3 phases. The directive is available on the Public Health Web page. Public Health is available for technical assistance and guidance during reopening. Ms. Niemann continued discussing Public Health's response role, the criteria for reopening, and out-of-state travel. In answer to a question from Mr. Berg, Ms. Niemann said that testing supplies in Lewis and Clark County (L&CC) are adequate for now. We are encouraging providers test liberally. In answer to a question from Mayor Collins, a medical provider needs to order a COVID-19 test before the test will be performed. All tests are sent to the state lab for diagnosis. In answer to questions from Ms. Eck, Ms. Niemann said antibody testing is not currently being done in L&CC. If some counties are, they are doing so in the private sector, not statewide. Ms. Niemann also said that testing right now is only being done for those who show symptoms. Tests are not indicated for asymptomatic patients. Patients are being screened for symptoms prior to testing. Public Health's guidance recommendation for places like God's Love and the Friendship Center is to continue to screen for symptoms, maintain physical distancing, personal hygiene, environmental cleaning, isolation and quarantine, and limit interaction. In answer to questions from Mr. Berg, Ms. Niemann said Public Health will monitor for an increase in COVID-19 cases and surge capacity levels within the health department and hospital in order to determine if L&CC should move forward or backward during phases. Title 50 allows for the health department to be more restrictive than the state but not less restrictive. In answer to a question from Brie Oliver, Ms. Niemann discussed the department's guidance for bars and churches during phase 1, enforcement process, and alternative shelter plans. Ms. Eck requested that the Board receive more COVID-19 policy updates. Ms. Niemann said she would increase her board correspondence and add additional board updates to the schedule.

PUBLIC COMMENT

State Representative Mary Ann Dunwell announced that this pandemic underscores the importance of health officers, board of health and boards of health policy. She is grateful to the Public Health staff. She wished that we were going slower with the reopening phases.

Nicky Twitchell opined that it is poor optics on the governor's part to allow bars and casinos to open during phase 1 when yoga studios, which can easily achieve the social distancing requirements, cannot.

HEALTH OFFICER'S REPORT continued

In answer to a question from Mr. Berg, Mr. Murgel said that a motion is not needed regarding the governor's directive. A vote would only be needed if the Board were to be more restrictive than the governor's directive. Mr. Berg made a motion for the Board to maintain the current restrictions and to be more restrictive than the governor's plan. Mr. Berg said that it is too soon for the opening of phase 1. Ms. Eck made a substitute motion to follow the governor's order with the exception of our current orders for bars and casinos. Mr. Berg seconded the motion. In answer to a question from Ms. Oliver, Mr. Murgel said that the 6-foot restriction or a group of 10 or less was maintained for phase 1. Commissioner Hunthausen cautioned the board in their motion. He said that he or others are not scientists or public health officials and not to make their decisions based on feeling. We should rely on our public health professionals to make recommendations. If federal, state and local public health are in some level of agreement on the direction of the phased plan, we should follow based on factual data rather than personal feelings. In answer to a question from Ms. Oliver, Ms. Niemann said that in her opinion we should stick with the governor's order and implement those orders well, which is what public health has control over at the local level. We will use all of the protective measures that we know of to be true to protect our community by implementing technical assistance and guidance. Questions we submit to the governor are usually responded to quickly. There may be a chance that yoga facilities may be added into phase 1. Public Health has to rely on the criteria that has been set at the national level that is also being used at the state and local level. The criteria that we will use for reopening between phases is 14 steady days of a downward trend in cases, normal hospital operations, surge capacity is not needed, and testing is available. Ms. Niemann proceeded to share the case numbers from the State of Montana Response COVID-19 Map, which the health department is using to help base their criteria on for reopening. Mr. Berg withdrew his motion. Ms. Eck announced that if the board would like to move forward with the plan as is and table the 2nd motion. Ms. Eck recommended reconvening in two weeks to allow for review of the metrics. Ms. Oliver recommended that the Board send a support letter for small health centers that provide physical activities after receiving clarification from the governor.

The meeting adjourned at 3:10 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary