

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 1:00 p.m.
September 3, 2020**

Members Present by Zoom

Justin Murgel, chair
Commissioner Andy Hunthausen, vice chair
Mayor Wilmot Collins
Brie McLaurin
Kammy Johnson
Jenny Eck
Raymond Berg
Tyler Ream

Staff Present by Zoom

Drenda Niemann
Jolene Helgerson
Jacqueline Isaly
Eric Merchant
Kathy Moore

Members Absent

Dr. Mikael Bedell

Guests Present by Zoom

Nicho Hash, Deputy County Attorney
Charles Lane, Deputy County Attorney

Justin Murgel, chair, called the meeting to order at 1:08 p.m. A quorum was established. Introductions of board members were made. Mr. Murgel read the protocols for today's meeting.

REVIEW OF AGENDA

No additions were made.

ACTION ITEM

Order of the Health Officer 10-2020: Drenda Niemann, Health Officer, spoke of the work Public Health and both school districts have accomplished in the last month developing plans for back to school and having spectators at sporting events and the work Public Health is doing to slow the spread of COVID-19. Ms. Niemann shared the Public Health Dashboard and highlighted the cases by day for Lewis and Clark County since the pandemic started. While assisting the school districts with developing their plan to reopen, Ms. Niemann recommended to the school districts that they wait to see the impact of cases before considering adding another layer of risk associated with spectators. Ms. Niemann read a section of July 7, Order Health Officer 10-2020 referencing the addition of spectators to youth activities. She said in order to allow fans at youth activities, the board must consider an amendment. Ms. Niemann presented the draft language for an amendment to the July 7, Order Health Officer 10-2020 (see Attachment "A"). If the board chooses to amend the order, Ms. Niemann recommended that the Board take careful consideration of the timing in which the amendment will take effect.

Mr. Murgel asked for board member discussion. In answer to a question from Commissioner Hunthausen, Ms. Niemann read the draft amendment for consideration as part of the official record. She also said staff would update the order with statistics to match what is currently happening in the community. In answer to a question from Mr. Murgel, Ms. Niemann said the recorded youth activities plans itself is not part of the order. School Districts across the county, however, have submitted plans and allowed Public Health to be a partner to help with making sure the plan is done as safely as possible. The amended order if the Board chooses today, would apply to spectators alone, not including those involved with the youth

activities. In answer to questions from Commissioner Hunthausen, Ms. Niemann said while the Board is deliberating on the timing of effective date of the amendment, they should consider that the virus has an incubation period of two weeks. Public Health will not see the impacts of back to school, students participating in activities, or Labor Day weekend until two weeks after. Ms. Niemann said she does not foresee the need of an additional amendment to the order if cases rise within the school districts. In answer to a question from Ms. Jenny Eck, Ms. Niemann said that due the Governor's clarification of the 50 rule outlined in the Governor's Directive for Phase Two, the 50 rule doesn't apply to youth activities itself. Our order is intended to come alongside of the Governor's directive and that of rule 50. Public Health is suggesting youth activities themselves are not subject to the order, just the plans for the spectators. The way the order reads, the limit of the number of spectators at events is between 50-250 with a plan submitted to Public health for review and approval. Everyone at the event is required to physically distance at least six feet and the plan is operational and enforced at the time of the event. Eric Merchant, Communicable Disease Prevention Division Administrator, asked for a clarification that the general community youth activities are still subject to the Governor's 50 rule. Only school sanctioned activities would no longer be subject to the 50 rule. The youth activity itself, along with the number of players, coaches, assistants, and referees is still subject to 50 when it is not a school sanction activity. Ms. Niemann said the amendment reads that youth activities is defined as community based and school sanctioned, which would no longer be subject to the order. It would be only the spectators. The Governors clarification was only applicable to school sanctioned activities. In answer to a question from Commissioner Hunthausen, Ms. Niemann said Public Health was very thoughtful when they presented and adopted the original order to limit events, activities, groups and gatherings of between 50-250 people. At the time in early July, Public Health was seeing significant spikes across the nation, the State of Montana, and in Lewis and Clark County associated with group gatherings and events. That is what precipitated this order. Mr. Merchant referenced a memo for justification for a cap on gatherings (see Attachment "B") when making the decision for the order. In answer to a question from Tyler Ream, Ms. Niemann said she is looking for direction and feedback to this amendment and the timing of the implementation of the amendment. Mr. Ream said this amendment is a step forward. He is confident in their ability to adhere to the amended order to allow spectators at school activities. He believes the Helena School District (HSD) has a strong plan in place for spectators that they could implement quickly and even have a soft launch right now. In answer to a question from Mr. Murgel, Mr. Ream said the HSD is working to have consistency with the school districts when developing their plans. Tim McMahan, Athletic Director for the Helena School District, said the plan is defined, as an activity spectator pass. Distribution would be initial contact with families to identify who will be receiving passes. In that definition, it is defined as immediate family and limited two per fans. Those passes would be distributed to the immediate family, which is defined as individuals living in the same home as the participant or, in the case of a separated family, a parent residing in another home. Those passes would only be for those identified by a form that will be sent to the kids and then returned before passes will be handed out. Superintendent Ron Whitmoyer with East Helena Public Schools said East Helena's plans is similar to Helena's and follows the recommendation of Public Health. In answer to a question from Mr. Berg, Ms. Niemann said, we have already seen cases associated with back to school and school activities in our county. Ms. Niemann could ask the State for an epidemiology report for other counties if need be. Ms. Niemann said she did not have an exact case number for Lewis and Clark County at that moment, but could follow up with additional information if the board desired. Mr. Berg also voiced his concern regarding a number of people coming together whom may or may not physically distance or wear their masks, which will then lead to more cases and contacts. He felt we are moving too fast. In answer to a question from Mr. Murgel, Mr. McMahan said, at this time HSD and other Double A schools are not having out-of-town spectators. The HSD wants to see how it goes with home spectators before allowing out of town spectators. Dan Rispen, Principal at the East Helena School District, said their submitted plan has different levels: A, B, & C. Level A would only allow two parents or caregivers per student

participant in the contest and only for the home team. We would consult with Public Health when deciding on changes to the plan. In answer to questions from Brie McLaurin, Mr. Ream said parents of the athletes and school officials have been working together on a plan to address those not following the physical distancing and mask requirements at school events. Dr. Harkins, with St. Peter's Health (SPH), said SPH is in unified command with Public Health and that is why our community has been successful at keeping this virus at bay, so we don't overwhelm our health care system. We agreed to the layering and gradually increasing risk to prevent the virus from spreading, but then to contain it quickly when you have an outbreak. We do support spectators, not getting into the order, interoperations, and legal pieces, but staying in our lane and presenting to the community what we believe is a safe way to introduce spectators as a next layer of risk. Mr. McMahon explained the actions they took when a student did become COVID positive along with direct contacts to that student. In answer to a question from Mr. Berg, Dr. Harkins said the COVID virus can affect the organ systems and the disease process can last for months. It can happen, but it's not often or easy to predict who that might happen to. In our community, very few of our COVID positive patients have required any hospitalization. We have had only 13 COVID positive patients that have need hospitalization most have recovered some 3-5 months out. In answer to a question from Commissioner Hunthausen, Ms. Niemann said Public Health had asked the school districts to submit their plans as soon as possible for review. We do have them, and they are in the review process right now. We anticipate within the week they will be complete. In answer to questions from Ms. Eck, Dr. Ream said the HSD's would need the plans approved today in order to have the plans in place for this weekend's scheduled sporting events. Dr. Ream also clarified his earlier remarks regarding soft opening and their ability to have spectators at the two weekend home games.

There being no further board member discussion, Ms. Eck made a motion to approve the amendment. Commissioner Hunthausen seconded it. Ms. Eck made a clarification to her motion to approve the Health Officer Order 10-2020 effective immediately and that statistics will be updated to the amendment to the effect of current status.

Mr. Murgel open the discussion up for public comment.

Kim Beatty said kids have been practicing with their sports teams for two weeks and school has been back in session for a week. We have only 14 active cases with a population of 69,000. No people are in the hospital. One new case has been reported in the last 7 days. We have flattened the curve. Parents have submitted a spectator plan to the Health Department on August 25 and schools submitted spectators plans on August 27. All are strict and conservative. All require wearing masks, social distancing, and sanitizing. Schools working with parents, athletic directors, MHSA, and OPI will be well-positioned to ensure the continued safety of our community by allowing our parents to participate in our children's lives. I would like to focus on how quickly Public Health believes they can review and issue decisions on our spectator plan. I know that the Public Health Department has as added almost 50 employees to their staff in the past few months to address COVID-related issues. I urge this board to allow spectator plans and to approve them in time for parents to attend sporting events this weekend.

Tyler (No last name given) said, as you look at this count that Mr. Ream and Mr. Tyler had mentioned about trying to follow other Double A schools and you keep using this number of 250. Let's, for instance, use football. You have players on the sideline at the Double A level, [and] it's a little different over at East Helena, you're going to have 60 to 70 players on the sideline. That's only two participants per each one. That puts you at 140. I think it's important to recognize many of these players have split custody situations, where they have a stepfather or stepmother also brothers and sisters. You have 60 to 70 participants; football is going to be the most. Not that volleyball, soccer, cross-country and golf is not just as important, but not having a provisions in place right away for all the parents. Keep in mind that at the

Double A level, we have already lost two football games. We are losing the two non-conference games. Now were down to eight. The longer it takes to go into this situation... these seniors are missing out. Please factor that in if you can say we can have 250 at a soccer or football game, we will have some flexibility to be able to have both sets of parents along with stepfather or mother. If you approve for 250, how can we get there? I do believe we can social distance. The parents have come out strong saying that we need to do temperature checks. We will social distance. We will police ourselves. We will make sure, because it is important that they all be there.

Kim Ramorini, Superintendent and Principal at Augusta Schools, thanked everyone for their hard work. I would like you to implore some consideration and some common sense towards our smaller schools and communities. Our board is checking in with Helena schools and getting their input and talk of other Double A schools. What about our smaller schools. What about our Class B schools. We are in this county. We are a town of 400. We are a high school of 20. We have one single fall sport team, which is volleyball with 8 girls on it. We are not all schools with hundreds - if not thousands - of students with multiple sports. Every decision we make based on Helena and the large schools there [is] an even more massive effect and impact on our smaller community schools. We have done our work. We have completed a great reopening plan with our local county health department. We submitted a plan for spectators long before this rule came into place. Please allow our school district to make their own plans and their own decisions for the sake of kids, which [is] our number one priority as well; not just the public health board. Every decision made in Helena has a huge impact on our small schools. I would really like you to be thinking of them when you are making these decisions.

Phil McGovern, with the Helena Youth Soccer Association, said that they have the honor of hosting the Helena high school soccer games. Today I am talking more about our games. The Helena Youth Soccer Club has a competitive side to it that plays teams out of town. I would like to thank the Board, Ms. Niemann and the sanitarians I have been working with. It is very heartening to see that youth sports is included in that draft. Our plans have focused on the spectators and being allowed to have them. I am more concerned where they go when they are not at our fields. In the summer, we separated the field and marked how many personnel were on the field to be under 50. We were allowed to have designated areas for spectators in which we separated them by families. We would be willing to have everyone wear masks regardless of the six feet spacing. We can even go as far as cones and barriers between sittings. The Bozeman Blitz vs the Helena Arsenal. I just want you to keep in mind there are other useful things to do to bring in people from out of town. If that is still our focus as part of the spectators, we will need some guidance on that. I believe the high schools, the agencies, and our soccer club can keep people safe. We can keep them separated on the fields and do what we have to do for the kids. We did it this summer. We are good at it. If we continue to focus on where the spectators go after their game, we have to put it on the adults to be responsible that when they go into Town Pump that they wear their mask like they are supposed to and watch their congregation. There are certain parts that the school district of [we] can control.

Amy Pfister said there appears that there is an assumption made that by not allowing out-of-area spectators to attend these athletic events that they will not travel. That it's an assumption that they are going to stay home. I can tell you that as a parent, I believe this is [a] very inaccurate assumption that is being made. I ask why wouldn't we provide [a] safe, socially distanced environment that is controlled, sanitized, and everyone is wearing masks. Instead of having no control over those spectators who technically can go freely to a restaurant, a bar, a tailgate, or even a home gathering to watch that game, which we can do freely today. I would like to ask you to pause and ask yourselves, why can parents today go to a restaurant in any city in any state. Why can we go buy a ticket to an event like a monster truck rally in any city or state but there is hesitation on the Boards part to allow those same parents to sit and

socially distance in a masked environment watching our children? I encourage you all to allow all parents to attend games safely. Allow them to be there to not only mentally and but physically support their children.

Tom Rolfe Candidate for County Commission, thanked the Board for making this easy for the public to be involved. Please think about the mental health concerns that have been caused over the last few months by isolation for the family, friends and the family activities that have be squelched. When I think of people dying in the hospitals by themselves, it bothers me. It's time for us to consider working towards helping people get together safely. I encourage you to work in that direction. I was bothered by the folks in the school districts [who] were told that it would take too much time to get the problem solved and maybe open up things faster. This is where those of us that seek to participate in public policy feel can step out and try to move timelines up a bit and try to make things happen for the public. I can encourage you to do that. Let's look at the long-term effects of isolation from family and friends that is so much a part of who we are.

Howard DesRosier- thanked the Board for holding this meeting. I would like to know how overwhelmed our health care system [has] been. How many beds do we have at St. Peter's for COVID? How many have been used and how many are available for COVID? If you don't know the information, how many people under the age of 64 in our state that have died from COVID? I think that would be a good place to start. If you understand the virus, our kids have worked out all weekend, all year, all week, and every month this summer. Their bugs are our bugs. I fail to see how, as Ms. Niemann said, that it would be a far greater risk to add fans in the stands. Social distancing outside with masks, which are above your guidelines by the way, how that increase the risk to our community.

Stacy Springer said my comments are in support of creating a safe, socially distanced, self-controlled gathering of a limited number of spectators at community, youth and sporting events. Regarding spectator plans for these events, the streamline submission and review of spectator plans both of the volunteer organizations who created them and for the Health Department with the responsibility reviewing and approving these plans, I respectfully ask for guidance to these volunteer community organizations and I ask for expedited review and feedback of these plans. There are organizations that do events this weekend and parent would very much like to be there. Every child deserves the support of family being present at their events. It deepens relationships. They need family there in case of the awful immediate health care event that may occur in these sporting events and for the mental health of the youth in our community. My request is not based on an entitlement position of parents but rather out of deep compassion for the variety of families that makes up our community. We have traditional families, blended families, and step-families. Having families there at events in a limited number shows their kids that what they are doing is important. It reiterates that this is good for their mental health and combats the isolation that so many kids and families have felt during this time.

Representative Julie Dooling said that Dr. Ream pointed out that that they have already had experience with graduation this year allowing parents in a large area. I don't think needs to put a time limit on this as to when this can be implemented. The school districts have already done this. They have already gone through graduation. They have already had their practice run. Let them implement what they have. They know their school districts better than we do. I am concerned that these kids' activities are receiving extra scrutiny when they are not even in the high-risk demographic. Their parents and grandparents are, but these kid's activities are receiving a lot of extra scrutiny when there are other events going on in Helena alone that have allowed other people older adults, higher demographics to continue on. I feel that has been a little unfair. Last week I was in on a Zoom meeting organized by the Health Department. Ms. Niemann's presentation expressed that they need to take personal responsibility. Please let us take

personal responsibility. Let the schools do their job. Let them take care of the kids and let us take personal responsibility for ourselves. We will mask up. We will do the right thing.

Representative Mary Ann Dunwell said I don't think that everyone is comfortable with anything that is going to be decided. I am not completely comfortable with the amendment. It's the best that Public Health Department can do. I just finished listening to today's press conference by Governor Steve Bullock. It struck me that he said that we are averaging 800 case weekly statewide. He also encouraged people to be cautious this Labor Day weekend because we are certainly not out of the woods. This is a new normal. I do appreciate the fact that you are looking at the time frame for rolling out the spectator part of the plan. I would like to see us wait two weeks incubation period that Public Health Officer Drenda Niemann mentioned especially after Labor Day weekend. I am parent who has raised a son. I was a sports mom and I understand the value of a family coming together to watch their children. Our community is a team as well. The rules sportsmanship are respect. I would encourage our community to exercise respect and to adhere to the enforcement at these games. Wear masks and social distance. We do know that the Dr. from St. Pete's said when we scream, yell, and cheer for our team it propels droplets. We need to be cognizant. This Labor Day we are going to thank all the workers who have helped get us through this coronavirus. From the front line, medical and public health professionals, teachers, and our parents, I encourage us to thank them.

Jenise Cockhill thanked Dr. Harkins for all of your thoughtfulness regarding this issue. I would like to comment that the intent of this special meeting was to address youth sports and high school activities. My comment is for Ms. Niemann and the rest of the Public Health team, please give priority to all of the schools in Helena and the rest of the county when reviewing spectator plans. The teams and sports that are in progress right now will be over soon. Those parents will be missing opportunities to cheer on their children. Put those plans first.

Heidi Freeland Kester, registered nurse in the community, I am not commenting under the capacity with Blue Cross Blue Shield HMK. I am commenting as a registered nurse for 14 years. My question is the safety our students on the field and the parents being there in case of an injury. Yes, we have accepted the risk as parents that our children are in sports. I am fearful for us as a community in Helena. It's a cross in the paper that a child was injured and had to be Life Flighted out. The parent was not there to make the call. Something happened [unintelligible] loss of a limb. There are a lot of Life Flights that go on in this state. They are children injuries. There are lot injuries that do happen in sports. I have a big concern how did we even get to this where the parent is to be separated from their child while playing contact sports. I would like us all to think about that as well if we could. Helena is the only one where a parent can't be with the child. I don't think we want to go down that road. We should have an answer as soon as possible of our spectator plan that we have submitted.

Dan Purdom, thanked the Board. I have been to every single baseball, football game for my kids. Never missed one in my child's life. I don't want to start now. I have already had to miss two. For this to keep going and not to be approved right now and for me to be able to attend my kids scrimmage tonight. But apparently that is not going to happen. My kid is 18 and a senior at Capital High. This is a season where scouts are out looking at our kids to get scholarships and to perform at their highest level. My kid wants to be the best he can be. For us not to be able to cheer and get behind our kids that are on the field to be the best they can be is a slap in the face to everybody that has a kid in football or volleyball. I wanted everybody on the Board to know that it is important to us parents. I wanted you to hear if from the community and the parents that for us to not to be there to cheer for my kid. If you think that parents not cheering for kids on the field is very important to those kids, you can go ask any Capital High kid if they

have heard Titan Prudom's father screaming from the stands. I guarantee you every one of them knows what I sound like. I'll be darned if I am going to miss any more games for my son.

Silver Beaty, said my husband is deployed so it's already hard enough with the idea of my kids not having their dad to be at their events. There is a family in this community that has a father that is terminally ill and has two kids in sport right now. I want to encourage the Board to whoever has these plans to prioritize them. Every weekend is weekend that that family and their father is not getting to watch his sons play.

After no further public comment, the motion carried 7-1.

Ms. Niemann thanked the Board of Health and said that it was important that she had the support from the Board before she moved forward with any amendment to the order. She will commit to making the amendment effective today. We also commit as a Health Department to work back with all of the schools in the county as well as community and youth sports organizations to ensure that spectator plans are reviewed in a timely manner.

There being no additional public comment on matter not mentioned above, the meeting adjourned at 2:58 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary