

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

Members Present by Zoom

Justin Murgel, chair
Commissioner Andy Hunthausen, vice chair
Mayor Wilmot Collins (departed @ 3:00 p.m.)
Brie McLaurin
Kammy Johnson
Dr. Mikael Bedell
Jenny Eck (departed @ 3:00 p.m.)
Raymond Berg
Tyler Ream

Staff Present by Zoom

Drenda Niemann
Eric Merchant
Kathy Moore
Damian Boudreau
Jolene Helgerson
Jennifer McBroom
Jess Hegstrom

Guests Present by Zoom

Charles Lane, Deputy County Attorney

Members Absent

Justin Murgel, chair, called the meeting to order at 1:02 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 October 22, 2020, minutes. There being none, the Board approved the minutes as written. No public comment was given.

BOARD MEMBER DISCUSSION

Suicide Prevention Update: Jess Hegstrom, Suicide Prevention Coordinator, gave an update on the Suicide Prevention Program (see Attachment “A”). Ms. Hegstrom highlighted the programs goal, training grants, training goals, partnerships, Mayors Challenge, Military Strong, Man Therapy Campaign, challenges to the program, next steps. In answer to a question from Mr. Murgel, Ms. Hegstrom stated that the SAMHSA (Substance Abuse and Mental Health Services Administration) Grant ends on October 21, 2021. SAMHSA allows the program to apply for a no-cost extension and carry over unspent funds. Ms. Hegstrom announced that there is additional grant funds for mental health in which they will be applying for. No public comment was given.

Water Quality Protection District (WQPD) Update: Jennifer McBroom, WQPD Program Supervisor, gave an update on the WQPD (pages 7-29 of the board packet). Ms. McBroom highlighted the programs budget, strategic goals, education, and projects. No public comment was given.

ACTION

Mr. Murgel opened the discussion of the draft Emergency Rules and Regulations in Response to the COVID-19 Pandemic at 1:38 p.m. and explained the official board procedure. Drenda Niemann, Health Officer, referenced the Lewis and Clark County Attorney's letter to the Board of Health (page 32 of the board packet) and provided a summary of the draft Emergency Rules and Regulations in Response to the COVID-19 Pandemic (pages 34-48 of the board packet). The Board, with the assistance of Deputy County Attorney Charlie Lane, reviewed the draft emergency rules and regulations. After board member discussion, the Board made the following changes:

Triggering Criteria-page 3 of 16

- Added Community Compliance as a weighted factor of 5
- Changed Health Department Capacity to a weighted factor of 3
- Changed Testing Capacity to a weighted factor of 3
- Changed Disease Surveillance to a weighted factor of 2
- New trigger criteria sum is between 0 and 46

Healthcare System Capacity- page 3-of 16

- Added the VA as a consultant with Public Health and St. Peter's Health (SPH)

Rules and Regulations Definitions- page 8-9 of 16

- Added "Capacity" means the number of people allowed in a building as determined by the fire marshal.
- Added "Event" and "Gathering" means planned or spontaneous grouping of people, indoors or outdoors, with people participating or in attendance. This includes, but is not limited to, a community event or gathering, government event or gathering, concert, festival, conference, parade, wedding, or sporting event.
- Added "or assembly" to the definition of "Government Office."
- Removed "This may be measured against actions taken by similarly situated locations in the community" from the definition of "Reasonable measures."
- Added "Schools" means any public or private k-12 school and post-secondary.

Mask Requirement-page 9-of 16

Face Covering Requirements in Indoor Spaces Open to the Public

- Added the word "schools", and "staff, students" to the description

Exceptions-page 10 of 16

- Added item "vi" to "persons temporarily removing their face covering for identification purposes; or"
- Added item "vii persons required to remove face coverings for the purpose of receiving medical evaluation, diagnosis, or treatment."
- Removed "vi. persons who have a medical condition precluding the safe wearing of a face covering."

Event Restrictions-pages 10 of 16

- Event plans submittal-removed the word "ten" and replaced it with "thirty"
- Youth Activities-removed the word "not"
- Added, "Schools are exempt from the 250 person limit with an approved plan by Lewis and Clark Public Health."

Building Closure-page 11 of 16

- Changed “Building Closures to “Location Specific Restrictions”
- Added “All businesses, government offices, and locations with indoor space open to the public shall:
 - Conduct a health assessment of employees and personnel at the beginning of each shift.
 - Anyone with symptoms of COVID-19 must be sent home. These include cough, difficulty breathing, fever, repeated shaking with chills, the chills, body aches, headache, sore throat and new loss of taste or smell.
 - Require physical distancing of at least 6 feet between individuals and non-family groups in gatherings of any size.
 - When mask restrictions are in effect, all points of entry open to the public shall have a clearly visible sign posted stating: “Mask or face covering use required for ages five and older.” Signs are available
<https://montana.maps.arcgis.com/apps/MapSeries/index.html?appid=7c34f3412536439491adc2103421d4b>
- Added Capacity section
 - Gyms, restaurants, Bars, Breweries, Distilleries, and Casinos shall operate at 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. - 10:00 p.m.
34 < (sum) < 46	50%	4:00 a.m. - 10:00 p.m.

- Changed Capacity in all gyms, restaurants, bars, breweries, distilleries, and ~~and~~ ~~casinos~~ must be limited to 50 designated percent of normal operating capacity and hours of operation ~~to allow for adequate group spacing.~~
- Removed “Establishment” and replaced with “Dining establishment”
- Removed “These businesses will be required to close their doors and have all patrons out by 10:00 p.m. Businesses may reopen after 4:00 a.m.”
- Added “Additional guidance and recommendations for specific locations are accessible at <https://www.lccountymt.gov/health/covid-19/phase-two-guidance.html>.”

Enforcement-page 12 of 16

- Replaced “Building Closures” with “Location Specific Restrictions”
- Step 3- Order for corrective action
 - Added “ii” to in person with assistance from law enforcement is necessary
 - Added “d” An order for corrective action may include additional and more restrictive requirements consistent with these regulations until compliance is achieved.”

Duration-page 15 of 16

- Added ... “removed by the Board of Health.”

Signature-page 15 of 16

- Added “Chair, Lewis and Clark City-County Board of Health”
- Added “Health Officer”

Raymond Berg made a motion to open the public comment period of the draft Emergency Rules and Regulations in Response to the COVID-19 Pandemic. Commissioner Hunthausen seconded the motion. The motion carried 7-0. Mr. Murgel announced that public comment can be submitted by emailed to

publichealth@lccountymt.gov or to jhelgerson@lccountymt.gov; mailed to Lewis and Clark Public Health c/o Jolene Helgerson 1930 9th Ave. Helena, MT 59601; or faxed to Jolene Helgerson at 406-457-8890. The public comment period is open from December 3, 2020, through December 16, 2020, until 5 p.m. All comments will be considered by the Board prior to rule adoption. Any changes to the proposed regulations resulting from significant comments received during the official public comment period, will be identified by the Board when they consider their final approval on the adoption of the regulations. Final considerations of approval and adoption of proposed regulation will occur via Zoom at a special scheduled board meeting on December 17, 2020, from 1-3 p.m.

PUBLIC COMMENT

No public comment was given.

HEALTH OFFICER'S REPORT

The health officer report will be emailed to the board.

There being no further public comment, the meeting adjourned at 3:19 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary