

**LEWIS AND CLARK CITY-COUNTY
BOARD OF HEALTH – MINUTES
1930 9th AVE, HELENA, MONTANA 59601
Zoom Meeting, 1:00 p.m.
December 17, 2020**

Members Present by Zoom

Justin Murgel, chair
Commissioner Andy Hunthausen, vice chair
Mayor Wilmot Collins (arrived @ 1:06 p.m.)
Brie McLaurin
Kammy Johnson
Jenny Eck (arrived @ 1:05 p.m.)
Raymond Berg
Tyler Ream

Staff Present by Zoom

Drenda Niemann
Eric Merchant
Kathy Moore
Damian Boudreau
Jolene Helgerson
Dorota Carpenedo
Heather Parmer

Guests Present by Zoom

Charles Lane, Deputy County Attorney

Members Absent

Dr. Mikael Bedell

Justin Murgel, Chair, called the meeting to order at 1:01 p.m. A quorum was established. Introductions of board members were made.

REVIEW OF AGENDA

No changes were made. No public comment was given.

ACTION ITEM

Adoption of the Board of Health COVID-19 Response Emergency Rules & Regulations:

Mr. Murgel opened the discussion of the adoption of the Board of Health COVID-19 Emergency Rules and Regulations (pages 3-18 of the board packet) at 1:01 p.m. and explained the official board procedure. Commissioner Hunthausen requested for a brief summary of the previous meeting explaining the purpose for the emergency rules for the public's benefit. Drenda Niemann, Health Officer, announced that the purpose of the emergency rules is to add to a comprehensive approach to responding to a global pandemic. Lewis and Clark County has had to rely heavily on non-pharmaceutical interventions because there is no vaccine available at this time. The mitigation strategies that have been in place since March have helped slow the spread of COVID-19 in Lewis and Clark County. The measures taken to help slow the spread have helped keep businesses and schools open in our communities. Without these efforts, a stricter lockdown may have been needed. These local rules will help ease the transition from Governor Bullock's directives and Governor-elect Greg Gianforte's unknown directives or approach. It is the reasonability of the Lewis and Clark City-County Board of Health to continue with the COVID-19 protections that are already in place within Lewis and Clark County until we are at a place where we can lift the restrictions. The rules and regulations that are put in place by the Board of Health are grounded and supported by Montana Code Annotated Title 50. Ms. Niemann announced the rules and regulations that were put in place by Governor Bullock related to bars, restaurants, casinos, breweries, and distilleries will remain along with adding gyms to the location specific restrictions. New triggering criteria have been added to determine the implementation of which rules, if any, shall remain in place along with enforcement, duration, and authority. Written public comment that was received during the public

comment period was reviewed by Ms. Niemann and the Board of Health. Based off the public comments, Ms. Niemann would like to have further board member discussion on the removal of the medical exemption in the mask requirement; the requirement of a written event plan for youth activities (community based and school sanctioned); review of the definition of “schools” to include Carroll College, Helena College, and private schools; and the spacing of tables in establishments.

In answer to a question from Commissioner Hunthausen, Charles Lane, Deputy County Attorney, stated the COVID-19 Emergency Rules and Regulations that were drafted will go away once the triggering criteria score falls below a minimum score of 18. The triggering criteria will be reviewed by the Board of Health every 30 days to make that determination. Further board discussion can be had to determine different periods, to be more specific if needed, or to be in place during a national emergency or a state or local declaration of emergency. Commissioner Hunthausen said at the request of the County Commissioners, that further discussion be had on determining the durations of the rules and regulations.

In answer to a request from Commissioner Hunthausen, Mr. Lane provided a summary and explanation of the letter he wrote to the Board of Health, which was part of the December 3, 2020, board meeting (see Attachment “A”).

In answer to a question from Raymond Berg, Ms. Niemann explained how the Emergency Declaration went into effect and how declaring an emergency declaration has allowed resources to help communities during the pandemic.

Board member discussion was had regarding the requests made by Ms. Niemann earlier in the board meeting. After this discussion, the Board made the following motions for approval:

- Kammy Johnson made a motion to amend the definition of “Schools” to include Carroll College, Helena College, and Private schools in to the rules and regulations. Jenny Eck seconded the motion. The motion carried 8-0.
- Ms. Johnson made a motion to strike the word “and or tables by” from “Dining establishments must provide for 6 feet of physical distancing between groups and or tables by.” Commissioner Hunthausen seconded the motion. The motion carried 8-0.
- Commissioner Hunthausen made a motion that the duration of the Rules and Regulations shall be in effect upon adoption by the Lewis and Clark City-County Board of Health and remain in effect for the duration of the local, state, or national declaration of emergency, whichever is longer, or until removed by the Board of Health. The Board of Health shall review these Rules and Regulations at each regularly scheduled meeting of the Board of Health. Ms. Johnson seconded the motion. The motion carried 8-0.
- Ms. Johnson made a motion to amend “II. Mask Requirement” to “II. Face Covering Requirement”. Mayor Wilmot Collins seconded the motion. The motion carried 8-0.
- No amendments were made to “III. Event Restrictions- youth activities.”
- Commissioner Hunthausen made a motion to adopt today’s public comment question and answer section of the Zoom recording as well as the public comment received during the public comment period. Ms. Johnson seconded the motion. The motion carried 8-0.

Mayor Collins and Commissioner Hunthausen read their letters addressed to the Board of Health from the City of Helena Commission and the Lewis and Clark County Commission.

Raymond Berg made a motion to adopt the Board of Health COVID-19 Response Emergency Rules & Regulations. Kammy Johnson seconded the motion. Mr. Murgel opened the motion up for public comment.

Dr. Ann Anglim, St. Peter's Health (SPH), spoke about the stress that the hospital is under and their ability to provide care to the entire community. Dr. Anglim addressed the letter that was submitted to the Board of Health from SPH. On behalf of SPH, Dr. Anglim is in support of the adoption of the BOH COVID 19 Emergency Rules and Regulations.

Dennis Rivera, Helena resident and small business owner, expressed his concerns about how the regulations will affect his business to fully operate and be prosperous. Mr. Rivera does not support adoption of these regulations.

Dax Cetraro, Helena resident, spoke about the complaint process against an establishment and requested staff look into the possible false complaints made against establishments that are following the rules and regulations.

Jill Marie-Steeley, CEO of PureView Health Care Center, is in favor of the COVID-19 Emergency Rules and Regulations in order to prevent the spread of COVID-19 and to reduce the stress on our health care system.

Deb Halliday, Helena resident, is in full support of the COVID-19 Emergency Rules and Regulations.

Ryann Christman, Helena resident, referenced 2 paragraphs on page 2 of the draft COVID-19 Emergency Rules and Regulations. Ms. Christian spoke about the CDC guidelines that are being excluded in the draft regulations specifically directed towards removal of "vi. persons who have a medical condition precluding the safe wearing of a face covering" found on page 10 of the draft regulations. How this violates the Americans with Disabilities Act and Individuals with Disabilities Education Act.

Brian Ditear, Helena resident, referenced data showing an increase of case among families who live in the same household and social gatherings vs. the possibility of acquiring the virus while using gym or workout facility. Mr. Ditear is not in support of the COVID-19 Emergency Rules and Regulations.

Pete Donovan, Helena resident, is in support of the COVID-19 Emergency Rules and Regulations. Mr. Donovan also expressed his concerns regarding the lack of a mask mandate during the Legislative Session.

Dan Purdom, Helena resident, expressed his concerns regarding the removal of the regulations when there are no triggers to keep the regulations in place and the duration of a national emergency based on local decision.

Sean Logan, Helena resident, does not support the COVID-19 Emergency Rules and Regulations. He expressed his concerns with the removal of the mask exemption for health reasons, limited public engagement, and the lack of public awareness regarding the draft rules and regulations.

Patrick Webb, with American's for Prosperity Montana, expressed his concerns about emergency powers. Government's role in protection of public health will always raise constitutional concerns. COVID restrictions on the community should be temporary and limited as much as possible.

Heidi Friedlander, Helena resident, does not support the adoption of the COVID-19 Emergency Rules and Regulations. Ms. Friedlander did submit a letter regarding her concerns about the proposed COVID-19 Emergency Rules and Regulations and the effect it has on those who live in poverty in the Lewis and Clark County.

The motions to adopt the COVID-19 Emergency Rules and Regulations carried 8-0.

There being no further public comment on matters not mentioned in the agenda, the meeting adjourned at 3:07 p.m.

Justin Murgel, Chair

Drenda Niemann, Secretary