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| Description                | Board of Health, 311 W. Main, Bozeman, Third Floor, Community Room |  |                 |
| Date                       | 05/26/2011   | Location   | Board of Health |
| Time                       | Speaker  | Note   |                 |
| <a href="#">6:54:04 AM</a> |  | <p><i>Members Present:</i> Robin Cory, Berk Knighton, Brian Leland, Bill Murdock, Gretchen Rupp, Buck Taylor, Carson Taylor<br/> <i>Excused:</i> Barbara Vaughn, Laura Larsson<br/> <i>Deputy County Attorney:</i> Christopher Gray<br/> <i>Staff:</i> Matt Kelley, Toni Lucker, Tim Roark, Liz Wildman<br/> <i>Public:</i> Michael Tucker</p> |                 |
| <a href="#">7:04:20 AM</a> |  | <b>Meeting Called to Order</b>   |                 |
| <a href="#">7:04:33 AM</a> |  | <b>Disclaimer for Audio Broadcasting</b>   |                 |
| <a href="#">7:04:55 AM</a> |  | <b>Public Comment on a Non-Agenda Item - none</b>  |                 |
| <a href="#">7:05:06 AM</a> |  | <b>Consent Agenda</b>  |                 |
| <a href="#">7:05:16 AM</a> |  | Berk requested the Professional Research Consultants, Inc. (PRC) contract be pulled from the Consent agenda.   |                 |
| <a href="#">7:05:33 AM</a> | Motion   | Buck made a motion to approve the consent agenda as we find in the packet with removal of the PRC contract for further discussion.   |                 |
| <a href="#">7:05:46 AM</a> | Second   | Robin seconded the motion.   |                 |
| <a href="#">7:05:49 AM</a> | Vote   | <p>Roll Call:<br/> Berk - yes<br/> Robin - yes<br/> Brian - yes<br/> Carson - yes<br/> Bill - yes<br/> Gretchen - yes<br/> Buck - yes</p> <p>The motion passed unanimously.</p>  |                 |
| <a href="#">7:05:58 AM</a> |  | <b>Contract</b> - Professional Research Consultants, Inc.<br>Berk requested clarification regarding where the work would be conducted. Matt explained the contract was for making phone calls from the PRC office in the state of Nebraska.  |                 |
| <a href="#">7:06:44 AM</a> |  | Robin requested that the Prevention Alliance subcommittee be invited to the PowerPoint presentation of the findings.   |                 |
| <a href="#">7:07:12 AM</a> | Motion   | Berk made a motion to approve this contract.   |                 |
| <a href="#">7:07:15 AM</a> | Second   | Robin seconded the motion.   |                 |
| <a href="#">7:07:17 AM</a> | Vote   | <p>Roll Call:<br/> Berk - yes<br/> Robin - yes<br/> Brian - yes<br/> Carson - yes<br/> Bill - yes<br/> Gretchen - yes<br/> Buck - yes</p>  |                 |

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|                            |        | The motion passed unanimously   |
| <a href="#">7:07:26 AM</a> |        | <b>Regular Agenda</b>   |
| <a href="#">7:07:30 AM</a> |        | <b>Decision to Approve the Proposed FY12 Gallatin City-County Health Department Budgets</b>   |
| <a href="#">7:07:40 AM</a> |        | Gretchen reported on the Budget Subcommittee meeting and asked Matt to present updated information.   |
| <a href="#">7:08:00 AM</a> |        | Matt updated the Board on the budget information and recommended the Board approve the budget with the restoration of the \$25,000 into the capital reserve that the commission was considering taking - keeping in mind it is the commission's prerogative to restore or not.  |
| <a href="#">7:12:25 AM</a> |        | Matt reported on the subcommittee discussion about what is an appropriate reserve for a health department to carry from year to year and about setting a policy to address a public health emergency, such as a long-running outbreak. Matt looks forward to continued discussion about the health department reserve policy with the Board and the commission.   |
| <a href="#">7:14:05 AM</a> |        | He reported on his discussions with other health agencies about their reserve requirements and goals. He found from 60-90 day reserve was the goal of most health departments. Ed Blackman made an informal suggestion of a 2 mil. reserve that equates to a 60-day reserve or \$439,000 for FY12. Currently, the reserve is under the goal by about \$20,000.  |
| <a href="#">7:17:26 AM</a> |        | Board discussion followed.  |
| <a href="#">7:22:06 AM</a> | Motion | Carson made a motion to approve the budget with the \$25,000 reserve maintained.  |
| <a href="#">7:22:23 AM</a> | Second | Buck seconded the motion.   |
| <a href="#">7:22:27 AM</a> |        | Board Discussion<br>Brian expressed that he will not vote for the budget due to concerns he shared at the subcommittee meeting - if there becomes a lack of establishment inspections or there is an outbreak, etc., he wants it on the record that a decision is being made that puts public health at risk in order to take care of a problem created by the county commission.                       |
| <a href="#">7:26:46 AM</a> |        | Bill added that the advocacy approach is to recommend a budget that serves our needs so he suggested recommending a budget as needed. He expressed that there is no need to make decisions based on the county needs.   |
| <a href="#">7:28:47 AM</a> |        | Buck added discussion that he is in support of the Health Officer.  |
| <a href="#">7:29:14 AM</a> |        | Robin asked if the EHS position would be reinstated later? Funding for the position goes away for half of the year. This is the bargain the Health Officer struck with Ed Blackman towards the county finance problem. If the Board wants the position restored, the board can recommend so.  |
| <a href="#">7:30:02 AM</a> |        | Steve white came in   |
| <a href="#">7:32:29 AM</a> |        | Carson expressed his concern that as a policy maker, as commissioners, when a situation comes up to spend money, he wants every group involved to give a realistic assessment of what can be done to make it work. He agreed to let the county know where we are worried. He will support the budget as moved.  |
| <a href="#">7:37:15 AM</a> |        | Berk acknowledged the Health Officer's work on the budget during these tough times. His greatest fear is in the long run the commissioners will ask why the department needs more when work has been on-going for 18 months without those positions. Berk expressed that he is relying on the Health Officer's judgment and will support the budget but wants to ensure that this cannot be a long-term |

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|                            |                | approach.   |
| <a href="#">7:40:55 AM</a> |                | Robin expressed her support of Matt and the budget committee. She is concerned and wants to hear from Tim about the EHS position.   |
| <a href="#">7:42:13 AM</a> |                | Tim noted the loss of an experienced sanitarian, lost capacity, that set the department back. He wants the position back so the senior staff can do their skill set. His immediate concern is the complaint program and how to respond with a decrease in capacity. EHS has limited ways to gain revenues. The department can make due.                 |
| <a href="#">7:45:44 AM</a> |                | Matt added discussion that he made the case regarding losing the position and now it is up to the commission.   |
| <a href="#">7:47:40 AM</a> |                | Brian added that the cuts made last year were due to the economic down-turn. Not this year. The county has other options. He suggests to amend the motion and stick the position back in.   |
| <a href="#">7:49:01 AM</a> |                | Bill added context to the issue of the county taking \$25,000 from the reserve funds.   |
| <a href="#">7:51:57 AM</a> |                | Carson added his concern of the risk of the existing employees taking up the slack and being overtaxed for an extended period of time.  |
| <a href="#">7:55:50 AM</a> |                | Gretchen suggested voting on the motion on the floor and then follow-up with a motion of our signing statement re: our budget concerns  |
| <a href="#">7:56:30 AM</a> | Vote           | Roll Call:<br>Berk - yes<br>Robin - yes<br>Brian - No<br>Carson - yes<br>Bill - abstained<br>Gretchen - yes<br>Buck - yes<br><br>The motion passed.   |
| <a href="#">7:57:03 AM</a> | Motion         | Robin made a motion to voice the Board's concern about the elimination of the Environmental Health Specialist and that it be re-instated at the beginning of the fiscal year. Matt helped to form an amended motion:  |
| <a href="#">7:57:58 AM</a> | Amended Motion | Robin made a motion to authorize the Health Officer to voice concern on behalf of the Board in the form of a letter about the Environmental Health Specialist position and the Health Officer will delineate the reason for that concern from the department to the county commission.  |
| <a href="#">7:58:20 AM</a> | Second         | Berk seconded the motion.   |
| <a href="#">7:58:47 AM</a> |                | Board discussion: Carson added that by not complaining harder we will lose in the long run - workers having to do too much, cutting of positions that ought to be funded, potential minimization of the reserve, and the concern we will be expected to "soldier up" all of the time to the detriment of the health of the citizens of Gallatin County. |
| <a href="#">7:59:37 AM</a> |                | Berk added that when we become overworked, our ability to respond to the public in a timely fashion will be sacrificed and further erodes people's belief in government and public operations.  |
| <a href="#">8:00:45 AM</a> | Vote           | Roll Call:<br>Berk - yes<br>Robin - yes<br>Brian - Yes  |

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|                            |                 | Carson - yes<br>Bill - yes<br>Gretchen - yes<br>Buck - yes<br><br>passed unanimously.  |
| <a href="#">8:01:16 AM</a> |                 | <b>Authorization for Gallatin County Attorney's Office to File Action Entitled "Gallatin City-County Board of Health v. Jerald E. Swenson (Lexley Acres Mobile Home Park.)"</b><br><br>Buck had to leave   |
| <a href="#">8:01:22 AM</a> | Chris Gray      | The Deputy County Attorney requested authority from the Board to file this legal action. Chris provided background information to the Board.   |
| <a href="#">8:02:28 AM</a> |                 | Currently, Lexley Acres is operating without a license; therefore, per state code 50-52-106, the Board is required to file an action in district court against Jerald Swenson and Lexley Acres Mobile Home Park.   |
| <a href="#">8:04:05 AM</a> | Board Questions | Chris responded to the Board's questions: the Health Officer found it inappropriate to validate the business license based on the findings - 1) the appropriate number of sites for mobile homes was not properly listed in the license, 2) operating without proper authorization from DPHHS, as well as no proof of adequate sewage treatment. |
| <a href="#">8:04:58 AM</a> |                 | Chris defined Declaratory Action - having the court declare the party is in violation of the law (operating without a license); Injunctive Relief - to ask the court to stop them from operating without a license as well as stop them from operating without adequate and safe water and sewer system.   |
| <a href="#">8:05:46 AM</a> |                 | More Board discussion followed.  |
| <a href="#">8:08:16 AM</a> |                 | Board discussion about the budget for this activity.   |
| <a href="#">8:10:23 AM</a> | Motion          | Bill made a motion to authorize the Gallatin County Attorney's Office to file action entitled Gallatin City-County Board of Health v. Jerald E. Swenson as described by Chris Gray.  |
| <a href="#">8:10:38 AM</a> | Second          | Carson seconded the motion.  |
| <a href="#">8:11:28 AM</a> | Vote            | Roll Call:<br>Berk - yes<br>Robin - yes<br>Brian - Yes<br>Carson - yes<br>Bill - yes<br>Gretchen - yes<br><br>The motion passed unanimously.   |
| <a href="#">8:11:45 AM</a> |                 | Deputy County Attorney had to leave.   |
| <a href="#">8:11:52 AM</a> |                 | The Board requested strategy discussion.   |
| <a href="#">8:12:38 AM</a> |                 | Matt suggested holding an executive session with Chris at the next meeting to have this conversation.  |
| <a href="#">8:12:54 AM</a> |                 | <b>Health Officer Report</b>   |
| <a href="#">8:13:03 AM</a> |                 | Matt reported on the pertussis case last week - of concern due to a daycare with a significant # of exemptions and the potential for an outbreak was there.  |

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| <a href="#">8:14:00 AM</a> |  | Good News - DEQ has contacted us and will take a closer look at lagoons around the county and prioritize wastewater systems of concerns.  |
| <a href="#">8:14:49 AM</a> |  | <b>Subcommittee Reports</b>   |
| <a href="#">8:14:53 AM</a> |  | The Budget Subcommittee met and the Wastewater Subcommittee did not meet.   |
| <a href="#">8:15:30 AM</a> |  | Tim reported on his attendance at the Board of Environmental Review hearing, per Board request where he read the Board of Health's recommendation into the record. Lewis & Clark county also attended and were in support of the rule change. The next step is DEQ must respond to comments before moving forward to rule adoption. |
| <a href="#">8:16:15 AM</a> |  | The Prevention and Air Quality subcommittees did not meet.  |
| <a href="#">8:16:26 AM</a> |  | Berk reported that the American Lung Association's State of the Air Report gave Gallatin County a C grade for particulate pollution. He discussed what this means in relation to days of pollution exceedances. Billings and Great Falls received an A grade.   |
| <a href="#">8:19:54 AM</a> |  | Tim discussed the schedule for updating the health code - chapters 1 & 3. Chapter 3 is started and will continue once final adoption of the variance criteria, sometime this summer. He requested the subcommittee meet soon to renew the process.  |
| <a href="#">8:20:49 AM</a> |  | The Board asked about the hearing scheduled for July 1st.   |
| <a href="#">8:21:05 AM</a> |  | Carson asked the Board for some time at the next Board meeting to discuss the hearing procedure.  |
| <a href="#">8:21:36 AM</a> |  | Meeting adjourned.  |