

<b>Description</b>	Gallatin County Courthouse Community Room, 311 W. Main, Bozeman, MT		
<b>Date</b>	08/22/2013	<b>Location</b>	Board of Health
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:53:10 AM</a>		<p><i>Board Members Present:</i> Robin Cory, Steve Custer; Becky Franks, Berk Knighton, Gretchen Rupp, Joe Skinner, Carson Taylor  <i>Excused:</i> Laura Larsson; Buck Taylor  <i>Deputy Attorney:</i> Erin Arnold  <i>Staff:</i> Matt Kelley, Toni Lucker, Tim Roark, Jill Steeley</p> <p><b>These log notes provide only a part of the official record. The remainder of the official record is in the audio recording of the meeting. Section 2-3-212 MCA. The audio recording is available upon request.</b></p>	
<a href="#">7:03:20 AM</a>		<b>Meeting called to order</b>	
<a href="#">7:03:25 AM</a>		<b>Disclaimer for Audio Broadcasting</b>	
<a href="#">7:03:30 AM</a>		<b>Public Comment</b> - none	
<a href="#">7:03:53 AM</a>		<b>Consent Agenda</b>	
<a href="#">7:04:05 AM</a>	Matt	Matt clarified that the packet also included the DEQ contract for subdivision reviews	
<a href="#">7:04:28 AM</a>	Motion	Becky made a motion to approve the consent agenda as written	
<a href="#">7:04:36 AM</a>	Second	Robin seconded the motion	
<a href="#">7:04:38 AM</a>	Vote	<p><u>Roll Call:</u>  Robin - yes  Steve - yes  Becky - yes  Berk - yes  Gretchen - yes  Joe - yes  Carson - yes</p> <p>The motion passed unanimously.</p>	
<a href="#">7:04:48 AM</a>		<b>Regular Agenda</b>	
<a href="#">7:05:01 AM</a>	Gretchen	The Board Chair reordered the agenda for decision making purposes.	
<a href="#">7:05:15 AM</a>		<b>Officer Elections</b>	
<a href="#">7:05:18 AM</a>		Officer elections through next June 2014. Gretchen accepted nominations for Chair and Vice Chair.	
<a href="#">7:05:44 AM</a>	Motion	Joe made a motion to retain the current officers	
<a href="#">7:05:47 AM</a>	Second	Carson seconded the motion.	
<a href="#">7:06:01 AM</a>		Discussion of the motion included acknowledging the great job done by the officers.	
<a href="#">7:06:24 AM</a>	Vote	<p><u>Roll Call:</u>  Robin - yes  Steve - yes  Becky - yes  Berk - yes</p>	

		Gretchen - yes Joe - yes Carson - yes  The motion passed unanimously.
<a href="#">7:06:43 AM</a>		<b>Discussion and Decision Regarding Morgan Trailer Court and Approval of Civil Action against Gene Morgan</b>
<a href="#">7:07:11 AM</a>		Introduction of Erin Arnold, Deputy County Attorney in the civil division
<a href="#">7:07:18 AM</a>		Gretchen reminded the Board that the discussion is about potential legal action and potential privacy issues
<a href="#">7:07:47 AM</a>		If the Board determines that legal strategy must be discussed, then the meeting will adjourn and reconvene as a closed session
<a href="#">7:08:30 AM</a>		Matt presented the facts using a PowerPoint format with the goal to approve civil action in order to compel corrections and mitigate health risks.
<a href="#">7:19:33 AM</a>		<b>Board question:</b> Did Mr. Morgan know about this meeting? <b>Answer:</b> The meeting was publicly noticed
<a href="#">7:21:59 AM</a>		<b>Board question:</b> Is that standing water next to the well head? <b>Answer:</b> Tim confirmed.
<a href="#">7:26:21 AM</a>		<b>Board question:</b> When did the Morgan Trailer Court begin operating? Is this a long standing problem? <b>Answer:</b> First licensed in 2005.
<a href="#">7:27:50 AM</a>		<b>Board question:</b> If the trailer is provided by Mr. Morgan, the landlord, is he required to have two workable exits? <b>Answer:</b> The Health Department does not inspect for this; it is not part of the trailer court rules. Not sure if there are any local or county fire codes or if the Fire Marshal would inspect for that.
<a href="#">7:35:04 AM</a>		Matt deferred to Erin to advise the Board on legal implications and how to move forward. Erin described a complaint for declaratory relief and injunctive relief.
<a href="#">7:36:26 AM</a>		The Board asked Erin, if the Board authorizes legal action and the judge grants an injunction, what happens in the trailer court and what is the timeline?
<a href="#">7:36:48 AM</a>		Erin described that once the judge approves the preliminary injunction, which takes about 10 days, then the court would grant the permanent injunction and Mr. Morgan would be ordered to come into compliance. If he does not comply, he will be in contempt of a court order, a misdemeanor punishable by a \$500 fine or 6-months in jail.
<a href="#">7:37:45 AM</a>		What happens to the residents during the preliminary injunction? Mr. Morgan would be required to send eviction notices.
<a href="#">7:40:17 AM</a>		Steve asked the deputy attorney if there was a requirement for the disconnection of the illegal septic connections? Erin answered yes, Mr. Morgan must come into compliance with the certificate of subdivision approval that requires the disconnections and to cease using the unpermitted septic tanks. There is also the option to upgrade the system? Discussions with Mr. Morgan would continue during the course of the proceedings.
<a href="#">7:41:29 AM</a>		Erin recommended that the Board notify the appropriate agencies regarding the concerns of the fire and electrical issues, as these are not the Board's purvue. She added that the Board has the power and duty to abate public health nuisances, and to assure safety and sanitary concerns.
<a href="#">7:42:24 AM</a>		Erin clarified that the court would order Mr. Morgan to comply with the existing Health Officer Order - to comply with the certificate of subdivision approval,

		sanitation subdivision act, the statutes regarding trailer courts and the Department of Public Health and Human Services regulation regarding trailer courts; and Chapter 3 of the local health code.
<a href="#">7:43:11 AM</a>		Steve asked about wells and if the redrilling and sanitary seals are part of the court action? Matt stated it would be part of the subdivision review process. It is unclear what is there so need a professional engineer to tell us what is there and present a plan to make it right.
<a href="#">7:44:47 AM</a>		Gretchen asked about a possible intermediate measure - what are the options in between what the department has already pursued and filing legal action? Erin explained some administrative actions the Board could pursue but she does not see that it would produce any change.
<a href="#">7:46:24 AM</a>		<b>Board question:</b> Robin asked Matt when the investigations started. <b>Answer:</b> Occurred since May.
<a href="#">7:46:42 AM</a>		Erin discussed that the investigation started due to a hanta virus death possibly linked to trailer 85. Once winter months come, there is great concern about hanta virus as mice seek refuge in the trailers. The Board is seeking to stop non-compliance now and protect the health of the tenants.
<a href="#">7:47:24 AM</a>		Robin asked if the tenants know this is happening? The tenants know the health department is working to find solutions related to the garbage but not so much the septic and water issues.
<a href="#">7:48:24 AM</a>		Erin advised that the Board does not have a legal duty to notify tenants, but is something the Board could do.
<a href="#">7:48:44 AM</a>		Gretchen expressed concern about fairness. <b>Board question:</b> She asked how do we assure that trailer courts in the county are in compliance?
<a href="#">7:49:18 AM</a>		<b>Answer:</b> Matt described the health department process for inspecting trailer courts. Trailer courts are inspected annually.
<a href="#">7:51:23 AM</a>	Motion	Carson moved to authorize and approve civil action against Gene Morgan regarding the Morgan Trailer Court based on the information we received in this hearing and only in this hearing, involving inadequate water and wastewater systems, noncompliance with septic/subdivision regulations, inadequate sanitation, and continued habitation of trailers with general safety concerns.
<a href="#">7:52:03 AM</a>	Second	Steve seconded the motion.
<a href="#">7:52:50 AM</a>		Carson suggested that if anyone thinks that anything they have heard potentially involves confidentiality or privacy issues of individuals, in order to make their decision, then we need to go into executive session to have that discussion. Carson feels the presentation is more than adequate to begin the civil actions described by the county attorney.
<a href="#">7:53:29 AM</a>		Each of the Board members discussed their positions regarding the motion.
<a href="#">7:56:40 AM</a>	Vote	<u>Roll call:</u> Robin - yes Steve - yes Becky - yes Berk - yes Gretchen - yes Joe - yes Carson - yes  The motion carried unanimously.

<a href="#">7:56:52 AM</a>		Discussions on whether to direct the Health Officer to assist tenants
<a href="#">8:01:20 AM</a>		Erin agreed with the discussions and the Board's concerns and thought it would be fair for the Board to notify the tenants that there has been action filed and to leave it at that. She advised not to set a precedent for any future action.
<a href="#">8:01:57 AM</a>		The Board asked Erin for the timeline - once she files action, a show cause hearing will occur within 10 days where the judge would either grant or deny the preliminary injunction. Board discussion continued.
<a href="#">8:06:22 AM</a>		<b>Subcommittee Reports</b>
<a href="#">8:06:26 AM</a>		Gretchen reported that the Environmental Health Subcommittee has not met
<a href="#">8:06:32 AM</a>		Steve reported to the Board on letters re-sent to MSU faculty indicating studies the Board thinks would be appropriate at the student level to help us understand some of the problems.
<a href="#">8:07:03 AM</a>		Gretchen sits on the LWQD Board as the representative of the Board of Health. She reported that the 13 year district manager, Alan English, resigned this month. The LWQD Board is interviewing finalist candidates next week.
<a href="#">8:07:49 AM</a>		Steve expressed the Environmental Health Subcommittee's need for assistance from the Deputy Attorney as the subcommittee moves forward on working on local regulation rewrites. Erin is aware and will make it happen.
<a href="#">8:09:06 AM</a>		Tim reported on his two day meeting in Helena. DPHHS is proposing to adopt 2013 federal health code for food safety. If implemented at the state level, it would occur in six months. At that point, it would be a good time to rewrite our regulations to incorporate the change by reference.
<a href="#">8:10:18 AM</a>		DEQ committee is reviewing their technical circulars, a process that starts and stalls. Tim suggested moving forward on the septic regulation re-writes as appropriate and deal with the technical circulars once DEQ has implemented.
<a href="#">8:10:47 AM</a>		(Becky had to leave)
<a href="#">8:11:45 AM</a>		Gretchen reiterated to Erin the need for legal work on the Chapter 3 rewrite, which has been stalled since 2005. Erin will pass on this information to Mr. Lambert.
<a href="#">8:12:11 AM</a>		Prevention committee has not met. The Healthy Gallatin committees are meeting and moving forward.
<a href="#">8:12:25 AM</a>		<b>Health Officer Report</b>
<a href="#">8:12:34 AM</a>		Matt reported to the Board about the training that the accreditation coordinator attended that started the one year timeframe to submit documentation.
<a href="#">8:12:56 AM</a>		The last two weeks have been busy with the Morgan Court situation.
<a href="#">8:13:04 AM</a>		Matt reported that the health department was not one of the recipients of the home visiting grant this year. Now working to fill the budget hole.
<a href="#">8:13:24 AM</a>		Back to school immunization clinics are on-going
<a href="#">8:13:47 AM</a>		Influenza season is coming up with flu-shot clinics being created.
<a href="#">8:14:05 AM</a>		Expressed appreciation to the Board for attending a meeting two weeks ago to discuss possible litigation, but due to public notice problem, could not go forward.
<a href="#">8:14:32 AM</a>		Gretchen commended the health department on the new web site - attractive and user-friendly and she looked at some restaurant reports and made decisions accordingly. <a href="http://www.healthygallatin.org">www.healthygallatin.org</a>
<a href="#">8:15:13 AM</a>		Steve asked if the Board wanted to proceed into having the fire and electrical issues

		at Morgan Court looked at? Matt will call the fire and power departments.
<a href="#">8:15:49 AM</a>	Jill Steeley	The Human Services Director's child starts kindergarten in September and may impact her attendance at the Board meetings - she may be late. She invited the Board to contact her if they have any questions about her department.
<a href="#">8:16:28 AM</a>		Meeting adjourned.