RESOLUTION NO. 2021-004

A RESOLUTION RECOMMENDING APPOINTMENT OF THE INTERIM GALLATIN CITY-COUNTY HEALTH OFFICER BY THE CITY OF BOZEMAN AND GALLATIN COUNTY COMMISSIONS

WHEREAS, the Gallatin City-County Board of Health ("Board") was created by interlocal agreement between Gallatin County and the City of Bozeman;

WHEREAS, the Gallatin City-County Health Officer ("Health Officer") was appointed by the Board pursuant to its duty at § 50-2-116(1)(a), MCA (2019), to appoint and fix the salary of a local health officer;

WHEREAS, the Health Officer oversees the operations of the Gallatin City-County Health Department and its staff;

WHEREAS, the Health Officer also carries out those duties at § 50-2-118, MCA, which include the duty to make inspections of conditions of public health importance; to issue orders to correct, destroy, or remove such conditions; and to take steps to protect the public from imminent health threats;

WHEREAS, acting Health Officer Matt Kelley has provided notice of his resignation, effective in June 2021, and the Board is in the process of recruiting a new Health Officer;

WHEREAS, to ensure the continuity of operations of the Gallatin City-County Health Department and the protection of the public health and environment, the Board wishes to appoint an Interim Health Officer, to be effective upon the current Health Officer’s resignation if a candidate has not yet been hired to act as Health Officer in a permanent capacity;

WHEREAS, the Montana Legislature recently passed, and Governor Greg Gianforte signed into law, House Bill 121 ("HB 121");

WHEREAS, HB 121 became effective immediately and rescinds the authority for local health boards to appoint a health officer; instead, local boards must now recommend the appointment to the “governing body”;

WHEREAS, the Legislature also recently passed House Bill 257 ("HB 257"), which supersedes portions of HB121, but includes the same requirement that boards of health now propose appointment of the health officer to the governing body;
WHEREAS, it is anticipated that Governor Gianforte will sign HB 257 into law;

WHEREAS, Section 1 of HB 121 defines “local governing body” as

(a) the board of county commissioners that oversees a county local board of health;
(b) the elected governing body of a city that oversees a city local board of health;
or
(c) the entity identified as the governing body as established in the bylaws, interlocal agreement, or memorandum of understanding creating a city-county local board of health or a local district board of health.

WHEREAS, neither HB 121 nor HB 257 describe how the new appointment process must be performed for local health boards that are overseen jointly by a city and county;

WHEREAS, pursuant to HB 121 and HB 257, the Board is now limited to recommending appointment of the health officer to Gallatin County and the City of Bozeman, the local governing bodies;

WHEREAS, the Board therefore desires to recommend that Gallatin County and the City of Bozeman appoint Lori Christenson as Interim Health Officer, commencing June 7, 2021, if a permanent Health Officer has not yet been appointed to replace Health Officer Kelley; and

WHEREAS, Lori Christenson qualifies to serve as Health Officer pursuant to § 50-2-116, MCA, as she is a person with a master’s degree in public health.

NOW, THEREFORE, BE IT RESOLVED, that the Board recommends Gallatin County and the City of Bozeman appoint Lori Christenson as the Interim Gallatin City-County Health Officer, commencing June 7, 2021, if a permanent appointment has not been made for the position of Gallatin City-County Health Officer.

DATED this 5th day of May, 2021.

Becky Franks, Chair
Gallatin City-County Board of Health

ATTEST:

Eric Semerad, Clerk & Recorder