BOARD OF HEALTH
SPECIAL MEETING
MINUTE SUMMARY
January 23, 2019
3:00 PM

MEMBERS PRESENT:
Jeff Burrows
Wayne Chilcote
Roger De Haan

Members Absent:
Katie Scholl
Mick Turner

STAFF PRESENT:
Chris Taggart, minutes
John Palacio, RCEH
Lyndsay Stover, MTUPP
Dan Browder, Civil Counsel

STAFF Absent:

Guests Present:

The special meeting was called to order at 3:04 PM by Chairman Jeff Burrows

II. NEW BUSINESS:

Jeff pulled up LC0378 on the smart board and explained that Mr. Ron Marshall requested a letter of support pertaining to this bill. The bill draft is being amended to including vaping use.

(d) Sells or gives a child a tobacco product alternative nicotine product or vapor product as defined in 16-11-302, along with some proposed strike-outs.

Lyndsay stated the newly proposed language is somewhat redundant. MTUPP attorneys are reviewing this proposal. Access law is semi vague as well. There currently are no penalties when an over 18 person buys products for an underage person.

Dan spoke about the Access Law Title 16 and stated that there is a definite difference between Title 16 and this proposal.

Lyndsay asked if the BOH could even write a letter of support or would that be considered lobbying. Jeff said yes BOH can write a letter of support. BCC is asked for support all the time.

Discussion ensued.
Roger moved to approve writing a letter of support and have BOH chairman write, sign and send out on BOH behalf. Seconded by Wayne. Public comment on motion: none. All voted “aye” (3-0).

I. OLD BUSINESS:

1. Draft Preliminary MOU – Review final draft with possible decision (Dan Browder)

Jeff pulled up latest draft on smart board. Roger brought up his memo of concerns (11/14/18) (handouts).

Discussion ensued.

Today’s draft MOU mark up:

BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 
BOARD OF HEALTH RESOLUTION NO. 

MEMORANDUM OF UNDERSTANDING:

WHEREAS, the Ravalli County Board of County Commissioners (BCC) and the Ravalli County Board of Health (BOH) wish to clarify their respective roles and responsibilities; and

WHEREAS, the BOH has various statutory duties under Title 50, Chapter 2, Part 1, MCA; and

WHEREAS, the BOH has insufficient funding or means for hiring and employing officers and staff; and

WHEREAS, the BCC sets the County budget and has authority and capacity to hire and manage employees.

NOW THEREFORE, the BCC and BOH mutually agree on the following terms to delineate their respective responsibilities and duties:

1. Procedures pertaining to the Ravalli County Health Officer

1.1 During the County’s preliminary budget process, the BOH shall provide a recommendation to the BCC a salary for the Health Officer, to be supported by any relevant information.

1.2 The BCC shall determine whether the recommended salary can be allocated, or recommend a different salary to the BOH. The BOH and BCC shall collaborate on determining a salary that meets both parties’ requirements.

1.3 If the BCC and BOH agree on an appropriate salary, the BOH shall fix that salary as agreed upon, according to § 50-2-116(1)(a), MCA.
1.4 If the BCC and BOH cannot agree on an appropriate salary for the Health Officer sufficient for the Health Officer, the parties shall resolve their disagreement according to Section 4 below. After the dispute resolution process has completed, the BOH shall fix the Health Officer’s salary accordingly.

1.5 The BOH shall consider, select and appoint the Health Officer according to § 50-2-116(1)(a), MCA.

2. Procedure pertaining to other employees of the Department of Environmental Health, Public Health Nursing Department, or Tobacco Coordinator

2.1 During the hiring process for any employee of the Department of Environmental Health, Public Health Nursing Department, or Tobacco Coordinator, the BCC will solicit input from the BOH and the BOH may participate in the hiring committee for those employees.

2.2 The BCC will provide and fund a secretary for BOH business and meetings.

3. Other funding and budget

3.1 Fines collected through BOH administered programs will be allocated to the BOH budget.

3.2 If the BOH obtains additional funding (for example through grant writing) the BCC and BOH will work together to administer the budget through the County Finance Office.

3.3 Because duties of the BOH described in MCA 50-2-116-(1) (f), (g), and (h) require an adequately funded Department of Public Health Nursing, Department of Environmental Health, and the Tobacco Coordinator, the BOH may participate in the budgeting process for these departments.

4. Dispute resolution

4.1 The parties will attempt to resolve any dispute over this MOU or the respective roles and responsibilities of the parties informally.

4.2 If the parties are unable to resolve a dispute informally, the parties shall submit their dispute to a committee of three.

4.3 The BOH shall choose one member for the committee; the BCC shall choose one member; and the two appointed members shall choose the third member.

4.4 If the BOH-chosen member and the BCC-chosen member cannot agree on the third member, the third member shall be chosen by ???????(MSU Local Gov, BCC/BOH rep, OEM Director,
4.5 The decision of the dispute resolution committee shall be binding, subject to appeal to the Twenty-First Judicial District Court.

4.6 The parties agree that if a decision is appealed, the Court shall consider the decision of the dispute resolution committee using a “clear error” standard.

APPROVED BY BCC ON ___________________________, 2019

BOARD OF COUNTY COMMISSIONERS:

______________________________  ________________________________
Jeff Burrows, BCC Chairman    Greg Chilcott, BCC Member

______________________________
Chris Hoffman, BCC Member

APPROVED BY BOH ON ___________________________, 2019

BOARD OF HEALTH:

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Jeff Burrows, BOH Chairman    Michael Turner, BOH Member

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Katie Scholl, BOH Member    Roger DeHaan, BOH Member

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Wayne Chilcote, BOH Member

Roger moved to forward today’s amended draft MOU onto BCC for review on February 06, 2019 at 11:00 AM. Seconded by Wayne. Public comment on motion: none. Discussion: none. All voted “aye” (3-0).

2. Ravalli County Wastewater Regulations Revision – discussion with possible decision (John P)

John explained that he and Roger have not had a chance to get together. Timeline suggested at the January 09, 2019 BOH meeting was to have a draft for the February 13, 2019 BOH meeting, and have the first reading to occur on March 13, 2019.

No BOH action taken. Will be considered on February 13, 2019 by BOH.
III: PUBLIC COMMENT:

None.

IV. NEXT MEETING:

February 13, 2019 at 3:00 PM

V. ADJOURNMENT:

Wayne moved to adjourn the meeting at 4:50 PM. Seconded by Roger. All voted “aye” (3-0).