

**BOARD OF HEALTH
MINUTE SUMMARY**

October 12, 2016

3:00 PM

MEMBERS PRESENT:

Jeff Burrows
Michael Turner
Katherine Scholl
Dr. Wayne Chilcote
Roger De Haan

Members Absent:

None.

STAFF PRESENT:

LuAnn Burgmuller, PHN
Carol Calderwood, MD, HO
John Palacio, RCEH
Neoma Greenfield, PHN
Chris Taggart, Minutes

Guests Present:

Rachel Parkin
Tim Burt
Elaine Burt
Joyce Burr
Michael Howell
Brian Appel
Heather Appel

The Meeting was called to Order at 3:00 pm by Chairman Burrows.

I. September 14, 2016 draft minutes:

Mick made a motion to approve the September 14, 2016 minutes as presented. Seconded by Wayne. Public comment on motion: none. Discussion: none. **All voted “aye” (5-0).**

II. CORRESPONDENCE:

None.

III. DEPARTMENT REPORTS:

Health Officer: Carol Calderwood

Convenient Care has been really busy. No flu diagnosed yet. Lots of mono, hand, foot and mouth and strep cases. Day cares and schools have a lot of pink eye and hand, foot and mouth. MRSA abscesses are happening along with a lot of strep skin infections. Wayne asked if more severe diabetic cases are being seen. Carol said there is no real way to track that. Katie asked if

there have been resistances to antibiotics. Carol said yes and it appears that resistances are increasing. She strongly suggested that the BOH get flu shots, shingle shots and wash your hands often.

Public Health Nurse: LuAnn Burgmuller

There was one case of Hepatitis A in Missoula in a food handler who managed the salad bar. Many Ravalli County citizens were also potentially exposed. Missoula failed to give notice to Ravalli County and PHN only found out about it via Facebook. Two dozen Hepatitis A vaccines were given within the first week. Lesson learned to communicate between counties. Flu season started October 1st and no cases have been seen yet. Her staff attended some classes. Angie became a car seat technician earlier this summer and twenty-seven car seats were installed this month vs seven last month. This program is a great service to community and a great program.

Neoma Greenfield, PH Emergency Prep Coordinator explained that everything is ready to go pertaining to grant submittal, deadline is this Friday.

RCEH: John Palacio

Septic permits are steady since July. Food establishments and inspections are moving along, including Apple Days. Last month there was a surge in submittals for subdivisions and SEA's.

IV. OLD BUSINESS:

1. Review with Finalization of the Isolation and Quarantine (IQ) Plan 2015
 - a. BOH review and discussion
BOH discussed reasons why no Resolution required. Neoma explained it is due to public comment.
 - b. Public comment
None.
 - c. BOH approval by motion
Mick moved to adopt the Isolation and Quarantine (IQ) Plan 2015 and rescind the Resolution. Seconded by Roger. Public comment on motion: Neoma said the 2015 will now be renewed as the 2016 NPI. **Motion rescinded due to 2016 NPI action to be taken (next item on agenda).**

2. Review with Finalization of the Non Pharmaceutical Intervention (NPI) Plan 2016
 - a. BOH review and discussion
BOH discussed NPI 2016.
 - b. Public comment
None.
 - c. BOH approval by motion
Roger moved to adopt the 2016 NPI Plan, which replaces the 2015 IQ Plan. Seconded by Mick. Public comment on motion: Mrs. Burr asked what is being isolated and quarantined. Neoma explained it is her job to prepare for any emergency and this plan specifically is for an outbreak. This NPI deals with individuals and gets larger from there. It also includes school closures, and travel and what is required before restrictions can be change or be lifted. Michael Howell said Resolutions helps avoid confusion when making motions and asked if rescinding the Resolution was on the agenda. Neoma explained that when a Resolution is approved, without accepting public comment, the

Resolution would have been approved illegally. Board discussion: none. **All voted “aye” (5-0).**

3. Review with Finalization of the 2016 Truck Wreck Protocol (TWP)

a. BOH review and discussion

None.

b. Public comment

None.

c. BOH approval by motion

No action required due to the 2016 TWP being approved at the September 14, 2016 BOH meeting.

3:30 PM Meeting recessed for Dan Browder, Civil Counsel, to arrive.

3:40 Meeting reconvened.

4. Long Avenue **continued**

a. Easement and Covenant Agreement

Per Dan and Rachel, they requested that the BOH start with the review of the Settlement Agreement.

b. Settlement Agreement and Release

I - 1 Admission:

Rachel stated that the Burts are still very uncomfortable with this statement in agreement. The Burts cannot agree to admission. BOH discussion: Mick, Katie, Wayne are comfortable with keeping it in. Roger asked if the Burts are willing to admit to anything. Rachel said any admission is not normally included in a settlement agreement. Any admission would be not appropriate with Rachel or the Burts. Admission was not one of the terms discussed previously. Mick asked if this is kept in, will that be a deal breaker. Rachel said yes. Jeff asked Dan if deal breaker is reached, to explain what is next. Dan explained that the point of the negotiations is to voluntarily settle the BOH's allegations that the Burts violated the regulations. The BOH has the claims against the Burts, and if the items violations cannot be settled and the Burts won't admit that they violated, the BOH has the option of litigation to ask a Court to determine that the Burts violated. It is up to the BOH. The process would include the BOH who would initiate the litigation with the County Attorney. Roger said it is his understanding that these agreements were discussed and considered to avoid litigation. Mick said if the Burts refuse you don't to admit their violation it was wrong, why would they agree to pay the fine? Rachel said in all settlements she has worked on, there has not been an admission of guilt and requested to not let this go to litigation. Jeff said that if the Burts signed the settlement for, the BOH to settle this out, we waive the rights to sue later on these violations. Rachel said if agreements are reached, yes the issues are over. Rachel said this is a public document not to mention that they have the easement agreement to have available to the public. The Burts did not agree to this language. Jeff asked Dan how the BOH would pursue litigation. Dan said within litigation the BOH can request the full fine. The BOH would file for a preliminary injunction that the property could not be used for any residential uses, which would require until full a contested hearing, which will include expert witnesses being called. Roger wanted to make sure Burts understand full

consequences. Katie explained that this is a violation of a regulation and the Burts will lose use of the property until the litigation is complete. Rachel said she is not convinced the court would grant the injunction.

3:55 PM - 5 minute recess was called in order for Rachel to speak with the Burts'.

3:59 PM Rachel and the Burts came back in and meeting was reconvened.

Rachel stated the Burts do not want to litigate this, but the Burts will not ~~remove this language~~ agree to the admission of violation. Dan requested that if the BOH wished ~~move~~ to initiate litigation, there should be a motion to that effect.

Mick moved to request that the County Attorney's Office move forward with litigation to solve the Long Avenue issues. Seconded by Katie. Public comment on motion: Rachel on behalf of Burts she would advocate to not litigate. Even if the County initiates litigation, the Burts will remain open for future discussion. Discussion: Roger asked if BOH action should be immediate or give Burts time to sleep on it. BOH said no move forward. **All voted "aye" (5-0).**

V. NEW BUSINESS:

None.

VI. Public comment

None.

VII. Next Meeting: November 09, 2016 at 3:00 PM

VIII. Adjournment:

Roger made a motion to adjourn the meeting at 4:05 PM. Seconded by Katie. All voted "aye". (5-0)