

TETON COUNTY BOARD OF HEALTH MEETING MINUTES

April 24, 2020

Present (via remote): Melissa Moyer, Ken Bassmann, Austin Moyer, Barb Shaffer, Tim Sinton, Jim Hodgskiss, Lin Wright, and Elaine Sedlack.

Guests (via remote): Sue Schilling, Dawn Gunderson, Dawn Baker, Lora Wier, and Melody Martinson (Choteau Acantha).

The emergency meeting was called to order at 3:04 pm by Melissa Moyer via phone or internet connections.

Public Comment: No members of the public were present.

Approval of minutes: The minutes of the March 27, 2020 meeting were reviewed. Jim moved the minutes be approved as written. The motion was seconded by Tim and approved unanimously.

Old Business: None.

New Business:

Governor Bullock's Plan to Re-Open Montana: Melissa reported the governor has a 3 phase plan to re-open the state during the COVID-19 pandemic with phase 1 beginning Sunday, April 26, 2020. The governor reports the state has done well during the shelter-in-place directive and the number of cases has steadily declined over the last 3 weeks. How long phase 1 remains in place before moving to phase 2 is unknown and depends on how well the state reacts to phase 1. People who are sick must self-quarantine and anyone arriving from out of state or out of the country must self-quarantine for 14 days. The governor said it is important to note that social distancing is to remain in place, frequent handwashing and disinfecting and the use of masks when out in public must be continued, and high risk individuals and those over 65 should continue to shelter-in-place. Working from home is encouraged. Employers are responsible to monitor employees to ensure they do not come to work when they are sick. They are also responsible for ensuring social distancing is maintained by limiting the number of employees or patrons in the building at one time. Business owners are encouraged to work with local health departments to develop plans before opening.

The steps in phase 1 include:

Sunday, April 26th: Churches can re-open.

Monday, April 27th: Retail businesses can re-open, some outdoor recreation is allowed and some organized youth activities are allowed.

Monday, May 7th: Restaurants and bars can re-open. Schools may re-open at the discretion of local school boards.

Gyms, pools, theaters, bowling alleys, and hot tubs must remain closed. Rodeos, and organized sports are still restricted as are gatherings of over 10 people. Even gatherings of 10 people or less must maintain social distancing.

Melissa reported the health department has developed written guidelines to help businesses as they prepare to re-open. It is up to individual owners whether they want to re-open at this time. Health department staff have begun contacting businesses especially those opening on April 27th and will be available over the weekend. Austin is working with restaurants and bars and Lora is contacting salons. Local churches are assessing whether to re-open and some may remain closed. Melissa reported the board of health and county attorney need to be prepared to deal with local issues. Local directives cannot be less restrictive than the governor's directives.

Emergency Health Rule Relating to Reopening During COVID-19:

Melissa said she has discussed with Joe Coble, Teton County Attorney, the need for an emergency rule concerning the re-opening of businesses and the possible requirement for written plans for proposed activities within Teton County. She is particularly concerned about possible graduation activities or other community wide activities like the yoga festival that was originally planned for June. She has proposed Emergency Rule EHR 20-2 which would allow:

1. The Teton County Health Officer or its designee, at their discretion, may require written plans of action for establishments, events, or activities, to reduce the risk of COVID-19 exposure during the Governor of Montana's phased re-opening to be submitted to the Teton County Board of Health.
2. The Teton County Board of Health will review submitted plans for approval, and provide a written response. If a plan of action is not approved by the Teton County Board of Health the establishment, event, or activity may be prohibited or restricted.

A discussion of the proposed emergency rule was held. Is it really necessary for all written plans to be reviewed by the board of health? If the board has to review all plans and votes to reject a plan Melody pointed out the open meeting law would have to be followed. The meeting would have to be officially noticed 48 hours in advance and the organizer given the opportunity to respond. It was pointed out that if that was required the plan would have to be submitted at least 1 week in advance of the proposed event or activity to give the board time to review it and notice the meeting. If there is a written plan the organizer would be required to follow the plan or be closed down.

After considerable discussion the proposed emergency rule was amended as follows:

1. The Teton County Health Officer or its designee, at their discretion, may require written plans of action for establishments, events, or activities, to reduce the risk of COVID-19 exposure during the Governor of Montana's phased re-opening to be submitted to the Teton County Health Department.

2. The Teton County Health Department will review submitted plans for approval and provide a written response. If a plan of action is not approved by the Teton County Health Department the establishment, event, or activity, may be prohibited or restricted. This decision can be appealed to the Teton County Board of Health.
3. The establishment, event, or activity, will be held to the standard of operation, as written in their plan, or they may be required by the Board of Health to cease to operate.
4. Violations of this rule shall be punished pursuant to Sections 50-2-122, 50-2-123, and 50-2-124, Montana Code Annotated.

Tim moved that EHR 2020-2 be approved as amended. The motion was seconded by Elaine and passed unanimously.

Yellowstone County Health Officer Order of March 16, 2020: Guidelines for eligibility to re-open bars, brew pubs, wineries, casinos, and food service operations to dine-in customers. Melissa said Joe Coble, Teton County Attorney, requested the board of health review and discuss this order. Melissa said Yellowstone County was requiring all facilities produce a written plan prior to re-opening. A short discussion followed. It was pointed out Teton County has a limited number of food service establishments and bars and between the Governor of Montana's fairly specific directive, the guidelines produced by Teton County Health Department, Austin's working relationship with those establishments, and the ability to apply the emergency rule HER 2020-2 if needed, the board of health did not feel it was necessary to require written plans from all establishments. They could be required on a case by case basis if necessary.

The meeting was adjourned at 3:50 pm. The next regularly scheduled meeting will be June 16, 2020 at 5:30 pm in the Teton County Courthouse conference room or by remote conferencing if necessary due to COVID-19 restrictions.

Tim Sinton, P.A., Chairman

Elaine Sedlack, Secretary

EHR 2020-02**EMERGENCY HEALTH RULE RELATING TO REOPENING DURING COVID-19**

WHEREAS, Section 50-2-116(2)(c)(i) provides that a local board of health may adopt regulations that do not conflict with 50-50-126, Montana Code Annotated (MCA) or rules adopted by the Montana Department of Public Health and Human Services;

WHEREAS, the World Health Organization has declared a pandemic from COVID-19; and

WHEREAS, an epidemic of the Coronavirus Disease (COVID-19) has occurred across the United States, including the State of Montana; and

WHEREAS, Teton County Health Department Incident Command has activated response plans and protocols to prepare for cases of COVID-19 in Teton County with success thus far; and

WHEREAS, the Teton County Health Department has also worked to identify, contact and test individuals in Teton County who have been potentially exposed to COVID-19 in coordination with the State of Montana DPHHS and the CDC;

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interest on Teton County and its people;

WHEREAS, however, the reignition of the economy and the status of the community's mental health is also vital and in the best interest of Teton County and its people; and

WHEREAS, safeguards have been implemented to mitigate the circumstances of this outbreak's impact on the services, personnel, equipment, supplies and facilities of Teton County; and

WHEREAS, based upon all of the above, the Governor of the State of Montana, in consultation with public health authorities, on April 22, 2020 implemented a plan titled "Reopening the Big Sky: A Phased Approach" ("Plan"); and

WHEREAS, the Plan provides specific, phased circumstances under which it is expected the State of Montana and its people may begin the process of opening previously closed or altered businesses, organizations and workplaces; and

WHEREAS, the Teton County Board of Health has determined that the Governor's Plan aligns with the County's priorities, needs, and circumstances as of this date;

WHEREAS, pursuant to Section 50-2-118 of the Montana Code Annotated, a local health officer in carrying out the purpose of the public health system shall take steps to limit contact between people in order to protect the public health from imminent threats; and

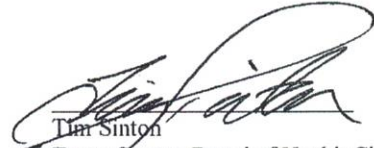
WHEREAS, to provide additional enforcement mechanisms under 50-2-124, MCA, the Teton County Board of Health desires to adopt an emergency health rule;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Title 50, Chapter 2, Part 1, and specifically Section 50-2-116 and 50-2-118 of the Montana Code Annotated,



1. The Teton County Health Officer or its designee, at their discretion, may require written plans of actions for establishments, events, or activities to reduce the risk of COVID-19 exposure during the Governor of Montana's phased reopening to be submitted to the Teton County Health Department.
2. The Teton County Health Department will review submitted plans for approval, and provide a written response. If a plan of action is not approved by the Teton County Health Department, the establishment, event, or activity may be prohibited or restricted. This decision can be appealed to the Teton County Board of Health.
3. The establishment, event, or activity will be held to the standard of operation, as written in their plan, or they may be required by the Teton County Board of Health to cease to operate.
4. Violations of this rule shall be punished pursuant to Sections 50-2-122, 50-2-123, and 50-2-124, Montana Code Annotated.

PASSED AND ADOPTED by the TETON COUNTY BOARD OF HEALTH this 24th day of April, 2020.


Tim Sinton

Teton County Board of Health Chair

ATTEST:


Paula J. Jaconetty, Teton County Clerk and Recorder

