

October 28, 2020

The Lincoln County Board of Commissioners met for a regular session on October 28, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Letcher, County Administrator Patrick McFadden, and Clerk and Recorder Robin Benson. Commissioner Bennett was excused.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance**.

10:30 AM **Administrative Issues:** Present were Shauneey Fisher, DC Orr, Rose Carayya, Heather Handy, Catherine Kahle, Edward Kahle, Tricia Brooks, James and Micki Handy, Derrick Perkins, Katrina Newton, Diane Watson, Barbara Pence, Paul Olson, Jeff and Tessa Sharp, Evan Comella, Rep. Steve Gunderson, and Michelle Boltz. Present was Ray Stout via phone conference. Present was Nikki Meyer, Eureka via VisionNet.

- Patrick submitted the annual renewal for the State of Montana Surplus Property Program for approval. Lincoln County is a participant for potential opportunities to purchase state or federal surplus property. **Motion** by Commissioner Letcher to approve renewal for the continued participation in the Surplus Program as submitted. Second by Commissioner Peck, motion carried.
- Commissioner Peck commented that he has received a request from Derrick Feeback to waive the late fee on his tax statement due to a mail mix up. The County Treasurer has recommended approval. **Motion** by Commissioner Letcher to waive late fees as presented. Second by Commissioner Peck, motion carried.
- Robin presented the minutes for October 21, 2020 regular meeting and October 15 EPA Update meeting for approval. **Motion** by Commissioner Letcher to approve minutes as presented. Second by Commissioner Bennett, motion carried unanimously.
- Sheriff Darren Short talked about implementation cost for the detention policy through Lexipol. The reimbursement for implementation costs has been preapproved by the Governor's office through the CARES Act. Cost is \$21,000 for Lincoln County which will be reimbursed. Darren is asking for a short loan through PILT to be reimbursed back. The commissioners asked Darren to place this on the agenda for further discussion.
- Clerk of Court Tricia Brooks talked about the need for a new microfilm machine and informed the commissioners that she visited with Robin and has been approved to use funds out of Records Preservation; total cost is \$5,870. Tricia said she does not want the service contract out of Twin Falls, Idaho and is looking for a local maintenance/repair provider. Tricia talked about potentially moving her parttime employee to increased hours and will come to the commissioners to update at a later time.

10:45 AM **Public Comment:** Present were Shauneey Fisher, DC Orr, Rose Carayya, Heather Handy, Catherine Kahle, Edward Kahle, Tricia Brooks, James and Micki Handy, Derrick Perkins, Katrina Newton, Diane Watson, Barbara Pence, Paul Olson, Jeff and Tessa Sharp, Evan Comella, Rep. Steve Gunderson, and Michelle Boltz. Present was Ray Stout via phone conference. Present was Nikki Meyer, Eureka via VisionNet.

DC Orr said the reason there is angst is that the public officer is putting in edicts without explaining why. DC talked about health risk from wearing masks. The Health Board and Health Department have their own Facebook page, but it does not allow comments for dialogue with the public. DC recommended the Health Board put up a question on their site regarding health risks from wearing masks to have public conversation about it. DC commented about the sensationalizing that is taking place and said the commissioners have an obligation to intervene.

Paul Olson said he was diagnosed with asbestosis and had to retire because of it. Paul was on oxygen for a while, changed living habits and now is 4 years not using oxygen. Paul said he does not wear a mask and never will. Paul explained that his own medical provider has said breathing in from masks contributes to bronchitis, and the bacteria can lead to pneumonia. Paul requested that the Health Officer, Dr. Black come out with scientific proof that upholds his regulations. Paul said he got covid test results back in 2 days, others wait a week and two weeks for results, postponing medical procedures. Testing monies should be sent to all medical facilities and questioned why Montana doesn't have the rapid testing and suggested that the commissioners should look into this. Paul expressed he feels that Governor Bullock is intentionally sitting on it. Paul expressed that all the mandates do is take our freedoms away. The public is fed up with all of this. Paul stated that health officials are not elected, and it's getting out of control.

Evan Comella expressed concern for business owners for being penalized from being snitched on and questioned if this is really going to happen here. Commissioner Peck said there are 2 businesses currently at the county attorney's office and it is under their jurisdiction.

Heather Handy said she is one of the businesses at the county attorney's office. Heather said that Dr. Black has never contacted her, other than a letter expressing potential jail time. Heather stated that she wants Dr. Black fired.

Katrina Newton questioned how Dr. Black can do this, since the state of emergency was revoked. Commissioner Peck said that President Trump's national emergency that is still in place allows governors to do this.

Paul Olson suggested that Heather request a jury trial.

James Handy asked if there has been any effort by commissioners to make changes to address public issues with Dr. Black and the Health Board. Commissioner Peck said the commissioners have no authority to tell them what to do, but discussions are taking place and commissioners can take action regarding the Health Board.

Michelle Boltz shared about her family history of 5th generation in Libby. Michelle commented there is a lot of consideration in the community about how to best handle this situation and expressed concern as a provider that if we

become inundated with covid cases in Libby, her concern is that it detracts from the ability to care for other patients. Right now, the hospital can admit patients, but if covid cases increase in the hospital, there is more conversation about hospital capacity. When that happens, people postpone care, surgeries and she wants to ensure this is part of the conversation.

Katrina Newton talked about the high amount of cases that are asymptomatic.

Shauney Fisher commented that decisions are being based on a test that does not test specifically for Covid-19 and expressed it is about monetary gain. Shauney said she is a nurse and that anything below an N95 mask does not work.

11:00 AM **The people's complaint against mandates and unaccountable "health" officers:** Present were Jennifer Curtiss, Katrina Newton, Kathleen Johnson, Neil A. Duram, Rachel Yoder, Diane Watson, Ed Kahle, Catherine Kahle, Heather Handy, Jacob Handy, James and Micki Handy, Sheriff Darren Short, Doug Cyrus, Matt Charlton, Pierce Barney, Matthew Barrett, Ruth McLaury and Paul R. Beaumont. Present were County Planner Jake Mertes, Michelle Byrd, Jennifer McCully, Kathi Hooper, and Derrick Perkins, Libby via VisionNet. Present were Nikki Meyer and Ray Stout via phone conference.

County Administrator Patrick McFadden commented that last week's meeting time was used up with a statement that was read. Today's meeting is a time set aside for more dialogue.

Catherine Kahle said she represents 697 people from the petition submitted last week. Catherine talked about businesses being snatched on and that two local businesses have been referred to the county attorney's office. Catherine said the people are requesting commissioners to act now. We the People of Lincoln County are not sheep and will not comply with communism or Nazi's. Covid data is manipulated data leading to a mandated vaccine. It is a plandemic, an illusion, and is all BS.

Commissioner Letcher stated that throughout the whole pandemic, everyone is sorting truth from both sides. Our job is to discern truth, and I agree somewhat regarding overreaching and facts. We have real issues to deal with and don't agree with the Governors mandates, but it is law until that changes and there are statutes that give him that authority. We cannot override the governor, but we can push back and disagree.

Katrina questioned the authority of the health officer, creating restrictions stricter than the governor.

Commissioner Peck said people's concerns are very clear and he completely disagrees with mandates, saying that you cannot mandate human behavior. There is no advocacy for masks, first we were told don't wear them, not we have new excuses, and we can argue that, but it comes down to statutes and the health board authority. Commissioner Peck said he is yet to have anyone in an elected position, or the attorney general disagree with the authorities. Those authorities are statutorily clear. Commissioner Peck expressed that he is aware that 460,000 people die per year according to the CDC from tobacco use, but people still have a choice. Commissioner Peck explained the different forms of government, but the point is that until someone shows me our authority to override the governor, we are putting the county at risk. We can think it's unconstitutional, but we do have some authority about the health board

Katrina said she understands the process but questioned who does the health board answer to if he has more authority than the governor. We should not have an appointed person in charge of the people. I understand that the law needs to change. Katrina asked if the authority is only during a declared state of emergency.

Commissioner Peck said emergencies are situational and explained the governor's ability to declare a state of emergency. Commissioner Peck commented that President Trump has declared a state of emergency still in effect. It is complicated and convoluted.

Catherine commented that if we do not stop this now, it will lead to a mandatory vaccination. We have a God given right to breath fresh air and considers it child abuse to force children to wear masks; it is a human rights issue.

DC Orr commented that constitutionally, the health board is on solid ground. The commissioners did set precedence before in 2016 when the commissioners did reorganize and restructured the health board. The commissioners still have that power and can exercise that power. The health board should be open to suggestions from the people they serve, and they are not listening to the public. During virtual public health department meetings, there is no public communication or dialogue.

Ed Kahle commented the commissioners took an oath to the constitution. He assumes the commissioners have read the petition. Ed explained that Montana is a sovereign state and Lincoln County has the right to adopt state mandates and the commissioners do have authority; mandates are not law. The state branch does not have authority, or why even have a constitution? The health board and its office pass mandates without communicating with the public, dictates their will and agenda onto the public at their will. Ed asked if the commissioners are going to take action to remove DR. Black, both the Montana State Constitution and code are being violated. Ed said he is requesting the removal of Dr. Black.

Paul said Dr. Black should define his use of "eminent danger", that is a broad term.

Rep. Steve Gunderson commented there may be a total rewrite of title 50, but right now we are not in session and explained the legislative process and how declarations of emergency work. Steve also commented that as a retired business owner his heart bleeds for our business owners.

Commissioner Peck commented that he wished the commissioners had more authority, but we do not.

Diane asked why there is no education on how to boost the immune system and stated the health board is not transparent at all. Diane commented that we have a very high recovery rate. Diane mentioned that OSHA regulations state that people are to be fitted for masks and questioned who is responsible for damage done to her. I want to know; it is about money. The public health messaging needs to be about increasing immune and health. Commissioner Peck agreed.

DC said the point Diane is making is masks can be detrimental to health and there will be lawsuits over that.

Katrina mentioned that 5 states have found mandates unconstitutional. The county can take action and uphold our rights by dissolving the health board.

Ed commented that both masks and vaccines should be a choice. The commissioners can make that bold statement.

James questioned the venues for grants; what are the actual numbers that have gone into the health department. James asked what the amount of covid money that specifically goes to the health department or the county in general.

DC commented there is an opportunity of the commissioners to put pressure on the health board to hold a public meeting to answer public questions. Dr. Black is making money off this which is against ethics, yet the commissioners sit here and allow it. We are at the point of breaking up/disbanding the health board and any new board needs education on how to attain public trust and allow for public communication.

Heather said she is one of the businesses that has been turned into the county attorney's office. The health board does not even obey their own rules and explained that she was kicked off a call but has received a letter informing her of potential jailtime and fines. Heather said that as a business owner she will not be liable to anybody's health. The health board has not even notified her. Heather said she appreciates what the commissioners do but she looks forward to the opportunity to fight this.

Catherine commented that the CDC states that Covid-19 has not been isolated, and testing gives results for all covid illness, there are others, not necessarily Covid-19. Tests do not say we have Covid-19. Covid-19 will never go away because of the way they have it set up.

Katrina said she helped collect signatures for the petition and questioned if the mandates outweigh the risk.

Robert commented that Dr. Black is ruining this community. If this is so bad, why isn't the homeless wiped out? There is no social distancing, hygiene is poor, no masks, but yet, the virus is not affecting them.

Commissioner Peck commented that he will spend more time reviewing the material submitted. Commissioner Peck said it has been an honor to work with infectious disease experts, and realizes we can go back and forth on those who this affects, we do know this virus is real. Commissioner Peck said he is looking at getting someone to run the health department website for improvements. The enemy here is the virus but agrees it has been manipulated and politicized. Commissioner Peck said he tends to agree that there are other public health issues. Lincoln County had 2 suicides last year and we have 9 this year. What are the detriments to kids not in school and wearing masks, increased suicide rate and substance abuse?

The following letter was submitted by Catherine Kahle.

Commissioners,

686+ Lincoln County residents hope that you have taken the time to read our petition and addendums. We are very concerned considering the recent events regarding the dictatorial actions of the Governor of this state trying to prosecute five Flathead businesses and developing his "tools" for people to anonymously snitch on business owners, who are fellow Montana residents. The Health Officer and Health Department of this county have referred two of our businesses to the County Attorney. We believe you need to act NOW!

Nazi military leader, Hermann Goring, was asked how he was able to turn the well-educated people of Germany into obedient slaves. He said, "That's a simple thing. The job of the government is to put the people in fear, and if you keep them in fear, you can get them to do anything you want them to do, that they will turn into sheep." We The People of Lincoln County are brave Americans who are not sheep. We will not comply with Nazis and Communists. We want and hope you have that same spirit and attitude.

Remember COVID 19 has not been isolated; therefore, ALL death and case numbers are manipulated data toward tyrannically taking our rights away, as well as leading us all toward a mandated RNA COVID19 vaccination. We want the Health Order of July 21st to be rescinded because the state of emergency was rescinded and there is no true pandemic. The out-of-control Health Officer needs to be removed. We want to know your ideas or plan toward the remedy of our complaints.

Thank you!

The following letter was submitted by Ed Kahle.

Commissioners we assume you have all read the Peoples Petition and have considered our demands of remedy to our grievance. You may assume you have no authority to exercise our demands due to the Governor's Executive Order and mandates. Lincoln County is sovereign to the State. Lincoln County proved its' sovereignty when the County State of Emergency was rescinded. Yet the County Health Officer is allowed to harass and threaten the People with no State of Emergency. The State of Georgia vs. the City of Atlanta against health mandates, August 2020. The court ruled that the State has no standing as Atlanta has sovereign immunity to the State and the people of Atlanta must file suit against the mandates. This is not unique to Georgia law. It is universal to all the States in the Union. Lincoln County is sovereign to the State of Montana so therefore Lincoln County has the right to adopt or not adopt the State mandates. Lincoln County has the authority to nullify the Governors

mandates. We have representative government not a dictatorship. If we continue to allow the State Executive Branch to have authority over us, then I ask you why do we have representative government and a Constitution anymore and what purpose does the Constitution serve? The State mandates are not law that is enforceable, and they violate the Peoples Constitutional rights. Article II section 8 of the Montana Constitution — the RIGHT OF PARTICIPATION has been abused and manipulated. The Health Board and Officer have the audacity to pass their mandates before receiving public input as the Constitution grants, making final decisions beforehand and in some cases deny comment by cutting someone off if it doesn't meet their status que. They have assumed supreme authority to dictate at their will with their agenda onto the public whatever they deem. Additionally, minutes of the meetings are not readily available to the public and advertising meetings to the public are veiled. In some counties such as

Yellowstone the Public Health Department have given themselves misleading privatized names such as "River Side Health" in the case of Yellowstone County. Are these entities incorporating to be privatized and is Lincoln County Health Board to do the same?

Are you going to take action and remove Dr. Black? What was this board's action against the Health Board in 2016? Are you going to make a public statement that the mandates are not law, enforceable, violate the People's Constitutional rights and are a choice of the People to make? Both the Montana State Constitution and Code are being violated in multiple ways. We The People demand remedy and that remedy is to remove Dr. Black and reign in the Health Board to perform for the People.

The following letter was submitted by Kelli Jarrett.

October 27, 2020

To The County Commissioners of Lincoln County, Montana:

I am concerned about the fact that you are choosing to address a petition of complaint that is full of conspiracy theory and completely unfounded assertions about "science" in a second meeting this week, after it was already previously presented and discussed. This petition is long and very broad, making assertions that are numerous and wide ranging. I will address as many of them as I can here as I am unable to attend your meeting on 10/28.

I have previously written to you about the importance of understanding scientific literature, but I believe it is worth repeating here as it is a large part of the inaccuracies in this petition. I spent 4 years in medical school, 3 years in residency, 1 year in fellowship, as well as 3 years in a Masters of Public Health program learning to understand medical science and public health practices. As I would not expect to build my house myself or fix my own car because I have no knowledge or experience in these things, I would not expect someone without formal medical training to be able to dissect and fully understand the wide ranging medical literature, and know how to parse out fact from fiction in an era where anyone can publish anything they want on the internet.

This petition asserts that we have not isolated the COVID-19 virus and do not have tests that can accurately or reliably detect the COVID-19 virus. This is false. As can be found easily on the CDC's website SARS-CoV-2, the virus that causes the disease known as COVID-19, was isolated and grown in cell culture in February of this year (<https://www.cdc.gov/coronavirus/2019-ncov/lab/grows-virus-cell-culture.html>). It was virus grown in these cell cultures that allowed us to develop the tests we have available now to detect when someone has this virus. We currently have two types of technology to do this: RT-PCR (reverse transcriptase polymerase chain reaction) which uses technology to identify the presence of RNA specific to the SARS-CoV-2 virus, and Antigen testing, which identifies specific protein structures on the capsid (outer capsule) of the virus itself. While no test is perfect and there is the possibility of false positives and negatives, these are very accurate tests and helpful to clinicians in diagnosing someone infected with this virus. Keep in mind that every medical test in existence, from testing for the HIV virus to influenza to in fact pregnancy tests, have some level of false positive and false-negative error. This is not because there is some conspiracy to prove the existence of something that is not there, but merely the fact that science is not magic and cannot be perfect in all circumstances as we wish it was.

I find it particularly striking that this complaint raised the question of the President of Tanzania's stance on COVID-19 testing. As it happens, I have spent a number of months throughout my career working in Tanzania, most recently in 2015 when Mr. Magufuli was elected. He is widely known in that country to be unsupportive of public health efforts and basic science, undermining efforts to provide birth control and HIV testing and treatment, frequently injecting his religious beliefs into health care matters.

Related to this, he is quoted as recommending "religious cleansing" for viruses like

COVID-19, so any "science" coming from officials in that country are suspect at best.

This petition also questions the well-established medical science behind mask use to prevent the spread of respiratory illness like COVID-19. I will not rehash here what I have already written out at-length in regards to this claim, but do point out that they also cite Dr. Rancourt, whose published findings I have previously disputed in a prior email to you.

I will, however, briefly address something different that they cited: The CDC report that is mentioned on the bottom of page 2 going onto page 3, which they claim demonstrates that you are actually more likely to get COVID-19 by wearing a face mask than by not wearing a face mask. They are erroneously interpreting a study published in the MMWR (Morbidity and Mortality Weekly Report - a weekly publication put out by the CDC and widely read in medical circles). For your convenience, this is the link to the article they are citing:

https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s_cid=mm6936a5_w#T1 down. First, we must look at what is actually being studied. This is not comparing people with COVID-19 to people who are not sick. It is looking at a group of people, all of whom had symptoms of some kind of respiratory virus, who came in to be tested for COVID-19. If you look at the table (which is where they get their numbers) the very bottom is "Reported use of cloth face covering or mask 14 days before illness onset." This figure shows that among people who are ill (those in the "case" column have COVID-19 and those in the "control" column are ill with another type of respiratory virus), the vast majority of BOTH groups report "always" or "often" wearing their mask (keep in mind that this is during the COVID pandemic when masks were recommended), and that there is no difference between the groups i.e. one being more or less likely to be ill based on mask use. The P-value (which is a measure of difference) is only considered significant when it is <0.05, and the P-value for this comparison is 0.86. This study has been widely cited on social media by "anti-maskers" and is a fantastic example of what happens when people without an understanding of medicine or statistics tries to interpret medical information for their own purpose.

I would like to share with you another article published by the MMWR this month:

<https://www.cdc.gov/mmwr/volumes/69/wr/mm6940e3.htm>. This demonstrates the impact of public health policies over time and their effect on COVID-19 spread in a community in Arizona, showing clearly the increase in cases when stay-at-home orders are lifted, and the drop when multiple measures were implemented to prevent spread.

The claims made in both this petition and the document entitled "What is Freedom in 2020?" And the "science" they attempt to cite is on-par with conspiracy theories from the earth is flat to man never really landed on the moon.

I am sending this to you so late because I was in clinic all day seeing patients. Of the 17 patients I saw today, five of them were in their 60s and all of those patients have preexisting conditions making them particularly vulnerable to this virus. I also saw an infant born with a pulmonary malformation that makes him uniquely vulnerable if he were to contract COVID-19, so much so that his surgeons are delaying his surgery because Kalispell's hospital is so full and seeing so much COVID that they didn't want to risk possibly exposing him. Kootenai Health in Coeur d'Alene has been publishing their capacity information, and at the time I'm writing this they have 39 COVID-19 inpatients, 13 of which are requiring ICU-level care. Their inpatient medical beds are at 97% capacity and they are starting to use rooms at double-occupancy. Just two weeks ago, Cabinet Peaks was unable to transfer a patient with COVID-19 to Kalispell Regional Hospital because their COVID unit was full and they were unable to accept more patients. When has "the common cold" ever filled up hospitals to capacity? When has influenza ever done this? Even when I was in training in inner-city Boston, it was rare to see more than possibly one person at a time in the ICU for influenza.

As leaders in this community, it is your responsibility to demonstrate to the community what strength and solidarity look like in these difficult times. I know people have lost income and businesses have had to close. I am aware of the mental health repercussions of long-term isolation. I also know that masking, social distancing, and limiting large groups are effective at preventing the spread of an unprecedented disease that has claimed now hundreds of lives in Montana and hundreds of thousands of lives in this country, and by balancing these measures we can also work towards keeping businesses open and functioning as close to normal as we can.

Sincerely,



Kelli Jarrett, MD, MPH

11:30 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board