

**City-County Board of Health for Lincoln County**  
**6:00 PM, November 23, 2020**  
**Ponderosa Room**

**1. Call to Order**

- Pledge of Allegiance
- Roll Call – Jan Ivers, Jim Seifert, Sara Mertes, George Jamison (by phone), Deb Armstrong (by phone), Mark Peck (by phone)

**2. Governor's 11/17/2020 Directive**

- Kathi Hooper summarized the content of Governor Bullock's 11/17 directive which took effect 11/20. Governor Bullock also announced \$75 million additional funds for business stabilization grants and \$25 million additional unemployment benefits.

**3. Action item: Local Health Officer Order**

- Dr. Black discussed the increasing case counts of COVID-19 in Montana and in Lincoln County. He stated that he expects the situation to get worse before it gets better. He understands that the people are tired, but now is not the time to relax or change current recommendations. He wants a local order in place to protect our community. A lot of people who are vulnerable could feel the effects of failing to do the right thing.
- Carla Westbrook – Asked for clarification on authority of health officer and purpose of the Board of Health.
- Diane Watson – Would love to see the Health Board aggressively and proactively disseminate a health message including healthy eating, avoiding foods that cause inflammation, stay hydrated, etc. D3 is critical. Jan Ivers responded that recommending supplements is up to medical provider.
- Catherine Kahle – Stated that it is a real problem that one person is in charge of a county. Businesses should not be shut down. Jim Seifert responded that health officer authority is from the state to respond to a pandemic. Catherine argued that this is not a pandemic.
- Dixie – Many of us have strong feelings and have been deeply affected. Another suicide at Rexford Bench yesterday. Mental health problems exacerbated by dictatorial control need to be recognized. Requests no more stringent order and Dr. Black works from governor's order. Also asks that a member from North Lincoln County be appointed.
- Heather Handy – Stated one person in charge of "health" is a dictatorship. She offered education on health and stated that this is not a pandemic. She stated that the Board needs to talk about health, not sickness.
- Tim Haines – Asked if Board has figures since March regarding cancer screenings going down or serious health implications to the county. What will the fallout be from these actions? Tim stated that nationally cancer screenings have gone down substantially. Dr. Black replied that identifying the indirect consequences of Covid-19 is very important. Covid prevalence compromises the healthcare system by straining resources and he has heard from doctors that they have difficulty finding resources for their patients with non-Covid related illnesses. Tim asked if there is a negative impact to non-covid care locally. Dr. Black said that severe Covid cases overload medical facilities and draws away from all other medical conditions and Covid restrictions that keep families out of facilities with their loved ones are very difficult psychologically. That is why it is important that we all understand that our behavior can reduce the prevalence of spread. It is about caring for each other. Tim asked where the majority of Covid

patients in Lincoln County receive care? Jenn answered Kalispell Regional in Flathead and CPMC in Libby. Sara stated that during a period in March, providers put services on hold but since that time CPMC has been actively performing these services for their patients. Some providers must cut back on services due to personnel who are sick or quarantined. Two-thirds of her clinic staff is currently home due to illness or exposure.

- Kathleen Johnson – Asked Mark Peck who has authority over BOH. Mark replied that commissioners have appointment authority over BOH and BOH appoints a health officer. Commissioners have the authority to reorganize the health board if they determined that the Board is not fulfilling their role or if they determined that it had become tyrannical. They do not have the authority to tell Dr. Black what to do on a daily basis, but they could work with the Board to try to remove health officer.
- George Jamison stated he is not convinced that we need the local order. **He suggested that #3 on the order be deleted due to it not being understandable.** He does not understand why we would keep the July 21<sup>st</sup> local order in place. Jinn Mariman replied that she and Marcia Boris have advised the BOH and Dr. Black that while both the governor and local orders are enforceable, the health officer should issue a mirror order. **If there were to be an enforcement action operating solely on Governor's directive, we would expect there to be preliminary action talking about the constitutionality of the directive.** The local health officer statutes are clearer in their authority and can get to merits of the case quicker and avoid arguments about governor's directive. George disagreed with Jinn. He stated they bought in early on, but wonders what we have gained. He thinks the additional layer adds confusion and public mistrust. Dr. Black disagreed with George. He did not feel support for the July order. We did not enforce to the degree we could and it has not worked as well as we would like. **He said we've used more gentle persuasion. We don't want to impose bad things for the community but also we are here to protect public health. The increasing cases of Covid show we've not been doing a good job following the directive.** He hopes not to do enforcement. George stated that he is more comfortable with putting something in place when we have a specific problem to deal with.
- Deb Armstrong stated she has full sympathy to where Dr. Black is coming from and understands that he has a lot of fear around Covid. She stated that Jinn assured the Board that the local directive mirrored the governor's directive and she voted for it because she took Jinn at her word, **however the order did not actually 'mirror' the governor's directive.** She was not told that the order would remain in effect until Dr. Black lost his sense of impending doom **and state directive did not mention closing businesses, but was added as separate section in the local order.** She agrees 100% with George that there is no point in having a local directive.
- Jim Seifert stated that he looks at Dr. Black going at this crisis all by himself and he needs a little support from the Board. He agrees with Dr. Black that we can rescind the order if something comes up later that the Board disagrees with. The Board should show support of him and trust of his judgement.
- Jinnifer Mariman provided a point of clarification regarding the July Health Officer Order. At the July meeting, the Board discussed a proposed local order that was drafted before the Governor issued his July directive. At that meeting, the Board discussed having the proposed local order mirror the language in the Governor's directive. The Board did not vote on the July local order. Dr. Black entered his public health order out of concern for the community and as he has authority to do under statute. Deb stated that this local order is for prosecution and compliance only. Jinn stated that Dr. Black's

intent is to protect the health of the community and that this order is one small facet that is the "stick" end of the whole package.

- Deb Armstrong motioned to table the discussion and not make a decision tonight. Mark stated that the Board can support Dr. Black and not support this directive. Nobody has said they don't support Dr. Black in carrying out his duties. George seconded the motion. Deb, George and Mark voted yes, Sara and Jim voted no.
- The local health officer order was tabled.

#### **4. Action Item: Recommendation for Board Opening**

- Jan Ivers stated that there were seven applicants for the opening and called on each to introduce themselves.
- Sara Mertes – Currently a BOH member and family medicine provider who treats patients throughout Lincoln County. She has lived in Lincoln County for 5 years. She has enjoyed her time on the Board and hopes to continue to work for Lincoln County.
- Latimer Hoke, Julie Cross, and Rita Henderson were not present
- Robin Gray – A retired educator from Eureka with 43+ years experience and an educational viewpoint. Eureka could use more representation. Need to come together and do what is best for everybody as quickly as possible. Her skills include relationship building, negotiations, and compromise.
- Jeff Peterson – PhD in health communications, interest in working with Board is translating science to understandable information. He has a potential conflict because he is hoping to work with the Health Department, and would have to resign from the Board in that event.
- Deb Armstrong stated that North Lincoln County needs more than one representative. Eureka mayor e-mailed Board this morning supporting an additional Eureka appointee.
- Mark Peck agrees that the north end of the county is under represented. Stated that the Board isn't limited to the current number of people. He hates to lose what we have and can't believe the talent on the Board and the talent of the applicants. Would like to take under consideration that the Board may be expanded.
- George Jamison – Agrees with Mark. He doesn't want to lose Dr. Mertes and he trusts her judgement. He is concerned about representation from North Lincoln County. I is willing to step down if the commissioners choose to reconstitute the Board.
- Jim Seifert motioned to appoint Sara to the Board and support adding to the Board.
- Tim Haines – Asked who is on the Board. Jan listed members.
- Heather Handy – Agrees with Deb and Tim. Would like representative from Eureka.
- Jonathan Allen – Supports idea of North Lincoln County representation. Supports taking more time.
- Catherine Kahle – Need more representation in Eureka area.
- Kayla – Thanks Health Department for all they are doing. Supports Robin from Eureka because of her strong background in schools.
- George Jamison amended motion to appoint Sara and urge commissioners to add a member or reassign people they have appointed to the Board (Jan, George, Sara and Mark). Willing to step down to accommodate that. Mark Peck seconded and reassured Eureka that there is support to include more Eureka representation.
- Deb Armstrong wants to appoint person from North Lincoln County and then expand the Board to appoint Sara. Thinks appointment would be more appropriately handled at Board meeting in December.

- Jim Seifert called for vote: Jim, Mark and Sara voted yes, Deb and George voted no. Dr. Sara Mertes is recommended for reappointment to the Board and the commissioners are urged to revise Board to include additional representative from Eureka.

**5. Proposal for Education Meeting**

- Jan Ivers proposed setting up an educational meeting of the Board to answer questions that the Board receives repeatedly. Topics could include organizational structure, rules and responsibilities, finances, testing, collaboration of medical care and contact tracing. North Lincoln County would be invited to participate. Sara and Deb will communicate after the meeting to discuss how to ensure North Lincoln County participation. Proposed date of Wednesday, December 16<sup>th</sup>.

**6. Public Comment**

- Mark Peck agreed that health outreach is an important focus and hopes to work with Jeff Peterson to improve this messaging.
- Tim Haines – Asked if it is standard procedure to nominate a person to the board in an emergency meeting and if adding an additional member is going to “dilute the vote”. Jim responded that this is not politics, it is public health. Mark stated that this should not have been called an emergency meeting, it is just a meeting that is “out of cycle”.
- Catherine Kahle – Shared concerns regarding mandatory vaccination.
- Jonathan Allen – Asks the Board not to rush to judgement on significant issues.

Jan Ivers 12-22-21

Janet Lohren 2/22/21