

**Lincoln County**  
**City-County Board of Health Minutes**  
**Lincoln County Courthouse**  
**6:00 PM, August 9, 2022**

- **Call to Order**
  - Pledge of Allegiance
  - Roll Call: Josh Letcher, Jan Ivers, Patty Kincheloe, Lannie Fehlberg, Jim Seifert, Dr. Dianna Carvey. Quorum present.
  
- **Administrative Items**
  - Meeting Schedule
    - Josh mentioned meeting every other month or every three months. Jan said she would be in favor of that idea and start with meeting every two months and move to every three if needed. Josh said meetings would be in Eureka in December and June.
  - Discussion of Rexford Participation on BOH.
    - Josh said he attended the Rexford town council meeting last month and as a town council they voted that they wanted to become part of the health board. Jinnifer Mariman said that in order to do that there needs to be an interlocal agreement between the commissioners and any city that would be part of the board of health. If that were to happen, the bylaws would need to be amended to account for their participation as a member of the board. This topic will be discussed again at the next meeting.
  
- **Public Comment on Items Not on Agenda**
  - None at this time.
- **Public Comment on Non-Action Agenda Items**
  - None at this time.
  
- **Approval of Minutes**
  - *Action Item:* Approval of 7/12/22 minutes
    - Patty motions to approve. Lannie Seconds. All in favor. Motion passes.
  
- **Unfinished Business**
  - *Action Item:* Revised Bylaws (Attached to these minutes)
    - Jim motioned to approve the revised bylaws. Jan seconds. Lannie opposed. All others in favor. Motion passes.
  
- **New Business**
  - *CASA (Keeli Anderson)*
    - Keeli is the program director at CASA which stands for Court Appointed Special Advocate. This program directly advocates for the children that are in the foster system in Lincoln County. Their goal along with the state is to reunify the children with their parents whether that is foster, adoptive or birth parents. Lincoln County has ten advocates that volunteer their time to

make sure every child is represented. Right now, Lincoln County has 32 children in the system. CASA is solely there for the child. In Montana, there are 22 programs and one satellite program that is through the tribal association. It covers 914 volunteers and 2,253 children being served.

- *Action Item:* Variance request septic tank set back
  - Project engineer Christopher Eaton proposed a variance request for a final and permanent location of a 1,500 gallon, plastic septic tank on Angel Island. According to the guidelines of the Lakeshore Protection Regulations for Lincoln County, a septic tank cannot be placed closer than 50 feet from the lakeshore. Christopher is requesting that an 80 foot shoreline setback be accepted as it falls slightly short of the 100 feet requirement for the State of Montana. Jan said she was fine with the request as long as the system is sealed with a functioning alarm and it is pressure dosed. She motioned to grant the variance with the conditions specified. Jim seconded. Motion passes unanimously.
- **Program Reports:**
  - **Public Health**
    - Communicable disease update
      - Jennifer McCully gave an update on communicable disease.
  - **Environmental Health**
    - Wastewater Regulation update.
      - Kathi Hooper said the regulations are five years old and she would like to see some updates. The septic permits expire after one year but they offer extensions. The requirement for an inspection is to give 48 hours notice, but she would like to see that changed to 72 hours in order to give enough time since they are so busy. Installer licenses are issued for a period of two years from the date of issue. She would like all installer licenses to expire in December so everyone is on the same schedule and there is no question of how much time is left. She and Jesse would like to add in an endorsement for site evaluators. Homeowners are allowed to install their own system under the departments regulation and she would like it clarified that they can only install standard gravity systems. The current regulations say that they can revoke a license for a minimum of one year but she would like to see the suspension be shorter the first time. Kathi encouraged any feedback or ideas from the board and would like to get a draft written up for the next board meeting.
    - FDA Grants
      - Dustin Webb gave an update on the funding that has been obtained and that they continue to apply for. In 2008, Lincoln County partnered with the FDA to incorporate a standardized inspection program and with that program, grant funding does become available. Dustin applied for two grants in 2019 and as of July one is completed. The additional grant is complete but not due until December 31<sup>st</sup>. He has a

meeting with the FDA specialist next week to review it before it is submitted. Another grant cycle is opening at the end of August.

- **Solid Waste and Recycling**
  - E-waste.
    - Kathi spoke about the annual e-waste collection on August 17<sup>th</sup> through the Lincoln County Landfill.
  - Expansion Update
    - Kathi said there hasn't been much progress since the last update. They did not receive any bids on the project but is hopeful to get some response soon.
  
- **City Representative Reports**
  - Libby: None at this time.
  - Troy: Jim stated that the City of Troy was supportive of having the three county commissioners as our governing body.
  - Eureka: Lannie spoke to the mayor of Eureka and asked her about the governing body. She said that on June 13<sup>th</sup> the town council passed a motion that indicated that they wanted to be involved in the governing body.
  
- **Health Officer Report**
  - Dr. Brad Black spoke about covid and that even though cases are low, the public still needs to remain cautious.
  
- **Adjourn**
  - Josh adjourned at 7:22 P.M.

SECOND AMENDED AND RESTATED BY-LAWS  
City-County Board of Health  
Lincoln County

ARTICLE I – Name

The name of this organization shall be the City-County Board of Health for Lincoln County, hereinafter the Board.

ARTICLE II – Object

Specific functions, powers, and duties of local boards of health are set forth in Title 50, Chapter 2, M.C.A. The “local governing body” or “governing body” for purposes of Title 50, Chapter 1, Section 101(8)(c), M.C.A. shall be the Board of County Commissioners. Pursuant to Title 50, Chapter 2, Section 116, M.C.A. and the Interlocal Agreement(s) creating the Board, the Board works closely with and relies upon the Lincoln County Health Department to accomplish the objectives of the Board. As part of its work with the Board, the Lincoln County Health Department reports to the Board at all regular meetings. The Lincoln County Health Department is a department of Lincoln County and staffed by employees of Lincoln County. To the extent the Board has any supervisory duties over the Lincoln County Health Department, those duties are fulfilled by receiving the regular report described herein.

ARTICLE III – Membership

The composition of the Board and the terms of its members are set forth by Title 50, Chapter 2, 106, M.C.A. The Board shall be composed of no less than five members appointed by the governing bodies in Lincoln County in accordance with the Interlocal Agreement(s) as follows:

- a. One (1) current board member from the Board of County Commissioners appointed by the Board of County Commissioners.
- b. Three (3) additional board members appointed by the Board of County Commissioners, based on recommendations from the Board. Board members should be appointed, when possible, to represent various disciplines such as preventative health, health care, environmental health and environmental engineering/science. Recommended combined secondary education and experience in these disciplines should be equivalent to not less than 10 years for each member.
- c. One (1) board member appointed by the City/Town, who may be, but is not required to be a member of the City Council or its Mayor, of each city/town that participates in the Board.
- d. Terms. Terms of appointed members to the Board shall be staggered and shall be for three (3) years each.

- e. Vacancies. Vacancies which occur on the Board by resignation or for other reasons, shall be filled for the unexpired term of the vacated member and appointments to fill said vacancies shall be made as hereinbefore specified.
- f. Absenteeism. The following rules regarding absenteeism shall apply: absenteeism is the responsibility of the governing body who appointed that member. Two consecutive absences from regularly scheduled meetings during the year shall cause the appropriate governing body to review the appointment of that member and replace that member when considered appropriate.

#### ARTICLE IV – Officers

1. At the first regular meeting of the Board following the first day of January each year, said Board shall organize by electing a Chairperson, a Vice Chairperson, Secretary and such other officers as it may deem best and advisable.
  - a. Chair. The Board shall elect a Chair who shall conduct all meetings and business of the Board.
  - b. Vice Chair. The Board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.
  - c. Secretary. The office of the Secretary may be filled with two individuals: 1) a board member who is the Secretary in name and who has oversight over the recording Secretary's duties, and 2) an employee of the Lincoln County Health Department who is the recording Secretary who shall keep minutes of the meetings; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; and bring a copy of these Bylaws to every meeting.
2. The Health Officer, who is a physician or a person with a Master's Degree in public health or equivalent and appropriate experience, employed by the Board shall not be a member of said board but shall serve as an advisor to the Board and perform duties as defined in Title 50, Chapter 2, 118, M.C.A.
3. In the event of vacancy of the board member elected Chairperson due to resignation or for other reasons, the Vice-Chairperson shall act as Chairperson and a new Vice-Chair-person shall be elected. Both shall serve until the next regular election of officers.
4. In the event of vacancy of both the Chairperson and Vice Chairperson due to resignation or for other reasons, the remaining board members shall elect an Acting Chairperson who will function until the first regular meeting after all new board members have been appointed. At that time the board shall reorganize by electing a Chairperson and a Vice-Chairperson.

#### ARTICLE V – Meetings and Quorum

1. Regular meetings. Regular meetings of the Board shall be held no less frequently than quarterly.
2. Special meetings. Special meetings of the Board may be held upon call of the Chairperson or any two board members.
3. Quorum. A quorum for both regular and special meetings shall consist of a simple majority of members of the board.
4. Meeting participation. Board members may participate in any meeting through the use of a conference telephone or similar contemporaneous communications equipment. Such participation in a meeting, and any votes cast therein, shall constitute presence in person at the meeting.
5. Notice of meetings. The recording Secretary shall notify all members of all meetings in writing. No special meetings shall be held unless diligent efforts have been made to notify all members.
6. Open meeting requirements. All meetings of the Board shall be held in compliance with Montana's Open Meeting and Public Participation laws set forth at Title 2, Chapter 3, M.C.A.

To comply with the spirit and intent of Montana's open meeting and public participation laws, public notice of not less than two (2) business days shall be given of all Board meetings, regular and special. Notice need not be given where the Board must make a decision to deal with an emergency situation affecting the public health, welfare, or safety, or as otherwise allowed by Title 2, Chapter 3, 112(1), M.C.A. The Chair may close a meeting of the Board as allowed by Title 2, Chapter 3, 203, M.C.A.

7. Agenda. Agenda items should be submitted to the recording Secretary at least two (2) business days before a meeting. This rule may be suspended upon approval of the Board's Chair.
8. Minutes. Minutes of all regular and special meetings of the Board shall be kept by the recording Secretary or designee and shall be signed by the member Secretary and by the Chairperson. Minutes of all open meetings, and portions of meetings that are open to the public shall be kept available for inspection by the public, with copies also available with the clerk of each unit of government participating.
9. Record. The minutes shall contain a complete and accurate record of all motions made, and votes thereon, and shall also contain such summary of proceedings and debate as the Board considers convenient.

The Board shall have authority to create from time to time, such Standing or Special Committees as it may deem appropriate for the conduct of the business of the Board.

#### ARTICLE VII – Financing

1. The financing of the Board will be as set out in Title 50, Chapter 2, 111 (2), M.C.A., and the Interlocal Agreement(s) under which the Board was created.
2. Official and non-official agencies may contribute funds to the Board.

#### ARTICLE VIII – Board Member Reimbursement

Board members may not be compensated for their time but may be reimbursed from local funds for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses incurred in attending the Board meetings or other Board related activities.

#### ARTICLE IX – Parliamentary Authority

The rules contained in “Roberts Rules of Order Revised” shall govern the Board for all matters not covered in these By-Laws.

#### ARTICLE X – Amendments

These By-Laws may be amended at any regular meeting of the Board by a majority vote, notice having been given at the previous regular meeting.

The initial By-Laws of the City-County Board of Health for Lincoln County were duly adopted in 2016 and amended in 2018. We the undersigned Board members of the City-County Board of Health for Lincoln County do hereby adopt the foregoing Second Amended By-Laws by unanimous consent. These Second Amended By-Laws are effective as of August 9, 2022.

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Jim Seifert  
City of Troy Representative

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Lannie Fehlberg  
Town of Eureka Representative

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Amy Fantozzi  
City of Libby Representative, Vice-  
Chair

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Dr. Dianna Carvey  
Board Member

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Jan Ivers  
Board Member

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Patty Kincheloe  
Board Member, Secretary

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Josh Letcher  
Lincoln County Commissioner, Chair