



Missoula City-County Board of Health  
January 21, 2010

**Board Members Present:** Dr. Garon Smith (Chair), Dr. Sandy Kuntz (Vice Chair), Jean Curtiss, Dr. Alan Gabster, Ross Miller, Renee Mitchell, and Eileen Sansom

**Staff Members Present:** For entire meeting—Health Administration: Ellen Leahy and Julie Mohr and Water Quality: Michelle Hutchins. For limited portions of the meeting—Environmental Health: Jim Carlson, Ben Schmidt and Shannon Therriault; Health Promotion: Greg Oliver; Health Services: Julie Serstad; Nutrition Services/WIC: Mary Pittaway; and Partnership Health Center: Kim Mansch.

**Legal Counsel Present:** Marnie McClain (Chief Civil Deputy County Attorney)

**Others Present:** John Garberson, Guy Hanson, and Ron Scholl

**MEETING CALLED TO ORDER**

Dr. Smith called the meeting to order at 12:22 p.m.

**ITEM 1 JOURNAL REPORT**

Ross Miller provided follow-up regarding the April 2007 landmark case in which the U.S. Supreme Court ruled greenhouse gases are pollutants to be regulated by the Clean Air Act. As part of the ruling, the Environmental Protection Agency (EPA) examined greenhouse gases and published endangerment findings last month in which it found emissions from motor vehicles and large facilities are significant contributors of greenhouse gases to the detriment of public health and welfare. This allows EPA to regulating these emissions.

- Emission limits may be promulgated by EPA as early as March and go into effect within 18 months—for vehicle model year 2012. One method to achieve the limits is to increase gas mileage to an average fleet efficiency of 35.5 miles per gallon, which auto makers will be allowed to do by averaging their entire fleet.
- Large facilities (emitting over 25,000 tons of greenhouse gases per year) will also be regulated. New facilities and existing facilities undergoing major modifications will be required to meet the Best Available Control Technology (BACT) standard to limit emissions. Some other facilities are also affected, which are already required to obtain 5-year operating permits. As existing permits expire they must meet the stricter standard.

Action was taken by Governor Schweitzer and Montana Department of Environmental Quality (DEQ) to direct the Board of Environmental Review (BER) to initiate rule making by the state. They were proposing rules similar to EPA's since it is not clear how soon states will have to comply with federal rules. BER is an administrative board appointed by the governor with administrative oversight over DEQ. However, the opportunity to put state rules in place has now

been delayed by at least 6 months because the Environmental Quality Council (EQC)—a panel appointed by the legislature with the authority to review DEQ rules—voted to object to BER’s rule making and stopped the process. Thus, currently state rules are not being developed.

Mr. Miller and the Board briefly discussed ways in which state rules can be written to be stricter than federal regulations or to address issues not covered in federal rules. Since the proposed federal rules do not mention small emitters, the state’s intention was to make it clear restaurants, small businesses, and small emitters would not be regulated.

Dr. Smith will provide the February journal report.

**ITEM 2 ADOPT REVISIONS TO BOARD BYLAWS REGARDING CONTRACT SIGNATURES**

- **Attachment A**, “January 15, 2010 Memo: Proposed Changes to the Board’s By-laws Regarding Contract Signatures”

In accordance with the Board’s by-laws, a proposal to amend the by-laws was presented in writing to the Board in December, with adoption to follow this month. The change requested is consistent with policy changes being made by the Board of County Commissioners regarding signatory requirements for contracts and grants. Marnie McClain also identified two grammatical errors in the existing language.

**Public Comments:** No comments were given.

Dr. Gabster made a motion to adopt the proposed revisions to eliminate the Chair of the Board of Health as a required signatory to contracts and grants with the language instead identifying the Chair of the Board of County Commissioners as a required signatory and to correct grammatical errors in Section 13 (b)(5) as follows: “...Health Department~~s~~, provide~~d~~ that all contracts...”

**Motion: The motion was unanimously approved to adopt the revisions to Section 13 (b)(5) as specified in Attachment A and with grammatical corrections as noted above.**

**ITEM 3 REVIEW STRATEGIC DIRECTIONS: PROGRESS SUMMARIES AND INDICATORS**

- **Attachment B**, “Strategic Directions: Progress Summaries and Indicators (CY 2009)”
- **Attachment C**, “Childhood Obesity”

Director Leahy described the start of the next 3-year planning cycle and provided a short review of the purpose and contents of the updated *Strategic Directions: Progress Summaries and Indicators* document (**Attachment B**). Regarding planning activities:

- There may be changes to goals and sub-goals.
- She recommended limiting the number of indicators, some of which may change. Available data varies but for each indicator staff members will show the local and national status and proposed *Healthy People 2020* goals where possible.
- The Board identified underage drinking, greenhouse gases, public health accreditation, and inspection of public water supplies as potential new goals or indicators.
- Drs. Kuntz and Smith asked for a separate set of supporting documents that elaborate on each indicator. **Attachment C** was provided as an example, and the Board confirmed

they would like similar documents for all approved indicators. Julie Serstad voiced support for the additional documents, which can be posted on the Internet.

The group also discussed: the need to maintain a realistic number of indicators; to identify goals and indicators that provide the best return on investment; to capture for the public and the media the array of work performed by the department; to use other sources to identify national status and/or goals for indicators when *Healthy People 2020* does not cover particular areas; to address emerging issues; and to hold the planning meeting as scheduled and avoid delays since Director Leahy will likely propose budget cuts to the Board in the near future.

**ITEM 4 REVIEW PREPARATIONS FOR STRATEGIC PLANNING SESSION ON FEBRUARY 4, 2010**

See Item 3.

**ITEM 5 UPDATE ON CITY-COUNTY HEALTH FUND**

➤ **Attachment D, “Health Fund Revenue FY 2010”**

Director Leahy reminded the Board that problems with the City’s budget were discussed last year. The City continues to see worsening revenue projections. The County is less specific but they also expect to have budget issues. She is having and will continue to have discussions with the appropriate top city and county administrative personnel.

- The department has 6 funds, of which the Health Fund is the largest (\$4.65 million) and for which there is an interlocal agreement. It covers basic, essential services—*infectious disease, immunizations, sanitarians, home visiting nurses, and associated administrative pieces.* The portion of the revenue base under discussion (48%) consists of city and county local property taxes and entitlement funds (a means of substituting some of the property tax losses incurred over 10 years ago). Director Leahy described additional forms of revenue—including federal pass-through funds and funds from fees charged by the department—and described associated challenges.
- Last year the Health Fund decreased for the first time during her time with the department. It did so by a few percentage points, largely due to the City’s cuts and shortfalls but also in part due to a decline in fee revenue, which makes up 25% of the budget.
- The City is asking for hold-backs this year in the amount of about \$31,000—for money they have already adopted in their budget, which has been shown in the department’s budget, and which the County Commissioners adopted in their budget. The City’s budget will not work without reacquiring this money. The department can accommodate this by taking money out of cash. The bigger concern is the extent to which the City wants in a forward way to reduce the department’s baseline. The City wants to reduce its contribution going into next year and beyond so the group is also engaged in forward-looking discussions about the proportion the City contributes to the Health Fund. It is not yet known to what extent this will affect the County.
- The City’s general fund—not a special levy—is the source of its contributions to the Health Fund and is derived from city-only property taxes. This is one of the topics of discussion because the interlocal agreement specifies use of a special levy. The County’s special levy applies only to people living outside the city. The department is the only entity funded in this manner, which is similar to what is done for other health departments across the state.

- The first meeting with city and county administrators was successful in so far as they recognized this is a city-county fund. The interlocal agreement does not specify percentages that each can levy within their own jurisdiction based on population. State law for city-county funds—according to Director Leahy’s take, not Ms. McClain’s—provides two ways to fund city-county boards: through a special levy within each jurisdiction or through contributions from the general fund. The County uses a special levy but Mayor Kadas switch the City’s methodology to use contributions from the general fund, which caused some of the “landmarks” to be lost. The group is now trying to identify what the contributions would have looked like had the City continued with a special levy.
- Director Leahy will report on the budget again in February after she meets again with the administrators. Meanwhile, she will propose to the Board of County Commissioners that the hold-back for this year is possible but she is concerned about the extent of additional cuts. The total amount the City withdrew last year, the new hold-back, and proposed additional cuts approach \$100,000, which will have too much of an impact on staff. She understands all departments must participate in cuts but is trying to identify the best way in which to do so for this city-county fund.

**ITEM 6 MATERNAL CHILD HEALTH ADVISORY COUNCIL UPDATE**

The advisory council plans to changes their processes and procedures to:

- Advance discussion on specific topics by inviting participation by subject matter experts and interested parties who are not members of the council.
- Meet quarterly, rather than monthly, which will require submitting a proposal to the Board to approve a change in the council’s charge.
- Report updates to the Board quarterly, rather than monthly.

**Follow-up:** *Director Leahy will instruct Julie Serstad, Director of Health Services, to prepare a copy of the advisory council’s charge with proposed changes marked. Dr. Kuntz will submit the proposal to the board for approval at a future date.*

**ITEM 7 UPDATE ON H1N1**

➤ **Attachment E, “H1N1 Vaccination Data”**

Director Leahy noted the significant drop in active H1N1 cases, reported over 19,000 H1N1 vaccinations have now been given (representing about 18% of the county population), and indicated CDC estimates nationally about 20% of the population has been immunized. She described vaccination outreach at the fairgrounds clinic, for married student housing at UM, and at an upcoming Native American round dance. Efforts are ongoing to reach high risk groups, including 19-24 year olds who have been difficult to capture. Booster doses always tend to lag and have been poor. For 2 weeks, call center staff have been calling participants from previous clinics to promote the booster as needed and to draw in other family members who have not been vaccinated. The younger the child, the better the follow-up has been for boosters thus far without outreach, which is good because the booster is most necessary for younger children, based on clinical trials. Demobilization of some staff from Incident Command has started.

**ITEM 8 DIRECTOR’S REPORT**

Director Leahy indicated she had no additional items to report.

**ITEM 9 PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

No comments were given.

**ITEM 10 BOARD AND STAFF COMMENTS ON ITEMS NOT ON THE AGENDA**

Renee Mitchell reported the City Council's conservation subcommittee is dealing with an ordinance regarding garbage and rubbish because of problems with bears. They are trying to bring the regulations into closer conformance with the County's regulations and are discussing types of containers to allow, when they can be put out, and so forth. A proposed amendment might involve the Board of Health in either enforcement or decision making when there is noncompliance. She will e-mail information to board members and staff. Mr. Carlson indicated he attends the Conservation Committee meetings. The department enforces the city garbage ordinance and made an effort to identify when a wildlife ordinance was adopted that conflicts significantly with the garbage ordinance, which made enforcement impractical. He had not heard about a proposed amendment involving the Board and will inquire further.

Director Leahy noted the funding issues she presented earlier also apply to Animal Control

**ADJOURNMENT:** Dr. Smith declared the meeting adjourned at 1:38 p.m.

Respectfully submitted,

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Ellen Leahy  
Health Officer

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Garon Smith  
Chair