



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers
and online at zoom.us*

*September 26, 2023
6:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Regular City Council Meeting 09/12/2023
 - B. Public Safety Committee Meeting 08/21/2023
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS

City Attorney – Dan Rice
Deputy City Attorney – James Carr
Health Board - City Representative
5. STAFF REPORTS
6. CITY COUNCIL COMMENTS
7. MAYOR COMMENTS
8. NEW BUSINESS
 - A. **DISCUSSION ON CITY/COUNTY HEALTH BOARD.**
9. ADJOURNMENT

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

Minutes

REGULAR COUNCIL MEETING September 12th, 2023

6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, September 12th, 2023, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana and online at zoom.us. Mayor John Hollowell called the meeting to order. Council Members present were Pamela Bovee, Ken Gardner, Rick Huber, Chris Grenz, Kathy Wilcox, Donald Simpson, and Dwayne Andrews. Councilmember Mathew Regan was absent.

Also present were City Attorney Dan Rice, Fire Chief Branden Stevens, Dispatch Director Lyne Anderson, Floodplain Administrator Sam Malenovsky, and City Clerk/Minute Recorder Mary Rowe.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 08/22/2023

** *Councilperson Grenz moved to approve the minutes of the Regular Council Meeting of August 22nd, 2023, subject to any changes, and seconded by Councilperson Simpson. The motion **passed** by unanimous consent, 7-0.*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:

Finance Committee	09/21/2023	@ 5:00pm
Finance Committee	10/05/2023	@ 5:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Dolores Willson, 151 Palisades Blvd, explained that she had taken an ambulance to Billings and back on April 11, 2022. Insurance only covered the trip to Billings and not the trip back to Miles City. She is requesting to have the uncovered portion of her ambulance bill forgiven. The request was forwarded to Chief Stevens to review.

Mary Katherine Dunphy, 904 Pleasant St. #4, inquired about who to contact regarding Montana-Dakota Utilities (MDU) gas line replacement project. She was advised to contact MDU directly as the project is their responsibility.

STAFF REPORTS

CITY COUNCIL COMMENTS

Councilperson Andrews asked about progress on the Transco railroad crossing and asked Clerk Rowe to gather ideas from the last Council meeting for the Council Members. Mayor Hollowell explained the progress and setbacks regarding the Transco Railroad crossing.

Councilperson Wilcox asked where the Public Safety Committee was on the City/County Health Board, to which Councilperson Grenz stated he believes the recommendation is complete.

MAYOR COMMENTS

None

NEW BUSINESS

A. APPROVE TIF FUNDING 75% OF TOTAL PROPOSED PROJECT COST TO MILESTONE PROPERTY MANAGEMENT.

** *Councilperson Grenz moved to approve the funding, seconded by Councilperson Wilcox.*

John Goff, 249 Sunset Drive, explained that the project is for new sidewalks, ADA corners, curbing, and gutters. It will help keep the public safe while in the area.

** *The motion passed unanimously, 7-0.*

B. DISCUSSION AND RECOMMENDATION ON VARIANCE AND SETTLEMENT FOR 1415 N. 6th STREET.

Mayor Hollowell broke item B into two separate items to vote on, B1-variance & B2-settlement. He explained that they had completed their “no-rise” study so the variance can be granted and noted that the settlement includes permitting and floodproofing.

** *Councilperson Huber moved to approve the variance for 1415 N. 6th street, seconded by Councilperson Wilcox. On roll call vote, the motion passed unanimously, 7-0.*

** *Councilperson Huber moved to approve the settlement for 1415 N. 6th street, seconded by Councilperson Simpson. On roll call vote, the motion passed unanimously, 7-0.*

C. RESOLUTION NO. 4536 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR

STREET SWEEPING FOR FISCAL YEAR 2023-2024.

****** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 7-0.*

D. RESOLUTION NO. 4537 - A RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE MUNICIPAL FINANCE CONSOLIDATION ACT EXTENDABLE BOND (INTERCAP LOAN PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO.

****** *Councilperson Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Andrews.*

Clerk Rowe explained that this is a five-year loan for Hangar 10 at the Airport. The total amount of the loan is \$330,000.

****** *On roll call vote, the motion passed unanimously, 7-0.*

E. APPROVAL OF AUGUST CLAIMS

****** *Councilperson Grenz moved to approve August claims, seconded by Councilperson Simpson and passed unanimously, 7-0.*

ADJOURNMENT

****** *Councilperson Simpson moved to adjourn the meeting, seconded by Councilperson Huber and passed unanimously, 7-0.*

The meeting was adjourned at 6:40 p.m.

John Hollowell, Mayor

Mary Rowe, City Clerk

Public Safety Committee Meeting
August 21, 2023

The Public Safety Committee met Monday, August 21, 2023, at 5:00 pm via live attendance and Zoom Conferencing in the City Hall Conference Room, 17 S. 8th. Present were Committee Members Chris Grenz, Mathew Regan, Donald Simpson and Ken Gardner. Also present were: Dispatch Supervisor Lyne Anderson and Human Resources Officer/Recorder Linda Wilkins.

Committee Member Grenz called the meeting to order.

1. Request of Citizens

None

2. Review and Recommend “AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MILES CITY AND THE COUNTY OF CUSTER TO COOPERATED IN THE PROVISION OF HEALTH SERVICES”.

***Committee Member Simpson moved to align the language of the Interlocal Agreement Item III, “Membership of City/County Health” Items A & B with Montana Code Annotated 2021, MCA 50-2-106(2)(a)(b)(c), seconded by Committee Member Regan. Motion passed unanimously 4-0.*

3. Adjournment

*** Committee Member Regan moved to adjourn the meeting, seconded by Committee Member Simpson and **passed** unanimously, 4-0.*

The meeting was adjourned at 5:15 p.m.

Chairperson Chris Grenz

Recorder Linda Wilkins

Staff Reports



MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

419 N. 7th Street
Miles City, MT 59301
Phone: (406) 232-3411
Fax: (406) 234-4270

To: City Council

From: Chief Colombik

Ref: Monthly Council Report

Please see below the September 2023 monthly council report:

There has been an increase of 8 cases on the felony casework list. The biggest news this month is we had our Coal Board Grant meeting in Billings on September 14th. The Coal Board approved 5-1 to grant us funds for a new patrol car. This is the second vehicle the Coal Board has funded for us. The funding we have received creates a significant savings to the tax payers of Miles City and the overall budget. Hopefully this time next year we will have three new patrol vehicles running (we were budgeted for one new car through 23/24 budget).

The updated department felony case list is currently at 104.

1. Theft
2. Child porn
3. Child porn
4. Assault with a weapon
5. Child porn
6. Burglary
7. Child porn
8. Assault with a weapon
9. Assault on a minor
10. Child porn
11. Theft
12. Burglary
13. Sex assault
14. Theft
15. Sexual intercourse without consent (SIWOC)
16. Partner/family member assault

MILES CITY POLICE DEPARTMENT

Doug Colombik, Chief of Police

17. Child abuse
18. Animal cruelty
19. Theft
20. Child abuse
21. Criminal child endangerment
22. Child abuse
23. Theft
24. Burglary
25. Child abuse
26. Burglary
27. Theft
28. Aggravated burglary
29. Sexual assault
30. PFMA strangulation
31. Assault with a weapon
32. Elder abuse
33. Criminal endangerment
34. SIWOC
35. Theft
36. Criminal Mischief
37. Fraud
38. Assault with a weapon
39. Sex Assault
40. Theft (F)
41. Criminal Endangerment
42. SIWOC
43. Criminal Child Endangerment
44. PFMA Strangulation
45. Theft (F)
46. PFMA 6th Offense
47. Fraud
48. Fraud
49. PFMA Strangulation
50. Sex Assault
51. PFMA Strangulation
52. Aggravated SIWOC
53. Overdose Death
54. DUI 5th Offense
55. DUI Meth/Possession
56. Assault
57. Assault with a weapon
58. Criminal endangerment

MILES CITY POLICE DEPARTMENT

Doug Colombik, Chief of Police

59. Fraud
60. Robbery
61. Arson, Criminal mischief
62. CPDD
63. Criminal mischief
64. Child abuse
65. Theft
66. Sex assault
67. Assault with a weapon
68. Burglary
69. Assault with a weapon
70. CPDD
71. CPDD
72. DUI (F)
73. Burglary
74. Aggravated assault
75. CPDD
76. Theft (F)
77. SIWOC
78. Theft (F)
79. Burglary
80. Fraud
81. Sex assault
82. Theft (F)
83. Child abuse
84. Criminal Endangerment
85. Theft (F)
86. SIWOC
87. Intimidation (F)
88. Burglary
89. DUI (F)
90. Child Porn
91. Burglary
92. Exploitation of disabled person
93. DUI (F)
94. Drugs

MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

- 95. Vehicle theft
- 96. Assault with a weapon
- 97. Assault with a weapon X2 on officers
- 98. Assault with a weapon
- 99. DUI 4th offense
- 100. Burglary
- 101. Child abuse
- 102. Sex assault
- 103. Drugs
- 104. Drugs/Fraud

As always, if you have any questions please contact me at work or 853-1802. You are always welcome to stop by the building and visit. Thank you.

Doug Colombik
Chief of Police
Miles City Police Department



Miles City Fire Rescue

CITY OF MILES CITY

www.milescityfirerescue.com



2800 Main Street
Miles City, MT 59301

Telephone (406) 234-2235
Fax (406) 874-8666

September 26, 2023

Total call volume year to date: **1268**

Total call volume last year on this date: **1191**

Difference: **77 More** calls this year

Total call volume 2022: **1,642**

Staffing Issues:

- a. Applied for FEMA Safer Grant (waiting to hear)
- b. Had one EMT Part-Paid resign and took a job in another town (down to 4 EMT's)
- c. One member has been out on maternity leave

Apparatus Issues:

- a. Tender 23 still out of service and no replacement
- b. Ambulance 20 (in town use only)
- c. Ambulance 26 (broke down again going into the shop this week)
- d. Ambulance 30 (Repaired, was out of service for almost 3 weeks)
- e. Applied for a pumper/tender AFG grant (waiting to hear results)
- f. E-9 needs a rear gear box for the pump re-done (waiting for EAM to get here at the end of the month)
- g. Apparatus pump testing will take place in late September

Equipment Issues:

- a. Slide in Pump unit from the County – Need to buy a 1 Ton truck (for wildland)
- b. Applied for a Cardiac Monitor AFG grant (waiting to hear results)

Community Issues:

- a. Training Center can be moved – Mofi said we are good to go (land by the pumping plant)
- b. CMS reporting – Our reporting period will be July 1st 2023 through June 30th 2024
- c. Working with P.D. on active shooter protocol
- d. Working with County Sherriff and County FD on Search and Rescue plan
- e. Currently covering part of Prairie County for ambulance due to bridge closure
- f. Working on the Solestone to Pintler ambulance billing switch (9-30-23)

Facility Issues:

- c. Environmental Assessment ESA Phase 1 started (for the USDA)
- d. Building GEO Bond Election will be November 7th 2023
- e. Waiting to hear back from MMIA on the approval for the “wall”
- f. Working on training center move plan
- g. Met with Nextera Energy on issues with the building, apparatus and staffing
- h. Trusses on the old building are developing significant cracks

Response Issues:

- a. Call volume increase over the last few years has caused delayed response due crews being on multiple calls at once
- b. Have accepted **74** out of town transfers this year
- c. Have taken **54** out of town transfers this year
- d. Last year at this time had taken **64** out of town transfers
- e. Have turned down **39** out of town transfers this year (Due to no staff available, higher level of care needed, mechanical problems or out of area)
- f. Last year at this time had turn down **66** out of town transfers
- g. Cancelled by facility/Pt: **20**
- h. Out of town transfers so far this year requested **113** (.42 per day)

Miles City (Top Cardiac Arrest Survival Rate in the State for 2022)

23.8%

Montana

10.2%

National

7.5%

New Business

Amendment

AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MILES CITY AND THE COUNTY OF CUSTER TO COOPERATE IN THE PROVISION OF HEALTH SERVICES

It is proposed that the interlocal agreement described above be amended as follows, to comply with the requirements of Section 50-2-106 M.C.A.

III. MEMBERSHIP OF CITY/COUNTY HEALTH BOARD

- A. The City-County Health Board shall be composed of five (5) members in accordance with the provision of Section 50-2-106 M.C.A. and appointed as follows:
- a. One (1) member shall be appointed by the County Commissioners.
 - b. One (1) member shall be appointed by the City Council.
 - c. Three (3) at-large members, one of whom must be a medical doctor, shall be appointed by mutual agreement of the County Commissioners and City Council.

DATED this _____ day of _____, 2023.

CITY OF MILES CITY

CUSTER COUNTY BOARD
OF COUNTY COMMISSIONERS

MAYOR OF MILES CITY

Chairman

CITY COUNCIL PRESIDENT

Commissioner

ATTEST:

Commissioner

City Clerk

ATTEST:

Clerk & Recorder

RESOLUTION NO. 3817

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MILES CITY AND THE COUNTY OF CUSTER TO COOPERATE IN THE PROVISION OF HEALTH SERVICES.

WHEREAS, the City of Miles City and the County of Custer desire to form a city-county board of health to implement a cooperative health program;


AND WHEREAS the County Attorney has prepared an interlocal agreement setting forth the obligations of both the City and County, and the City desires to approve the same;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The document titled "An Interlocal Agreement Between the City of Miles City and the County of Custer to Cooperate in the Provision of Health Services," attached hereto as Exhibit "A" and made a part hereof, is hereby approved and adopted by the City Council of the City of Miles City.

2. The Mayor of the City of Miles City is hereby authorized and empowered to execute the same, and to bind the City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 27th DAY OF July, 2015.



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Exhibit A

AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MILES CITY
AND THE COUNTY OF CUSTER TO COOPERATE IN THE
PROVISION OF HEALTH SERVICES

WHEREAS, the City of Miles City (hereinafter referred to as the City) and the County of Custer (hereinafter referred to as the County) believe that the delivery of public health services to the citizens of Custer County can best be served through a cooperative effort; and

WHEREAS, a cooperative effort will promote the administrative effectiveness and efficiency of health service delivery throughout Custer County; and

WHEREAS, the City and County are authorized by 50-2-106 MCA to form a city-county board of health to implement a cooperative health program; and

WHEREAS, there is a need to define and clarify the roles and responsibilities of the City and County in such a cooperative program.

NOW, THEREFORE, it is understood and agreed between the City and County as follows:

I. TERM OF THE AGREEMENT

- A. The terms and conditions of this Agreement shall become effective upon the ratification by both parties. This Agreement shall remain in effect through June 30, 2016. After the first term the contract will be continually renewed in one (1) year increments, to run from July 1st to June 30th annually, unless terminated by either party.
- B. This Agreement shall remain in full force and effect unless modified or terminated as provided herein.
- C. Either party may request an amendment of the Agreement by serving a written copy of the proposed amendment on the other party. An amendment shall become effective when ratified by both parties.
- D. Either party may terminate this Agreement by resolution of its governing body and upon the giving of ninety (90) days notice in writing to the other party. The termination shall be effective at the beginning of the next fiscal year, except in the event of a failure to meet any of the financial responsibilities set forth in this agreement, in which case termination may be effective at the end of the ninety (90) day notice period.

II. PURPOSE

- A. It is the purpose of this Agreement to create a City-County Health Board and to delineate the membership and responsibilities of that Board.

III. MEMBERSHIP OF CITY/COUNTY HEALTH BOARD

- A. The City-County Health Board shall be composed of five (5) members in accordance with the provision of Section 50-2-106 M.C.A. and appointed as follows:
 - a. Two (2) members shall be appointed by the County Commissioners. One (1) of these appointees and only one (1) may be an elected County official. None of these appointments shall be subject to review or confirmation by the City Council.
 - b. Two (2) members shall be appointed by the City Council. One (1) of these appointees and only one (1) may be an elected city official. None of these appointments shall be subject to review or confirmation by the County Commissioners.
 - c. One (1) at-large member, who must be a medical doctor, shall be appointed by the City-County Board of Health, subject to the approval of the City Council and the County Commissioners.
- B. The terms of appointed members shall be as follows:
 - a. The two (2) persons appointed by the County Commissioners shall serve three (3) year terms at the pleasure of the commissioners.
 - b. The two (2) persons appointed by the City shall serve three (3) year terms at the pleasure of the City.
 - c. The at-large member of the board shall be appointed for a three-year term, and shall serve at the pleasure of the City and the County, and may be dismissed or reappointed by the joint action of the City and the County.
 - d. Each governing body shall be responsible for adopting their own policy regarding the number of terms a member may serve and the procedure for reappointment.
- C. As the proper functioning of the Board is seriously impaired by the absence of its members, the following rules regarding absenteeism shall apply:

- a. Absenteeism is the responsibility of the governing body who appointed that particular member.
- b. Two consecutive absences from regularly scheduled meetings during the year shall cause the appropriate governing body to review the appointments of that member and replace that member when considered appropriate.

IV. DUTIES AND RESPONSIBILITIES OF CITY/COUNTY HEALTH BOARD

- A. The Health Board shall be the policy making body for determining goals, objectives and programs for the delivery of health services to residents of Custer County.
- B. In determining the goals, objectives and programs of the Health Department, it shall be presumed that programs performed by the Department will be of equal benefit to all members of the community.
- C. The Health board shall be responsible for the selection of a Health Director. The Health Director shall serve at the pleasure of the Health Board.
- D. The Health Board shall hold at least one public meeting per quarter and such other meetings as may be provided for under the by-laws of the Health Board.
- E. The Health Board shall adopt by-laws for the conduct of meetings and procedures for administrative appeals and variances which must be approved by the City Council and the Board of County Commissioners.

V. IMPLEMENTATION

- A. This Agreement shall become effective on the ratification by both parties.
- B. This Agreement shall supersede all other agreements and understandings between the City and county relating to the organization and operation of the Health Board effective the ratification by both parties.
- C. Both Governing Bodies shall make their respective Board appointments as ^{soon as} ~~soon~~ as the effective date of this Agreement as possible.
- D. The terms of office for Health Board appointees must be staggered in accordance with State Law. Therefore, Initial appointments shall be for terms of one (1) year, and three (3) years for two (2) of the county appointees and the same for two (2) of the City appointees.

E. The first order of business for the newly constituted Health Board at the initial meeting will be the selection of an at-large member, whose name will then be submitted to the Governing Bodies for confirmation in accordance with Section III, (A), of this Agreement. The at-large member will be appointed for an initial three-year term.

DATED this 28th day of July, 2015.

C. A. King
MAYOR OF MILES CITY

[Signature]
CITY COUNCIL PRESIDENT

CUSTER COUNTY BOARD
OF COUNTY COMMISSIONERS

[Signature] 7-21-15
Chairman

[Signature]
Commissioner

ATTEST:

[Signature]
Commissioner

[Signature]
City Clerk

ATTEST:

[Signature]
Clerk & Recorder

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1350

AN ORDINANCE AMENDING SECTIONS 13-26 THROUGH 13-29 AND 13-46 THROUGH 13-49 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY PERTAINING TO LOCAL BOARD OF HEALTH AND COMMUNICABLE DISEASES.

WHEREAS, the City of Miles City and the County of Custer have formed a City-County Board of Health as authorized by 50-2-106 MCA, pursuant to an interlocal agreement adopted by Resolution 3817; and

WHEREAS, the Code of Ordinances of the City of Miles City require revision to provisions related to the City Board of Health;

THEREFORE, BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Sections 13-26 through 13-29 of the Code of Ordinances of the City of Miles City are revised to read as follows:

“Sec. 13-26. – Creation; membership.

There shall be a City-County Board of Health consisting of the following members: the City of Miles City, and the County of Custer. Said City-County Board of Health shall be operated pursuant to an interlocal agreement entered into between the two members, as authorized by 50-2-106 MCA. A copy of said interlocal agreement shall be maintained by the City Clerk. The City representatives of said City-County Board of Health shall serve without compensation.

Sec. 13-27 through 13-29: (Reserved)

Sec. 13-46. – Physician’s report.

Any physician who, as the result of an examination of any person within the City of Miles City, has reason to believe such person has a communicable disease shall immediately report the case to the city-county health officer. The report shall be in the form and contain the information prescribed by the state department of health and environmental sciences.

Sec. 13-47 – Quarantines.

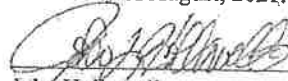
The city-county health officer and the city-county board of health shall both have the power to establish and maintain quarantines of persons or places infected with a communicable disease within the City of Miles City, provided such quarantine is in compliance with state laws and regulations.

Sec. 13-48 through Sec. 13-49: (Reserved)

ORDINANCES
MILES CITY, MONTANA

Section 2. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 10th day of August, 2021.


John Hollowell, Mayor

ATTEST:


Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 24th day of August, 2021.


John Hollowell, Mayor

ATTEST:


Mary Rowe, City Clerk

Montana Code Annotated 2021

TITLE 50. HEALTH AND SAFETY

CHAPTER 2. LOCAL BOARDS OF HEALTH

Part 1. General Provisions

City-County Boards Of Health

50-2-106. City-county boards of health. (1) By mutual agreement between the county commissioners and the governing body of the city or cities, the county and a city or cities may form a city-county board of health.

(2) A city-county board of health consists of:

(a) one person appointed by the county commissioners who serves at their pleasure;

(b) one person appointed by the governing body of each city that participates in the city-county board who serves at the pleasure of the appointing governing body;

(c) additional members appointed by the county commissioners and governing body or bodies of the city or cities participating in the city-county board as mutually agreed upon who serve at the pleasure of the appointing commissioners or governing body.

(3) The board must be composed of at least five persons. Terms of appointed members must be staggered and must be for 3 years each.

(4) By mutual agreement between the county commissioners and the governing body of the city or cities, they shall establish the staggered order of terms and all regulations necessary to establish and maintain the board.

History: En. Sec. 83, Ch. 197, L. 1967; amd. Sec. 3, Ch. 216, L. 1969; R.C.M. 1947, 69-4506; amd. Sec. 1, Ch. 47, L. 1999.

Montana Code Annotated 2021

TITLE 50. HEALTH AND SAFETY

CHAPTER 2. LOCAL BOARDS OF HEALTH

Part 1. General Provisions

Powers And Duties Of Local Boards Of Health

50-2-116. Powers and duties of local boards of health. (1) Except as provided in subsection (5), in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

- (a) recommend to the governing body the appointment of a local health officer who is:
 - (i) a physician;
 - (ii) a person with a master's degree in public health; or
 - (iii) a person with equivalent education and experience, as determined by the department;
- (b) elect a presiding officer and other necessary officers;
- (c) adopt bylaws to govern meetings;
- (d) hold regular meetings at least quarterly and hold special meetings as necessary;
- (e) identify, assess, prevent, and ameliorate conditions of public health importance through:
 - (i) epidemiological tracking and investigation;
 - (ii) screening and testing;
 - (iii) isolation and quarantine measures;
 - (iv) diagnosis, treatment, and case management;
 - (v) abatement of public health nuisances;
 - (vi) inspections;
 - (vii) collecting and maintaining health information;
 - (viii) education and training of health professionals; or
 - (ix) other public health measures as allowed by law;
- (f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;
- (g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;
- (h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

(j) subject to the provisions of **50-2-130**, propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the department of environmental quality and must provide for appeal of variance decisions to the department of environmental quality as required by **75-5-305**. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in **76-4-102**, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

(c) propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

(iii) subject to the provisions of **50-2-130**, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under **75-5-401**;

(iv) subject to the provisions of **50-2-130** and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

(v) for the establishment of institutional controls that have been selected or approved by the:

(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and

(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency or disaster by the governor as allowed in [10-3-302 and] 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (5)(a) and (5)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) The prohibitions provided for in subsection (5) do not restrict a local board of health from exercising its authority under this section to enforce and ensure compliance by private businesses with all lawfully adopted regulations, directives, and orders.

(8) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company.

History: En. Sec. 86, Ch. 197, L. 1967; amd. Sec. 4, Ch. 216, L. 1969; amd. Sec. 1, Ch. 196, L. 1971; amd. Secs. 108, 111, Ch. 349, L. 1974; amd. Sec. 2, Ch. 273, L. 1975; R.C.M. 1947, 69-4509; amd. Sec. 1, Ch. 709, L. 1985; amd. Sec. 2, Ch. 479, L. 1991; amd. Sec. 2, Ch. 324, L. 1995; amd. Sec. 88, Ch. 418, L. 1995; amd. Sec. 6, Ch. 471, L. 1995; amd. Sec. 2, Ch. 137, L. 1999; amd. Sec. 7, Ch. 391, L. 2003; amd. Sec. 18, Ch. 386, L. 2005; amd. Sec. 5, Ch. 150, L. 2007; amd. Sec. 1, Ch. 195, L. 2013; amd. Sec. 3, Ch. 28, L. 2017; amd. Sec. 4, Ch. 324, L. 2021; amd. Sec. 8, Ch. 408, L. 2021.