



CITY OF MILES CITY

AGENDA

Regular Council Meeting

October 24, 2023

City Council Chambers

6:00 p.m.

and online at zoom.us (ID- 4062343462 Passcode- 59301)

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Special Council Meeting 9/12/2023
 - B. Human Resources Meeting 7/6/2023
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS
5. PROCLAMATIONS
6. STAFF REPORTS
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS
10. BID OPENINGS
11. BID AWARDS
12. PUBLIC HEARINGS
13. UNFINISHED BUSINESS
14. NEW BUSINESS
 - A. **REVIEW AND APPROVE ADMINISTRATIVE SUSPENSION OF BUSINESS LICENSE FEE AND PENALTY ASSESSMENT AND COLLECTION**
 - B. **REVIEW AND APPROVE HEALTH BOARD**
15. 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

**SPECIAL COUNCIL MEETING
CLOSED SESSION**

**September 12, 2023
5:00 p.m.**

CALL TO ORDER

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

Also present were City Attorney Dan Rice, Attorney Jordan Fitzgerald, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, and City Clerk/Minute Recorder Mary Rowe.

CLOSED SESSION

ADJOURNMENT

** *Councilperson Wilcox moved to adjourn the meeting, seconded by Councilperson Bovee and passed unanimously.*

The meeting was adjourned at 5:50 p.m.

John Hollowell, Mayor

Mary Rowe, City Clerk

Human Resources Committee
July 6, 2023

The **Human Resources Committee** met Thursday, July 6, 2023 at 5:00 p.m. at City Hall Conference Room. Present were Committee Members Kathy Wilcox, Dwayne Andrews, Pam Bovee and Rick Huber. Also present were: Councilpersons Chris Grenz, Police Officer Jared DeVault, Police Officer Mike Murphy, Police Chief Doug Colombik, Fire Chief Branden Stevens, Deputy City Clerk Jody Kinsey, AFSCME Representative Hannah Nash, AFSCME 283A President Carl Raymond, and Human Resources Officer/Recorder Linda Wilkins.

Chairperson Wilcox called the meeting to order.

1. Request of Citizens
None
2. Staff Comments
None
3. Committee Member Comments
None

4. Review, Revise, Approve – Firearms policy

There was a presentation and discussion of the revisions to the firearms policy, changing to use 9 mm firearms for the department. This change will make ammo easier to acquire.

***Committee Member Andrews moved to approve the revision to the Miles City Police Department Firearms policy, seconded by Committee Member Bovee. On roll call vote the motion passed, 4-0.*

5. Discussion Non-Union Wage Matrix

There was a discussion on raising base wages in the non-union wage matrix, increasing the base wage of the Human Resources Officer and Floodplain Administrator base wages to \$4,000/month and the Deputy City Clerk position to \$20/hour. Adjusting these wages will help with the recruitment of new staff should vacancies occur. These base wage adjustments will be made and presented during the budget process.

6. Discussion on Offers of wages to Union Members – Local 600, AFSCME 283A & 283B

Committee members were updated on current negotiations with these unions, negotiations are still in process.

7. Review, Revise and Recommend: Dispatch policy and procedures manual

Policies are still out to other agencies for review.

***Committee Member Bovee moved to postpone, seconded by Committee Member Andrews. On roll call vote the motion passed, 4-0.*

8. Discussion – Contract Planner & Public Works Director – Zoning

Director Gray expressed concern over taking the planning duties out of his position description, especially with the lack of a planner on site. This discussion will be continued and a decision made at an upcoming Human Resources Committee meeting.

9. Discussion – Grievance Policy add wages

This will be discussed at an upcoming Human Resources Committee meeting.

10. Schedule next meeting – July 20, 2023; 5 pm

11. Adjournment

***Committee Member Huber moved to adjourn, seconded by Committee Member Bovee. The motion passed unanimously 4-0.*

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Chairperson Kathy Wilcox

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 October 2023 monthly council report:

The updated department felony case list is currently at 118 as of 10/13/23. The week of the 16th has not been updated yet. This is an increase of 14 since the September report. In the last two weeks, we have had a rash of felony cases come in including multiple sex crimes. As a result of our larger felony caseload I have assigned a senior officer to assist Detective Sloan. Officer Erik Slotsve will be working with Detective Sloan until further notice in an effort to keep up with this heavy case work. I cannot explain (but can guess) why our small community of approximately 8500 people (in city limits) has consistently had such a large felony case load.

Officer Berg is still at the Montana Law Enforcement Academy. Officer Estell and Van Fossen are scheduled to attend in 2024. We are fully staffed, something that seems unusual in the current law enforcement culture nationwide.

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

MILES CITY POLICE DEPARTMENT

Doug Colombik, Chief of Police

15. Sexual intercourse without consent (SIWOC)
16. Partner/family member assault
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

MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

54. DUI 5th Offense
55. DUI Meth/Possession
56. Assault
57. Assault with a weapon
58. Criminal endangerment
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

MILES CITY POLICE DEPARTMENT

Doug Colombik, Chief of Police

93. DUI (F)
94. Drugs
95. Vehicle theft
96. Assault with a weapon X2 on officers
97. Assault with a weapon
98. DUI 4th offense
99. Burglary
100. Child abuse
101. Sex assault
102. Drugs
103. Drugs/Fraud
104. Sex Assault
105. PFMA/Strangulation
106. Agency assist/pursuit in town
107. Theft (F)
108. DUI (F)
109. Stalking (F)
110. Sex abuse of children
111. SIWOC (Rape)
112. SIWOC (Rape)
113. Burglary
114. Drug endangered child
115. SIWOC (Rape)
116. Burglary
117. Theft (F)
118. Sex assault

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

October 24, 2023

Total call volume year to date: **1423 (as of 10-20-23)**

Total call volume last year on this date: **1301**

Difference: **122 More** calls this year

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

Staffing Issues:

- a. Applied for FEMA Safer Grant (waiting to hear)
- b. Deputy Fire Inspector position is still open
- c. Deputy EMS Officer has resigned (posted position)

Apparatus Issues:

- a. Tender 23 still out of service and no replacement
- b. Ambulance 20 (is now a reserve vehicle)
- c. Ambulance 26 (broke down again going into the shop this week)
- d. Applied for a pumper/tender AFG grant (waiting to hear results)
- e. E-9 (Pump shaft issue) waiting for quote for replacement
- f. Apparatus pump testing is finished

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)
- c. Hose testing complete for the year

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. Currently covering part of Prairie County for ambulance due to bridge closure
- e. MCFR has complete our portion of the Solestone to Pintler ambulance billing switch (9-30-23)
- f. MCFR staff and other regional emergency services worker completed a rope rescue course 10-13 through 10-16-2023 at the training center
- g. Public meeting for the building will be October 26th 2023 at 6pm MCC rm 106

Facility Issues:

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

Response Issues:

- a. Call volume increase has caused delayed response due crews being on multiple calls at once
- b. Have accepted 77 out of town transfers this year
- c. Have taken 55 out of town transfers this year
- d. Last year at this time had taken 68 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 73 out of town transfers
- g. Cancelled by facility/Pt: 22
- h. Out of town transfers so far this year requested 116 (.39 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 possible 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]
City Clerk

[Signature]
Commissioner

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.

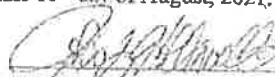
The city-county health officer and the city-county board of health shall both have the power to establish and maintain quarantines of persons or places infected with a communicable disease within the City of Miles City, provided such quarantine is in compliance with state laws and regulations.

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.

Created by LAWS

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.

