



Gallatin City-County Health Department

BOARD OF HEALTH Special Meeting

Monday, August 12, 2013

10:00am

Health Dept Education Room,
215 W. Mendenhall, Bozeman

Board Members Present: Robin Cory, Steve Custer, Berk Knighton, Gretchen Rupp, Joe Skinner, Carson Taylor
Excused Board Members: Becky Franks, Laura Larsson, Buck Taylor
County Attorneys: Erin Arnold, Deputy County Attorney; Chris Gray
Staff: Larisa Hammond, Matt Kelley, Toni Lucker, Tim Roark, Jill Steeley

Call to Order

Gretchen, Board Chair, called the meeting to order at 10:05am

Public Comment – None

The Board introduced themselves to Erin Arnold, the new Deputy County Attorney, who will answer any questions regarding the possible enforcement proceeding.

Joe expressed concern that this meeting was noticed as a closed meeting. He was approached by the media wanting to know more about the litigation issue. Board discussion about what constitutes having closed meetings ensued.

Attorneys' opinion is that closed meetings are for active litigation, and may not be allowable here if litigation has not been initiated.

The Board asked if they should continue to have a meeting now, since this is not a discussion on an active litigation. Chris Gray suggested the Board address the consent agenda and then decide on whether to close the meeting.

Consent Agenda

- Contracts
 - DEQ – EHS Subdivision Review Contract

The Board expressed concern that they had not received a copy of the contract to read prior to the meeting. Matt discussed that the contract allows enforcement for what the Board was discussing today – possible litigation. Also, the contract with DEQ has been continued for 10 years, renewed every two years.

Joe asked if he or the public could see the contract if they asked. Matt answered yes, that typically the contract is not published but is available at the front desk of the health department upon request.

Chris commented that it was similar to what the commissioners do.

MOTION: Steve made a motion to approve the Subdivision Review Contract.

SECOND: Berk seconded the motion.

The Board discussed the time constraint on the contract and that it is a good thing to do to enforce the laws.

VOTE: Roll Call

Robin – yes

Steve - yes

Berk – yes

Gretchen – yes

Joe – yes

Carson – yes

The motion passed unanimously.

Morgan Court discussion

Matt discussed the need for confidentiality with the health concerns at this site and also with the litigation strategy. With press in the room during the discussion, it would create difficulty.

Chris commented that the meeting cannot be closed until the Board chair closes. The agenda was erroneous and should have noticed the privacy exception. The agenda would include, “Potentially closed meeting” and referenced the appropriate statute. Board members would decide if the meeting would be closed at the meeting.

Chris continued that privacy expectations of a person with a medical issue at this place, was established by the health department and can be invoked for a closed meeting.

Gretchen requested Board discussion: since the agenda was in error, should we reschedule and re-notice?

Carson commented that since there was an error in the wording of the meeting agenda, can we continue discussion of this matter involving privacy?

Chris advised to be conservative, move on and re-notice the meeting.

After discussion by staff and Board about whether to close the meeting, Gretchen made a motion to adjourn without any further action or decision by Board.

MOTION: Gretchen made a motion to adjourn this meeting, and to properly notice as closed on the August 22nd Board of Health meeting.

SECOND: Robin seconded the motion.

VOTE: Roll Call -

Robin – YES

Steve - yes

Berk – yes

Gretchen – yes

Joe – yes

Carson – yes

The motion passed unanimously.

The Chair adjourned the meeting at 10:35am.