

**Madison County Board of Health**  
Meeting Minutes  
July 09, 2020

On Thursday, July 09, 2020, a meeting of the Madison County Board of Health came to order at 4:44 p.m. via web/phone.

Board Members in attendance were, Douglas B. Young D.V.M, Melinda Tichenor - MVMC Lab Director, Dayna Therghesen – CPNP, Molly Biehl – D.O., and Whitney Marsh – RN Ennis Schools. Also in attendance were Melissa Brummell – MCPHD Director, Jennifer Martens - Public Health Clerk, Mikayla Hudson – 4H, Van Puckett – Sanitarian, Kacey Smart – Sanitarian assistant/Livestock Sales Committee, Robert Bates – MC Safety, Bonnie O’Neill – Chief Administrative Officer, Joe Brummell - Department of Emergency Services, Chris Christensen – Madison County Attorney, Jani Alt – Madison County Weed Board, Kathleen Mumme – County Clerk and Recorder, Abigail King and Ashley Stepniack - Jack Creek Preserve Foundation, Dana Escott - MC Fair Board, Walker VanWagoner – MCPHD RN, Erin Montgomery - MCPHD Tobacco, Joe Lazarus– Sanitarian in Training, Amy Kelly – Gravel Bar, Christy Todd – 4H Rep, Hannah Kearse – The Madisonian, Hannah Lambert – Pony Bar, Justin Gatewood – Virginia City Mayor, LureMelnn, Mike Wetherbee and Becky Larsen – Sheridan School District, Jim Hart - Madison County Commissioner, Diane Lafever – Pioneer Bar, Blake Levitt – Ennis Mayor. Community members: Joe Haas, Abbie Lee, Elizabeth Barnett, Sheri Jarvis, Karen Talley Chris Dobb, Heather Puckett, Chris Gentry, Gay Rossow, Greg Jorczyk, Kristy Turck, Margie, Mike Walter, Mary Oliver, Larry, Charles Miller, Marge Colik, Ke’lah Savage Willauer, Larry Leonard MD, Kendra Horn, Kristine De Leon, Darcy, Bryant, Emily Osborn, and various others phone numbers from the public that did not identify themselves.

**Madison County Current COVID-19 situation**

Melissa Brummell gave a quick update on the status of COVID-19 in Montana. We have 96 new cases within the last 24 hours and a state total of 1,466 confirmed cases. Madison County’s overall total of confirmed cases stands at 22. It should increase to 25 when the state updates the map in the morning. The state map can sometimes have a 24-48 hour delay. We have had 17 new cases since last Thursday in Madison County. We currently have 1 hospitalized from our county. Madison County has received results on about 550 tests since the start of COVID-19. We are sitting at a 4.5% positive test rate with 320 cases per 100,000. We are the 9<sup>th</sup> highest county COVID-19 rate in our state. Keep in mind that the total cases on the Montana COVID-19 map do not reflect the out of state cases that are isolating or quarantined in our county. Currently we are at 3 active out of county cases in Madison County and 5 in quarantine. We are seeing asymptomatic positives and we have approximately 80 residents in quarantine due to close contact with positive cases. Melissa gave a quick rundown on the difference between isolation and quarantine. Isolation is for people with the illness and quarantine is for those that are listed as close contacts. Karen Talley asked for clarification on a how a close contact is determined? A close contact is determined during the initial positive investigation with the patient. If a person was determined to be within less than 6 feet for an accumulative 15 minutes or more during the contagious period or in direct contact with a sneeze or cough then they would be considered to have been exposed to the virus.

Chris Gentry would like the Public Health Department to issue more press releases

in a timely manner. She would like more information on symptomatic vs. asymptomatic and if the cases are on the Ruby Valley side vs. Madison Valley side vs. Big Sky side. She would like to also know what kind of symptoms we are seeing in our newly positive cases. Melissa Brummell explained that due to the increase in work load we can only release a couple times a week at most. We are a 4-person office that has had to put aside most duties to work on COVID-19 cases and we have 1 Public Information Officer that also carries additional duties within the county. Amy Kelley wanted to know if a Madison County resident is tested in another county, would that be linked back to our county? Melissa explained that all results are linked back to the county of residence. Amy also wanted to know if the timeframes for results vary by county. Melissa explained that there is a priority scale that determines the testing priorities. Typically, close contacts are about 3-5 days, asymptomatic are averaging 7-10 days and symptomatic are about 24 hours to 5 days but generally 24-48 hours. However, the labs are backed up so that is causing a delay in most cases. When a test comes out positive it is then sent from the lab to the hospital to notify the patient and then to the public health department is notified so they can begin their investigation and determine if they are in fact a Madison County resident. Sheri Jarvis wanted to know if we are requiring front line service workers or tourism service workers to test? Melissa explained that it is not our area to determine as a public health department but the board of health can certainly discuss and give recommendations. Joe Lazarus suggested each individual employer develop their own policies. A few other questions presented: 1) If you are in isolation and you live with others what can you do? Answer: distance yourself from your housemates, sleep in a separate room, use a separate bathroom and clean high touch services frequently. 2) Businesses in the Phase 2 plan in Butte are required to submit a safety plan. Why aren't we requiring that? Answer: We are not familiar with that requirement. Our Board of Health currently is mirroring the Governor's plan and do not have stricter guidelines for business plans at this time.

### **Enforcement related to Board of Health Orders or Governor Bullocks Directive**

Madison County attorney Chris Christensen reviewed the legal ramifications of not following the Board of Health orders. It would be a misdemeanor under 50-2-124 for any person that does not follow a local health board's orders. There is also a fine between \$10 - \$200. We can also proceed to district court with an injunction and they would be responsible for court fees and the violation fine. There is also a statute of criminal code under 45-7-302 where it could be considered obstructing a peace officer or other public servant. If we order a business to close and they do not comply it would be a criminal offense with a fine up to \$500 and up to 6 months in jail. A Board of Health or a Public Health Officer has the right to ask to prosecute or for action with a written report and evidence to proceed. It will then be sent to the appropriate court whether it be district or justice and if probable cause is determined then a complaint will be filed and we will proceed. The Board of Health and the Public Health Officer have the right to request law enforcement assistance to enforce the health board orders and/or assist with the Governor's directives.

Van Puckett County Sanitarian has had some issues with events being held without county approval. He is currently working on a few cases and he state he will be in contact with the County Attorney office. Hannah Lambert with Pony Bar brought up the last meeting held by the Board of Health referencing her event called Duck Days on June 27, 2020. Hannah wanted to discuss the frustration she has with the Sanitarian office not informing her of the event plan guidelines and Governor Bullock's directives. Melissa stated that Governor Bullock's directives are available for public review and are the business owner's responsibility to review and adhere to the requirements. Van asked that this be discussed offline between him and the

owner of Pony Bar.

A few other questions presented: 1) Madison County Sheriff Phil Fortner previously stated that his office will not enforce Governor Bullock's directives or Board of Health orders. How will we bridge that gap? Answer: The Board of Health will work together with the Sheriff's office and the County Attorney to come up with a resolution. 2) Who is monitoring that the rules are being followed? Answer: Van said that spot checks are occurring and we are following up on complaints. 3) Additional staffing an option? Answer: We have been trying to hire and according to the county attorney we can now lean on the Sheriff's office for assistance. 4) Can the public see a list of approved events? Answer: The board approvals are listed in the minutes. The minutes are posted after the Board approves them on the County webpage. 5) We should "ask" people to mask up. If the Board asks then businesses may follow. Please push out a mask campaign to get businesses on board. Businesses that have been asking are getting a lot of people to follow suit. 6) Can the public get more communication from the Board of Health and Public Health offices? Answer: Bonnie O'Neil - Public Information Officer stated that we tried all avenues such as: county website, newspaper, Facebook, Code Red etc. We have received quite a bit of negative feedback. Joe with DES stated that there's no lack of information being released to the public. Press releases are put out in great quantities. The public needs to put forth effort in finding this information as it is in different forms for all to see. The Montana COVID-19 map is updated daily around 10am also. 7) Can we get signs for businesses regarding the effectiveness of masks? Answer: Sheri Jarvis would like to volunteer to help pass out this information or anything the department may need.

### **Reassess Events over 50**

The original plan for event approval would be any attendance of 51-200 would be reviewed by the Public Health Department and the Sanitarian. Attendance of 201 and above would need the Board of Health approval. The chair wanted to know if any new cases have come from any events that we are aware of? Melissa said that so far, we have not linked any cases to an event in particular. Molly would like to see us re-exam this event review plan. Molly encourages people to mask up and social distance. That certainly makes events up to 50 more reasonable. Anything over 50 people increases contacts and workload for everyone. We need to take the whole county's residents into consideration. The current strain going around currently is more infectious. Dayna is quite upset that some approved events have had total disregard for the guidelines they agreed upon to host their events. If the event is approved you are expected as a host to adhere to the rules and guidelines you agreed upon when presenting the plan. We would hate to see other events that are adhering to the guidelines to suffer due to some resident's negligence. Melissa would like the board to consider anything that the Board of Health, Sanitarian and Public Health have approved should stand as approved but we need to consider no further events over 50 in the future. No motion made. Board has asked it be moved to the next COVID-19 agenda for consideration.

### **Reassess Phase 2 Governor Bullock's guidelines for a change in recommendations**

We like to include this topic on each Board meeting to review any changes that may occur within the county or state regarding the Governors phases and directives. The Board of Health has no further recommendations at this time. They would like to continue to mirror the Governors directive for Phase 2.

### **Face Mask Recommendations for Madison County**

The Board of Health recommends everyone in Madison County utilize a facemask indoors and outdoors to help fight the spread of COVID-19. They would like to see us start a mask campaign to help educate the public on the effectiveness and bring businesses on board. Melinda Tichenor made the motion to "highly" recommend

face coverings if social distancing of 6 feet cannot be maintained in consideration of others. Molly Biehl seconded the motion. All voted aye and the motion passed unanimously. The Board would also like to readdress at the next COVID-19 meeting as well. Melissa stated that a mask flyer will be handed out at the upcoming Drive Thru Surveillance testing in Virginia City.

### **Information release on positive cases discussion**

The public has been requesting that the Public Health Department reveal which towns the positive cases are located. Melissa explained that the State of Montana already releases the gender and age group of positive cases. If the city of residence is revealed to the public it will possibly identify the patient. Gallatin County releases the place of residence. We cannot be compared to larger counties. We have approximately 7,800 residents in Madison County. During the Ebola pandemic there were numerous lawsuits due to patients' identities being revealed in this manner. Nursing home names are allowed to be revealed by Governor mandate. Karen Talley read a section of HIPPA to the Board. She believes it means that the public is owed this information. Sheridan School Superintendent Mike Wetherbee has great concern that the towns are not being revealed to the community. He would like to know if the school will be notified if there is an exposure to staff or students. Melissa explained that during contract tracing those individuals would be notified but the patient information would still be secured. Amy Kelley thinks it would help others mask up and take more precautions if they knew it was in their town. Melissa encouraged everyone to take proper precautions regardless because it is here in our county. Molly is willing to review the HIPPA guidelines to see if we would be allowed to reveal whether it is in the Big Sky area, Madison Valley or Ruby Valley. Topic will carry over to the next COVID-19 agenda.

### **Additional Agenda Items**

Ke'lah Savage Willauer thanked the Public Health Department and the Board of Health for all their hard work. Karen Talley would like to know where the Board of Health minutes are located. The minutes are on the agenda/minutes tab on the county website at <http://madisoncountymt.gov/AgendaCenter>. Sheridan School Superintendent Mike Wetherbee revealed that the school has drafted a reopening plan. He would like to work together with the Board of Health and Public Health to create a safe plan so students can return back to school. He will submit the plan to the Public Health Department next week.

Joe Brummell from Madison County Department of Emergency Services would like to thank the Montana National Guard, Harrison and Virginia City Fire Departments, the Town of Virginia City and State DES for help with the Drive Thru COVID-19 Surveillance Event coming up tomorrow in Virginia City. Commissioner Hart commends everyone including the Board and the Public Health Department for the healthy discussions and trying to figure out what to do during these trying times. Doug Young Board of Health Chair wants to remind everyone we have another opening on the Board. We will find out which area we are still needing to fill in Madison County and let everyone know.

**Approval of Minutes**

Melinda Tichenor made the motion to approve the June 30, 2020 meeting minutes as written. Whitney Marsh seconded the motion. All voted aye and the motion passed unanimously.

**Next meeting date:**

The next quarterly meeting will be held on Thursday, July 16, 2020.

**Meeting Adjourned:**

A motion to adjourn was made by Whitney Marsh at 7:24 pm, Molly Biehl second the motion, all voted Aye, and the motion was passed unanimously.

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Douglas B. Young, Chairman  
Madison County Board of Health

Date Approved: July 30, 2020  
Minutes prepared by:

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Jennifer Martens, Public Health Clerk