

PROPOSAL TO THE CITY OF BOZEMAN TO AMEND
THE CITY-COUNTY BOARD OF HEALTH INTERLOCAL AGREEMENT

The Gallatin County Commission proposes that the Interlocal Agreement Between the City of Bozeman and the County of Gallatin establishing a City-County Board of Health be amended. A second paragraph would be added to Section 7, so that the whole section would read as follows:

7. MANNER OF ACQUIRING, HOLDING, AND DISPOSING OF REAL AND PERSONAL PROPERTY: Property will be acquired and disposed of according to Montana law and shall be held in the name of the City-County Board of Health. Proceeds from the disposal of real or personal property shall be deposited with the County Treasurer and credited to the City-County Board of Health, unless the disposal is according to the termination section of this agreement.

If the property to be sold is reasonably of a value of less than \$2,500, the sale may be either public or private at the discretion of the Board. If the property to be sold is reasonably of a value of more than \$2,500, the sale must be public.

Dated this 12th day of October 1993.

A.D. Pruitt
A.D. Pruitt, Chair

Absent
Jane Jelinski, Member

Kris Dunn
Kris Dunn, Member

Attest:

Shelley M. Cheney
Shelley M. Cheney
Gallatin County Clerk and Recorder

Dave

AN INTERLOCAL AGREEMENT BETWEEN
THE CITY OF BOZEMAN AND THE COUNTY OF GALLATIN
ESTABLISHING A CITY-COUNTY BOARD OF HEALTH

THIS AGREEMENT is made and entered into by and between Gallatin County, a political subdivision of the State of Montana (County) and the City of Bozeman, a municipal corporation (City), under Title 7, Chapter 11, Part 1 of the Montana Code Annotated.

WHEREAS, City-County Boards of Health are allowed by mutual agreement between the county commissioners and the governing body of a first-class city, Section 50-2-106, MCA;

NOW, THEREFORE, IT IS UNDERSTOOD AND AGREED between the County and City in accordance with Section 7-11-105, MCA, as follows:

1. TERM: This agreement shall be perpetual, unless modified or terminated as provided herein.

Either party may request an amendment by serving a written notice on the other party. The amendment shall be effective when ratified by both the City and the County.

Either party may terminate this agreement by resolution and service of written notice upon the other party that it intends to terminate at least six months before the end of a fiscal year.

2. ORGANIZATION: The City-County Board of Health shall be composed of six (6) members:

- a. A County commissioner or a representative
- b. A City commissioner or a representative
- c. Two (2) members appointed by the Board of County Commissioners
- d. Two (2) members appointed by the City Commission

Members shall serve for three year terms, which shall be staggered. On the initial board, the commissioners or their representative(s) shall have three year terms; the County Commissioners shall appoint one member for a two year term and one member for a one year term; and, the City Commission shall appoint one member for a two year term and one member for a one year term. A vacancy shall be filled for the unexpired term.

The number of voting members on the City-County Board of Health may be increased by resolutions of both the City and the County.

The Board of Health may appoint advisory representatives, to gain information from various disciplines and geographical areas. The advisory representatives would serve for two year terms and would not have the right to vote.

3. **PURPOSE OF INTERLOCAL AGREEMENT:** To create a City-County Board of Health and to define the membership and responsibilities of the Board.

4. **FINANCING AND BUDGETING:** There shall be one special levy for not more than 5 mills on the taxable value of all property within the County, including property within the the City, as authorized by Section 50-2-111(2), MCA.

The Board of Health shall submit a proposed budget to the County in the way provided for other county offices and departments under Title 7 chapter 6, part 23, and to the City in the way provided for other city offices and departments under Title 7, chapter 6, part 42. The City Commission and the County Commission shall agree upon the budget.

All monies shall be deposited with the County Treasurer who shall disburse them as county funds.

5. **DISPOSAL OF PROPERTY UPON TERMINATION:** Either party may purchase any or all of the real and personal property by paying the other party its' ratio of the city-county tax levy for the appraisal price as established by a third party. If both parties desire a specific item, then lots shall be drawn to determine which party may purchase it. Property which is not purchased by the parties will be auctioned and the proceeds divided according to the ratio of the city-county tax levy.

6. **ADMINISTRATION OF AGREEMENT:** The City-County Board of Health shall:

a. appoint a local health officer who is a physician or a person with a master's degree in public health or equivalent and appropriate experience as determined by the Department of Health and Environmental Sciences and set the salary of the health officer;

b. elect a chairman and other necessary officers;

c. employ necessary qualified staff, within the budget appropriated. The staff shall be considered County employees for administrative purposes and shall be subject to the County Personnel Manual;

d. adopt bylaws to govern meetings;

e. hold regular meetings quarterly and special meetings as necessary;

f. supervise destruction and removal of all sources of filth which cause disease;

g. guard against the introduction of communicable disease; and,

h. supervise inspections of public establishments for sanitary conditions.

The City-County Board of Health has the power and authority to:

a. quarantine persons who have communicable diseases;

b. require isolation of persons or things which are infected with communicable diseases;

c. furnish treatment for persons who have communicable diseases;

d. prohibit the use of places which are infected with communicable diseases;

e. require and provide means for disinfecting places which are infected with communicable diseases;

f. accept and spend funds received from a federal agency, the state, a school district, or other person;

g. contract with another local board for all or a part of local health services;

h. reimburse local health officers for necessary expenses incurred in official duties;

i. abate nuisances affecting public health and safety or bring action necessary to restrain the violation of public health laws or rules;

j. adopt necessary regulations and fees for the control and disposal of sewage from private and public buildings not currently connected to any municipal system (fees shall be deposited with the county treasurer); and

k. adopt rules which do not conflict with rules adopted by the Department of Health and Environmental Sciences:

1) for the control of communicable diseases;

2) for the removal of filth which might cause disease or adversely affect public health;

3) for sanitation in public buildings which affects public health;

4) for heating, ventilation, water supply, and waste disposal in public accommodations which might endanger human lives; and,

5) for the control and disposal of sewage from private and public buildings and for the maintenance of treatment systems which do not discharge an effluent directly into state waters and which are not required to have an operating permit as required by rules adopted under Section 75-5-401, MCA.

7. MANNER OF ACQUIRING, HOLDING, AND DISPOSING OF REAL AND PERSONAL PROPERTY: Property will be acquired and disposed of according to Montana law and shall be held in the name of the City-County Board of Health. Proceeds from the disposal of real or personal property shall be deposited with the County Treasurer and credited to the City-County Board of Health, unless the disposal is according to the termination section of this agreement.

8. OTHER NECESSARY AND PROPER MATTERS:

a. The County Attorney shall serve as legal advisor to the Board.

b. Other provisions of Title 50 Chapter 2 of the Montana Code Annotated shall guide and direct the Board in its actions.

IN WITNESS WHEREOF, the parties have approved this agreement the dates listed below.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

Ramon S. White
Ramon S. White, Chairman

Date: 6-29-90

Jane Jelinski
Jane Jelinski, Member

Date: 6-29-90

A. D. Pruitt
A. D. Pruitt, Member

Date: 29 June 90

ATTEST:

Shelley M. Cheney
by Shelley M. Cheney
Shelley M. Cheney, Clerk and Recorder

CITY OF BOZEMAN

BY James E. Wysocki Date: June 25, 1990
City Manager

ATTEST:

Robin L. Sullivan
Clerk of the Commission

APPROVED BY THE ATTORNEY GENERAL OF THE STATE OF MONTANA: