

Chris Taggart

From: T.C. Richardson <t_c_r@hotmail.com>
Sent: Saturday, July 25, 2020 11:33 AM
To: Ravalli County Commissioners Office
Subject: [EXTERNAL] Note from TC
Attachments: Health Officer Resignation.docx

Greetings Chris,

It was swell spending time with you yesterday and hearing the parting comments made by the Board of Health chairperson, that he was pleased with the orderly discourse that had occurred at their special meeting.

I especially appreciate you help digging into and making copies of pertinent information.

I have an attachment I hope will assist our Commissioners concerning the pending resignations of the good doctor Calderwood and her nurse Johnson. Please print up and pass along my sentiments to my Commissioners.

Joyfully,
TC



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Ravalli County Commissioners,

July 25, 2020

Dear Sirs,

In light of Montana Code Annotated 2019 50-2-116, 118 and 120, I am concerned with an unelected board (the Ravalli County Health Board) exercising the power to accept resignations, choose and/or replace its own members as stated by the board chairman at the beginning of the Board of Health Meeting, July 24, 2020.

As you are aware, there is Constitutional accountability levied by the people in the case of elected officials, such as yourselves and the County Sheriff. When people (boards) are appointed by elected officials, it is their responsibility to maintain that accountability. In simple terms, the office of the Ravalli County Commissioners is currently responsible (at least originally) for appointing members to the Board of Health and to facilitate wages according to 50-2-116. The Board of Health, "In order to carry out the purposes of the public health system, in collaboration with federal, state and local partners... shall appoint and fix the salary of a local health officer..."

This "collaboration" with federal, state, and local (Ravalli County Commissioners) is, as stated it would seem, is a partnership then of all the powers and duties listed including to "appoint and fix the salary of a local health officer..."

Please review RESOLUTION NO.3145, 12/17/2013, which amends NO.966 December 5, 2013. Sec. 2 Definitions states, "Board shall mean the Ravalli County Board of Health appointed by the Ravalli County Commissioners..." Sec. 3 General Description states, "...established by the County Commissioners..." Sec.8, 2. Membership says, "Appointment: Members must be appointed by the Commissioners..." Compare this to BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 3899 MEMORANDUM OF UNDERSTANDING 5/9/2019 which seems to be addressing "respective roles and responsibilities... statutory duties, funding or means of hiring and employing officers and staff" and the "County budget..."

I fear that over the years since 1972 (Constitutional Convention) the Ravalli County Commissioners had no reason to check the Board of Health as it has been a department run well. With current world health impositions, it has fallen on your watch to consider these things.

As a citizen and long-time resident of Ravalli County, I encourage my commissioners to stand above the current Ravalli County Board of Health in a supervisory capacity. It was to you that the resignation of Dr. Calderwood and her nurse Johnson were submitted. You should be the voice of decision as you encourage your accountable board of health. Carefully exercising your elected authority, I believe will avert a pending power play that could easily come from outside Ravalli County. I hold the decision of Sheriff Holton as a good example of making a positive decision and standing by it regardless of the personal preferences of some members (a minority) our Ravalli County Health Office. It is difficult to accept the resignation of "one of your own" and such decisions (especially in the medical field) are made on emotions. Do not require friends of Dr. Calderwood to make that decision.

In reference to Montana Code Annotated 50-2-120 Assistance from Law Enforcement Officers. "A state or local health officer may request a sheriff, constable, or other peace officer to assist the health officer in carrying out the provisions of this chapter.", should be taken in the context of collaboration as well, but it is the jurisdiction of the County Commissioners to hold their unelected, appointed Board of Health officer in check to assure that the assistance from law enforcement (outside Ravalli County) agencies does not supersede the authority of the local sheriff. As is evident in the resignation of the current County Health Officer, there was a disagreement in the mask-wearing protocol enforced at the state level, and the 54 County Sheriff's of Montana. Should State Law Enforcement (or Federal) step in, are the Ravalli County Commissioners prepared to stand behind their elected sheriff or allow the Board of Health to "...render the officer guilty of a misdemeanor" and remove from office?