

**INTERLOCAL AGREEMENT ESTABLISHING  
A CITY-COUNTY HEALTH BOARD**

**PURPOSE**

The purpose of this Interlocal Agreement is to establish a City-County Board of Health pursuant to Montana Code Annotated § 50-2-106 (2021) and Title 7, Chapter 11, Part 1.

**RECITALS**

WHEREAS, MCA § 7-11-102 permits local government units to enter interlocal agreements to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities, and

WHEREAS, MCA § 50-2-106 authorizes a city and a county to form a city-county board of health by mutual agreement, and

WHEREAS, such city-county board of health shall consist of at least five (5) persons appointed to staggered terms of three (3) years each (§ 50-2-106(3)); and

WHEREAS, the city and county each may appoint one (1) member who serves at the appointing body's pleasure, and

WHEREAS, the city and county must mutually agree upon the remaining three (3) or more members who, once appointed, serve at the pleasure of the appointing body; and

WHEREAS, MCA § 50-2-111(1) authorizes a city-county board of health to be funded with appropriations from the city's and county's general funds; and

WHEREAS, MCA § 50-2-115 directs that the county attorney shall serve as legal advisor to city-county boards of health,

**AGREEMENT**

NOW, THEREFORE, BE IT RESOLVED that the City of Lewistown and the County of Fergus agree to enter this interlocal agreement establishing the City-County Board of Health pursuant to MCA § 50-2-106 and Title 7, Chapter 11, Part 1, as follows:

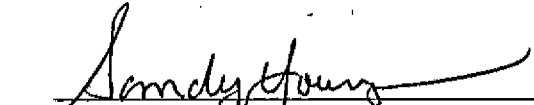
1. The duration of the agreement shall be five (5) years. (MCA § 7-11-105(1)(a)).

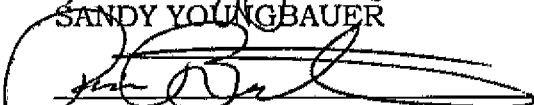
2. This agreement does not establish a separate legal entity. (MCA § 7-11-105(1)(b)).
3. The purpose of this agreement is to provide to the citizens of Lewistown and Fergus County all public health services required and contemplated by MCA Title 50, Chapter 2, Part 1. (MCA § 7-11-105(1)(c)).
4. The City-County Board of Health shall be financed via appropriations from the general funds of the City and the County. (MCA § 7-11-105(1)(d)). The appropriations shall be deposited annually in the account of Fergus County's health department.
5. This agreement may be terminated by either party upon providing ninety (90) days written notice to the other party. (MCA § 7-11-105(1)(e)). Property disposal and pro rata division of any unearned proceeds and unpaid invoices shall be determined using both parties' best efforts under the implied covenants of good faith and fair dealing.
6. At least five (5) members shall be appointed to the City-County Board of Health as required and permitted by statute. The Board shall make recommendations to the City of Lewistown and to Fergus County regarding administration of any undertaking and/or acquisition, holding, or disposal of real and personal property as a result of this agreement. (MCA § 7-11-105(1)(f)-(g)).
  - a. The City may appoint one (1) member without input from the County who shall serve at the pleasure of the City. The initial term for this appointment shall be one (1) year.
  - b. The County may appoint one (1) member without input from the City who shall serve at the pleasure of the County. The initial term for this appointment shall be one (1) year.
  - c. The City and County shall mutually agree upon the appointment of three (3) additional members, two (2) of whom shall serve at the pleasure of the County and one (1) of whom shall serve at the pleasure of the City. The initial term for the two (2) County appointments shall be two (2) years. The initial term for the one (1) City appointments shall be three (3) years.
  - d. Following the initial terms, terms of appointment shall be for three (3) years.
7. Fergus County shall be responsible for preparing and filing any required reports. (MCA § 7-11-105(1)(h)).
8. The City-County Board of Health shall have all of the statutory powers and duties enumerated in MCA § 50-2-116.
9. For purposes of MCA §§ 50-1-101(8), 50-2-116(4), and 50-2-118(2), the Lewistown City Commission shall be the local governing body for the City and the Fergus County Board of Commissioners shall be the local governing body for the County.
10. The City-County Board of Health shall recommend to the governing bodies the appointment of a local health officer who meets the criteria in MCA § 50-2-116(1)(a). Upon appointment by each local governing body, the local health officer shall be employed by Fergus County.

11. If the Board or the local health officer issues a directive, mandate or order in response to a declaration of emergency or disaster by the governor as provided for in Montana Code Annotated Title 10, Section 3, each local governing body retains the authority to amend, rescind or otherwise change the directive, mandate, or order, up to and including employing its own health officer, after holding a public meeting and accepting public comment. (MCA §§ 50-2-116(4), 50-2-118(2)).
12. The Fergus County Attorney shall be the legal advisor to the City-County Board of Health.

DATED this 10 day of February, 2022.

BOARD OF COMMISSIONERS:

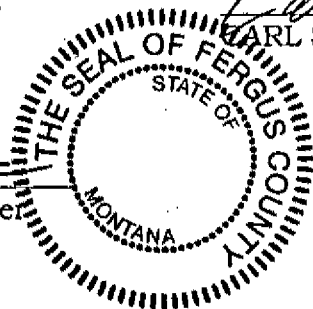
  
SANDY YOUNGBAUER

  
ROSS BUTCHER

  
CARL SEILSTAD

ATTEST:

  
JANED TUCEK, Clerk & Recorder




DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF LEWISTOWN

  
HOLLY PHELPS, City Manager

ATTEST:

  
NIKKI BRUMMOND, City Clerk

DATED this 7<sup>th</sup> day of February, 2022.