

**PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**  
**Wednesday, April 25, 2012 9:30 AM – 10:30 AM**  
**Council Chambers, 140 West Pine Street, Missoula, Montana**

**Members Present:** Bob Jaffe, Adam Hertz, Jon Wilkins, Caitlin Copple, Dick Haines

**Members Not Present:** Dave Strohmaier, Cynthia Wolken

**Other Present:** Ed Childers, Jim Nugent, Gary Henricks, Ellen Leahy

## **I. ADMINISTRATIVE BUSINESS**

1. Approve minutes from [April 11, 2012](#). Minutes approved unanimously.

## **II. PUBLIC COMMENT**

## **III. CONSENT AGENDA ITEMS**

1. Health Department Update – Ongoing in Committee. (Ellen Leahy) **(HELD IN COMMITTEE)**

Ellen Leahy provided an overview for the committee. She discussed the recently completed Community Health Assessment that can be found on the Health Department's [website](#). She discussed the assessment. She stated that the Missoula County Health Department is in the second phase of the public health accreditation process.

Dick Haines asked who is on the accreditation board.

Ellen Leahy responded that the board is 'self forming'. She provided details. She discussed the benefits of accreditation.

Dick Haines asked who accredits the accreditors.

Ellen Leahy responded that she performed a study that looked into the accreditation. Ellen discussed the community's participation of the Strategic National Stockpile. She described the formation of a plan to participate in the program. She discussed staffing vacancies. She discussed the immunization clinic and immunization requirements in the Affordable Care Act. She stated that the Health Department has seen a significant increase in private insurance being used for vaccinations since the passage of the act. She discussed retail establishment inspections. She discussed the WIC program in Missoula County. She stated that Missoula County has the lowest WIC participation rate in the Country. She noted that the majority of the eligible population is not being served. She pointed out that lower participation reduces the amount of Federal funding that flows into the community.

Adam Hertz asked how many members of the community are eligible for the WIC program.

Ellen Leahy responded that about 4,500 clients could be served each month, but currently, only 2,000 – 2,500 are being served.

Adam Hertz asked why the numbers are low.

Ellen Leahy responded that outreach is important. Ellen cited some of the State rules that discourage people from utilizing WIC. She discussed the State's more stringent standards for proof of residency. Ellen discussed the purchase of bicycles by the Animal Control department. She discussed the department's radon testing program. She discussed the HIV coalition and HIV testing.

Dick Haines asked why there is a radon problem in Missoula.

Ellen Leahy responded that the Rocky Mountain region has a higher level of radon than other regions of the country. She discussed the influence of home construction and location.

Dick Haines asked about the verification of radon levels.

Ellen Leahy responded that the department has a lot of data regarding radon levels.

Jon Wilkins asked if the radon mitigation techniques used a decade ago are obsolete compared to mitigation techniques used today.

Ellen Leahy discussed the active removal system versus a barrier system. She discussed various methods of radon mitigation. She discussed the Nurse Family Partnership program that is operated by the Health Department.

Caitlin Copple asked if there were any plans to do more testing on the alleged coal dust near the MRL rail yard.

Ellen Leahy responded that they located a firm that could perform environmental testing. She stated that samples have been taken and sent to them for testing.

Ed Childers stated that the average radon levels in Missoula are higher than the national average.

2. Review results of Missoula's City ordinance that imposes fines for persons suspected of driving while intoxicated who refuse a breath test. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 04/23/12) **(REMOVE FROM AGENDA)**

Gary Henricks provided an overview of Missoula's breath test refusal ordinance. He stated that breath test refusals are decreasing since the ordinance was passed. He stated that there were 260 refusals for 687 requests in 2010. He stated that there were 355 refusals for 971 requests in 2011. Total refusals so far for 2012 are 83 out of 266 requests. He noted that DUI arrests in the City are increasing significantly. He feels that the ordinance has been beneficial.

Jon Wilkins asked if the ordinance has been challenged legally.

Gary Henricks responded that there have been no challenges to the ordinance.

Ed Childers asked if a DUI suspect is informed of the breath test refusal ordinance.

Gary Henricks responded that the Police Department's implied consent form was revised to incorporate the language from the refusal ordinance.

Ed Childers feels that the breath test refusal ordinance has been successful.

Gary Henricks discussed increased Police enforcement of DUI laws. He discussed the cultural obstacles regarding DUI.

Bob Jaffe asked about the decrease in breath test refusals.

Gary Henricks elaborated.

Bob Jaffe asked about the disposition of the fines levied.

Gary Henricks elaborated. He discussed the use of the telephonic search warrant.

Bob Jaffe asked about the revenue from refusal fines.

Gary Henricks discussed using the breath test refusal as a bargaining chip in order to convince suspects to plead guilty to the DUI. The court may dismiss the refusal charge in exchange for a guilty plea to DUI.

Bob Jaffe asked about conviction rates.

Gary Henricks responded that conviction rates have been running about 80%.

Jim Nugent noted that the breath test refusal ordinance has increased conviction rates for DUI.

#### **IV. REGULAR AGENDA ITEM**

#### **V. HELD AND ON-GOING AGENDA ITEMS**

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Jason Diehl)
3. Eat Smart Coalition information. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee: 07/11/11)
4. Discuss air quality issues related to railroad operations in and through Missoula. ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 10/24/11)
5. Authorize Discussion with Crime Victim Advocate Office. ([memo](#))—Regular Agenda (Jon Wilkins) (Referred to committee: 02/06/12)
6. (Joint Meeting with Conservation) Safety aspects of management of the urban deer population in the City of Missoula. ([memo](#))—Regular Agenda (Dick Haines and Jon Wilkins) (Referred to committee: 03/26/2012)
7. Discuss revisiting cell phone restrictions. ([memo](#)) – Regular Agenda (Dave Strohmaier) (Referred to committee: 10/17/11)

#### **VI. ADJOURNMENT**

The meeting adjourned at 10:22 A.M. Submitted by Gregg Schonbachler.