

1. 9:30 A.M. Special Commission

Documents:

1-5-2022 SM AGENDA REVISED.PDF
1-5-2022 AAR 1 RESOLUTION 22-06.PDF
RESOLUTION 22-06 AFFIRMATION RESCINDING STAGE 1 FIRE
RESTRICTIONS.PDF

2. 9:30 A.M. Special Commission

Documents:

1-5-2022 SM AGENDA.PDF
RESOLUTION 21-80 RESCINDING STAGE 1 FIRE RESTICTIONS 12-28-
2021.PDF



(Revision 1/3/2022)

Cascade County

Special Commission Meeting

January 5, 2022 @ 9:30 a.m.

325 2nd Avenue North, Great Falls, MT

Commission Chambers, Room 105 or via Zoom Webinar



The Board of Cascade County Commissioners will also be broadcasting the Commission Meeting via Zoom.

Webinar participants must register in advance for the Commission Meeting:

https://us02web.zoom.us/webinar/register/WN_ELH9VyOkRJmm4iugLTnGnA

After registering, you will receive a confirmation email containing information about joining the webinar.

If you need dial in access: (Toll Free) 888 788 0099 or 877 853 5247

Webinar ID: 812 4961 7234 Passcode: 372971

Please note the agenda order is tentative and subject to change by the Board without prior notice.

Therefore, members of the public are encouraged to be in attendance at the time the meeting is scheduled to begin.

Public comment during public participation is limited to a maximum seven (7) minutes.

Call to Order

Chairman Joe Briggs

Pledge of Allegiance

1. Motion to Approve or Disapprove

Resolution 22-06:

A Resolution Affirming *Resolution 21-80*, Rescinding the Emergency Enaction of Stage 1 Fire Restrictions in Cascade County. Effective: December 28, 2021.

2. Public comment on any public matter that is not on the meeting agenda, and that is within the Commissioners' jurisdiction. (MCA 2-3-103)

3. Adjournment.

January 5, 2022

Agenda #1

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: Resolution 22-06
**In the matter of Affirming the
Rescinding of Stage 1 Fire Restrictions**

INITIATED AND PRESENTED BY: Brad Call, DES
Carey Ann Haight, Deputy County Attorney

BACKGROUND: Due to rapidly deteriorating fire conditions due to low humidity, unusually high temperatures and extreme blowing and gusting winds across the county, Commission Chairman, with the request of Cascade County's Disaster and Emergency Services Director and the majority of rural fire chiefs, enacted Stage 1 Fire Restrictions in Cascade County on December 3, 2021. That act was ratified by the full Board of County Commissioners on December 14, 2021.

Thereafter, with a substantial change in fire conditions and the majority of partner agencies and rural fire chiefs agreeing that emergency fire restrictions were no longer warranted, Chairman Briggs rescinded the Stage 1 Fire restrictions on December 28, 2021, pursuant to Resolution 21-80. Passage of Resolution 22-06 will be a ratification by the full Board of County Commissioners of the December 28, 2021, rescission of the emergency State Fire Restrictions.

RECOMMENDATION: Approval of Resolution 22-06 Ratifying the Rescinding of the Emergency Enaction of Stage 1 Fire Restrictions.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE: Mr. Chairman, I move that the Commission APPROVE, Resolution 22-06 Ratifying the Rescinding of the Emergency Enaction of Stage 1 Fire Restrictions.

MOTION TO DISAPPROVE: Mr. Chairman, I move that the Commission DISAPPROVE, Resolution 22-06 Ratifying the Rescinding of the Emergency Enaction of Stage 1 Fire Restrictions.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

**IN THE MATTER OF AFFIRMING THE
RESCINDING OF THE EMERGENCY ENACTION
OF STAGE 1 FIRE RESTRICTIONS**

RESOLUTION 22-06

WHEREAS, MCA 10-3-402 provides for the Presiding Officer (Chairman) of a county commission to unilaterally make an emergency declaration and MCA 2-3-112 provides that the requirements for public participation and notice do not apply to “an agency decision that must be made to deal with an emergency situation affecting the public health, welfare or safety;” and,

WHEREAS, on December 3, 2021, the rapidly deteriorating fire conditions due to low humidity, unusually high temperatures and extreme blowing and gusting winds across the county were significant contributing factors and have caused Cascade County’s Disaster and Emergency Services Director and the majority of the Rural Fire Chiefs to request Cascade County to move into Stage 1 fire restrictions; and,

WHEREAS, all three commissioners concurred with the request of the implementation of Stage 1 fire restrictions; and,

WHEREAS, Commission Chairman Joe Briggs did authorize that Cascade County move into Stage 1 Fire Restrictions immediately on December 3, 2021; and,

WHEREAS, the Board of Cascade County Commissioners on December 14, 2021, did affirm and ratify the action taken by Chairman Briggs to enact and impose Stage 1 Fire Restrictions; and

WHEREAS, fire conditions having changed substantially and the majority of our partner agencies and rural Fire chiefs concurred that the Stage 1 fire restrictions were no longer warranted; and

WHEREAS, all three commissioners concurred with that the emergency conditions that existed to implement the Stage 1 fire restrictions no longer existed; and

WHEREAS, the Board of Cascade County Commissioners were advised that the burn permit process was available to mitigate weather and wind conditions as may be warranted; and

WHEREAS, Commission Chairman Joe Briggs did authorize pursuant to **Resolution 21-80** the rescission of the emergency enactment of Stage 1 fire restrictions, effective December 28, 2021; and

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Cascade County affirm and ratify the emergency action taken by Chairman Briggs on December 28, 2021, to rescinding the emergency enactment of Stage 1 Fire Restrictions within Cascade County.

RESOLUTION 22-06

Passed and adopted this 5th day of January, 2022.

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

Joe Briggs, Chairman

James L. Larson, Commissioner

Don Ryan, Commissioner

Attest

On this ____ day of _____, I hereby attest the above-written signatures of the Board of Cascade County Commissioners.

Rina Fontana Moore, Cascade County Clerk & Recorder

* APPROVED AS TO FORM:
Josh Racki, County Attorney

DEPUTY COUNTY ATTORNEY

* THE COUNTY ATTORNEY HAS PROVIDED ADVICE AND APPROVAL OF THE FOREGOING DOCUMENT LANGUAGE ON BEHALF OF THE BOARD OF CASCADE COUNTY COMMISSIONERS, AND NOT ON BEHALF OF OTHER PARTIES OR ENTITIES. REVIEW AND APPROVAL OF THIS DOCUMENT BY THE COUNTY ATTORNEY WAS CONDUCTED SOLELY FROM A LEGAL PERSPECTIVE AND FOR THE EXCLUSIVE BENEFIT OF CASCADE COUNTY. OTHER PARTIES SHOULD NOT RELY ON THIS APPROVAL AND SHOULD SEEK REVIEW AND APPROVAL BY THEIR OWN RESPECTIVE COUNSEL.



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Public comment during public participation is limited to a maximum seven (7) minutes.

Call to Order

Chairman Joe Briggs

Pledge of Allegiance

1. Motion to Approve or Disapprove

Resolution 21-80:

A Resolution Rescinding the Emergency Enaction of Stage 1 Fire Restrictions in Cascade County. Effective: December 28, 2021.

2. Public comment on any public matter that is not on the meeting agenda, and that is within the Commissioners' jurisdiction. (MCA 2-3-103)

3. Adjournment.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

**IN THE MATTER OF RESCINDING THE EMERGENCY
ENACTION OF STAGE 1 FIRE RESTRICTIONS**

RESOLUTION 21-80

WHEREAS MCA 10-3-402 provides for the Presiding Officer (Chairman) of a county commission to unilaterally make an emergency declaration and MCA 2-3-112 provides that the requirements for public participation and notice do not apply to “an agency decision that must be made to deal with an emergency situation affecting the public health, welfare or safety;” and,

WHEREAS, on December 3rd, 2021, the rapidly deteriorating fire conditions due to low humidity, unusually high temperatures and extreme blowing and gusting winds across the county were significant contributing factors and have caused Cascade County’s Disaster and Emergency Services Director and the majority of the Rural Fire Chiefs to request Cascade County to move into stage 1 fire restrictions; and,

WHEREAS, all three commissioners concurred with the request of for the implementation of stage 1 fire restrictions; and,

WHEREAS, Commission Chairman Joe Briggs did authorize that Cascade County move into Stage 1 Fire Restrictions immediately as of December 3rd, 2021; and,

WHEREAS, the Board of Cascade County Commissioners on December 14th, 2021, did affirm and ratify the action taken by Chairman Briggs to enact and impose Stages 1 Fire Restrictions; and,

WHEREAS, fire conditions have now changed substantially and the majority of our partner agencies and rural Fire chiefs concur that the stage 1 fire restrictions are no longer warranted; and

WHEREAS, all three commissioners concur that the emergency conditions that existed to implement the stage 1 fire restrictions no longer exist; and,


WHEREAS, the Board of Cascade County Commissioners has been advised that the burn permit process is available to mitigate weather and wind conditions as may be warranted.

NOW THEREFORE, BE IT RESOLVED that by Cascade County Commission Chairman Joe Briggs, as the presiding officer of the Board of Cascade County Commissioners, declares, effective immediately, that Stage 1 Fire Restrictions are hereby rescinded.

BE IT FURTHER RESOLVED, the copies of this Emergency Declaration be filed with the County Clerk and Recorder and the Cascade County Disaster and Emergency Services Director.

Dated this 28th day of December 2021

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA



Joe Briggs, Chairman