

SUBDIVISION MEETING
August 2, 2007
MINUTES

Chairman Murray called the meeting to order at 9 a.m. Commissioners Hunthausen and Tinsley were present. Others attending all or a portion of the meeting included, Kelly Blake and Maria Penna, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. Kelly Blake reported on the consent agenda and recommended approval.

- a. Amendment to Memorandum of Understanding with City of Helena and Rocky Mountain Development Council for Bus Service for the East Valley and East Helena.

Hearing no public comments, Commissioner Hunthausen moved approval of the consent agenda and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Stage II Special Fire Restrictions Proclamation and Elevated Emergency Resolution.

Commissioner Tinsley read the resolution. "Whereas the Lewis & Clark County Board of Commissioners has the authority to implement closure restrictions upon declaration of an emergency or a disaster; and Whereas, it is the intent of the Lewis and Clark County Board of Commissioners to declare the elevated emergency and implementation Type II restrictions county-wide, see Exhibit A; Whereas beginning Sunday July 1 2007 extreme high temperatures and severe drought conditions have caused emergency conditions in Lewis and Clark County; and Whereas, the extreme conditions have caused a risk of imminent danger to life and public/private infrastructure; and Whereas, these extreme conditions resulted in the Meriwether Fire-Gates of the Mountains area. Now therefore be it resolved by the Lewis and Clark County Commissioners that a local dire emergency is hereby declared at 0001 which is one minute after midnight on Friday, August 3, 2007 pursuant to Section 10-3-402, MCA and all provisions of the Lewis and Clark County Emergency Operations Plans are in effect and Stage II Fire Restrictions are now in effect." And that is effective at 1 minute after midnight tonight. "Be it further resolved that copies of this resolution be filed with the Lewis and Clark County Clerk and Recorder and the Montana Disaster and Emergency Services Division in Helena. Passed and adopted by the Lewis and Clark County Board of County Commissioners this 2nd day of August 2007." Mr. Chairman, I'll just read what the Type II Restrictions are and what the Exemptions are: "This proclamation is issued in compliance with Sections 7-1-101 and 7-33-2205 of the Montana Code Annotated. The following acts are prohibited until further notice: 1) Building, maintaining, attending or using a fire or campfire; 2) Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least 3' in diameter that is barren or cleared of all flammable materials; 3) The following acts are prohibited from 1:00 p.m. to 1:00 a.m.: operating any internal combustion

engine, welding or operating acetylene or other torch with open flame or using an explosive. A patrol is required for 2 hours following cessation of all work as described above; 4) operating motorized vehicles off designated roads and trails. The Exemptions: 1) Persons with a written permit that specifically authorizes the otherwise prohibited act. 2) Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off. 3) Operating motorized vehicles on designated roads and trails. 4) Emergency repair of public utilities and railroads as per attached conditions. 5) Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice. 6) Any Federal, State or local officer, or member of an organized rescue or firefighting force in the performance of an official duty. 7) All land within a city boundary is exempted. 8) Other exemptions unique to each agency/tribe. An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity." Mr. Chairman, I'd also like to point out that after discussions with some folks on the Type I Team and with the United States Forest Service and State DNRC, Item #3, which is the 1:00 p.m. to 1:00 a.m. operating time does not include agriculture activities. It only includes timber operations, things like that, on forested lands and that's a distinction that they made because there was a question of that. So agriculture activities are not part of this proclamation according to them.

Commissioner Tinsley moved adoption of the resolution/proclamation and authorized the Chair to sign. Commissioner Hunthausen seconded the motion and it carried unanimously.

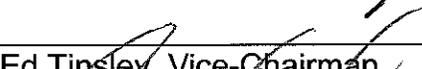
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:07 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael A. Murray, Chairman



Ed Tinsley, Vice-Chairman



Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board