

**SPECIAL
CASCADE COUNTY COMMISSION MEETING
October 2, 2012
COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
10:00 a.m.**

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These were officially approved at the October 9, 2012 meeting. Attachments can be obtained at the Clerk & Records Office.

PRESENT:

Commission: Madam Chair Jane Weber, Commissioner Bill Salina, and Commissioner Joe Briggs.

Staff seated with the Commission: Vince Kolar, Brian Hopkins, Carey Ann Shannon, Bonnie Fogerty, and Marie Sickels.

Public Seating: Randy Parker, Karl Puckett, and media.

PLEDGE OF ALLEGIANCE:

CALL OF ORDER AND BACKGROUND:

Madam Chair Weber called the special meeting to order and announced that they will be reviewing the condition/requirements in Contract 12-134 concerning Agricultural burning in Cascade County. She said there have been concerns about one of the statements and that the Commission had to give 48 hour notice before a meeting could be called.

Madam Chair Weber read the statement/requirement in question;

“Producer must provide certified documentation fro insurance provider indemnifying Cascade County and the Rural Fire Departments from all liability in the event of fire escape and damages to producers property and/or damages to the property or life on adjoining/neighboring lands due to fire escape from this burning activity. “ (see exhibit “A”).

Madam Chair Weber then asked for-

DISCUSSION: *Vince Kolar DES Coordinator* announced that he has two Producers that have applied for the special agricultural burning and that both of them were unable to get the indemnity bond from the insurance companies. Vince Kolar stated that they were able to get the insurance.

Brian Hopkins Civil Attorney stated he thought it would be difficult for the Producers to get the indemnity bond. He announced that he had contacted Chief Counsel at MACO (Montana Association of Counties) and he felt that the revised statement/requirement in addition to the Burn Permit language would be sufficient coverage for Cascade County. He stated that the County

and rural fire departments will need to be listed as certificate holders for the burn.

Commissioner Briggs questioned why the new application for special burning does not state that they have to have, a burn permit when we are binding them to the burn permit regulations? He was also confused on the differences in Insurance coverage that is required at the Expo Park compared to this situation.

Brian Hopkins stated that the burn permit regulations place the responsibility on the Producers and that ExpoPark is County property, which might make a difference.

Commissioner Salina agreed that making the Producer have a valid burn permit was important and believes that Expo Park is a different situation since it is our facility.

They all agreed that they would like to accept the new condition/requirement as read by Madam Chair Weber “Producer must provide certified documentation from an insurer providing coverage in the amount of \$750,000 per claim, \$1.5 million per occurrence in the event of fire escape and damages to producers property and/or damages to property or life on adjoining/neighborhood lands due to fire escape from this burning activity. Cascade County and the Rural Fire Department will be added to the Producers insurance as certificate holders for the burn”. (See exhibit ”B”)

Commissioner Salina made a **MOTION** to approve Contract 12-134A with the modifications as discussed.

ADJOURNMENT: The meeting was adjourned at 10:15 a.m.