

**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.