

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools
Phyllis Robertson - Public Administrator

226 1ST Street South
Toole County Courthouse, Shelby, MT 59474
406-424-8300 www.toolecountymt.gov

COMMISSIONERS' AGENDA

July 22, 2021

10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recording

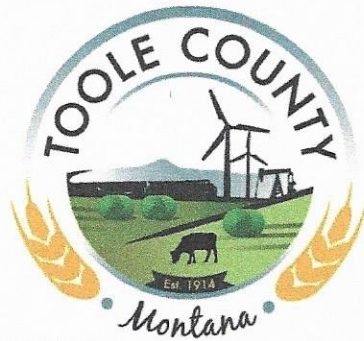
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of June 28, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion passed.

1. A Proclamation on Special Fire Restriction on July 16th was made and an amendment on July 19th was made for this proclamation. It was deemed a necessary and emergent decision. Consider approval of **Resolution #10-2021, A Resolution Prohibiting Burning - Stage II.** Don motioned to approve Resolution 10-2021. Terry seconded the motion, the motion carried.
2. Consider approval of reappointment of Doug Hellinger to the Airport Board for a term of three years ending December 31, 2023. Don motioned to approve. Terry seconded the motion, the motion carried.

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RESOLUTION #10-2021

A Resolution for Special Fire Restrictions - Stage II

WHEREAS: Toole County is experiencing a period of Very high to extreme fire danger, and

WHEREAS: the Toole County Board of Commissioners have the authority to declare a local emergency pursuant to MCA 10-3-402 and take actions consistent with such declaration, and

WHEREAS: Toole County passed a Proclamation for Stage II Fire Restrictions from the advice of the Toole County Fire Warden and the North Toole County Fire Chief, and

WHEREAS: Toole County amended the Proclamation to include an exception for agricultural and livestock purposes, and

WHEREAS: the Board of Toole County Commissioners are authorized by law including MCA 7-33-2205 and 7-33-2212, to restrict burning within the County, and

NOW, THEREFORE BE IT RESOLVED: that as of July 16, 2021, at 12:01 am, the ignition of any open fire on any forest, range, cropland, parks and/or private property, unless within the below guidelines of Stage II Restriction Procedures, is hereby prohibited. More particularly, the below shall outline restrictions until further notice:

STAGE II RESTRICTIONS

The following shall be prohibited and followed until further notice:

1. Building, maintaining, attending, or using a fire or campfire for any purpose.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area of at least three feet in diameter that is barren or cleared of all flammable materials.
3. Barbecuing, including wood pellet, charcoal, gas, except in a developed recreation site or in an area of at least three feet in diameter that is barren or cleared of all flammable materials, and there must be water available at all times.
4. Operating a chainsaw or other equipment powered by an internal combustion engine, blasting, grinding, or welding between 1:00 pm and 1:00 am.
5. The use of any combustible entertainment device including but not limited to fireworks, unless granted a permit from the Toole County Sheriff and Fire Warden for community-related purposes and subject to the requirements put into place by the Sheriff and Fire Warden.
6. Operating motorized vehicles off designated road and trails.

Exemptions to the above prohibitions only for the following:

- a) A federal, state, or local officer or member of an organized law enforcement rescue, or fire-fighting force in the performance of an official duty.
- b) Emergency repair of public utilities and railroads.
- c) Due to the time and weather sensitiveness, agricultural harvesting and off-road activated associated with the agricultural operations. (e.g, maintaining livestock, etc). Farmers and ranchers are encouraged to keep harvesting equipment in good working order to prevent sparks, provide spark arrestors, and must carry firefighting tools with them while harvesting and tending to other agricultural operations off-road.

None of the above exemptions shall absolve an individual or organization from liability or responsibility for any fire ignited by the exempted activity, including possible criminal and/or civil sanctions as determined by a court.

DATED this 22nd day of July, 2021

