

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

April 4th, 2023

12:30 p.m. – 3:30 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Hurwitz called the meeting to order at 12:30 p.m.

Commissioners Present:

Vice Chair Ben Hurwitz were present for the meeting. Chair Rod Brewer and Commissioner Errol Galt was absent

Minutes:

Tabled until the April 11th, 2023 meeting.

Monthly Sheriff Report – Jon Lopp:

Sheriff Jon Lopp and Chief Financial Officer Dayna Ogle entered the chambers at 1:00 p.m.

Lopp presented Commissioner Hurwitz the Complaint Report for March 2023 and an Emergency Proclamation. Lopp stated that there is a high potential for flooding in Meagher County with current projected weather reports. Lopp, Ogle, and Commissioner Hurwitz discussed the necessary steps with proclaiming an emergency, the declaration of an emergency, and the ability to assess two (2) emergency mills per MAC 10-3-405 if required. The following took place.

ACTION #1

EMERGENCY PROCLAMATION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MEAGHER COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM FLOODING

WHEREAS, Section 10-3-103(8), M.C.A. defines "emergency" as the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize; and

WHEREAS, Section 10-3-103(4), M.C.A. defines "disaster" as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause, including windstorms, snowstorms, high water, floods, landslides, mudslides, or water contamination requiring emergency action to avert danger or damage, blight, disruption of state services, outbreak of disease; and

WHEREAS, Section 10-3-402(1), M.C.A. provides that a local emergency proclamation may be issued only by the principal executive officer of a political subdivision; and

WHEREAS, Section 10-3-402(2), M.C.A. provides that an emergency proclamation may be issued by order or resolution whenever the principal executive officer determines there is an emergency; and

WHEREAS, Section 10-3-103(11), M.C.A. defines "principal executive officer" as the presiding officer of the county commissioners; and

WHEREAS, Section 10-3-404(1), M.C.A. provides that an order or resolution declaring a state of emergency shall indicate the nature of the emergency, the area threatened, and the conditions which have brought about the proclamation; and

WHEREAS, Section 10-3-404(2), M.C.A. provides that the effect of an emergency proclamation is to activate applicable parts of the local or interjurisdictional disaster and emergency plan and program and to authorize the furnishing of aid and assistance in accordance with such plans and programs; and

WHEREAS, Section 10-3-406(1) M.C.A., upon the proclamation of an emergency and the issuance of an order as required by 10-3-404, authorizes the principal executive officer to compel evacuations, control ingress and egress to and from an emergency area, and control the movement of persons within the area; and

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WHEREAS, the principal executive officer of Meagher County, Montana, contemporaneously herewith, determines there is an emergency (10-3-402(2)), as set forth verbatim below this resolution; and

WHEREAS, the principal executive officer of Meagher County, Montana, contemporaneously herewith, issues a local emergency proclamation (10-3-402(1)), as set forth verbatim below this resolution; and

WHEREAS, heavier than normal winter precipitation in the Little Belt, Big Belt and Castle Mountain ranges have caused the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from snowstorms, high water, floods, landslides, mudslides or water contamination requiring emergency action to avert danger or damage, blight, infestations, disruption of state services or outbreak of disease; and

WHEREAS, the area threatened includes all of Meagher County in its entirety; and

WHEREAS, the conditions which have brought about the proclamation are heavier than normal winter precipitation; and

WHEREAS, recovery and restoration from the damage is essential to ensure the health, safety, and welfare of people of Meagher County; and

WHEREAS, Section 10-3-405, M.C.A. provides that the governing body of the county shall estimate expenditures and levy an emergency millage to cover the expenditures not exceed 2 mills on the taxable valuation of the county outside the municipalities; and

WHEREAS, Meagher County has committed all available resources, taken all possible action to combat and to alleviate the situation and local resources are not adequate to cope with the situation;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Meagher County, State of Montana this 4th day of March, 2023, that:

1. **Emergency Proclamation.** The principal executive officer having determined there is an emergency, by this resolution an emergency proclamation is issued.

2. **Nature of the Emergency.** The nature of the emergency is: the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from snowstorms, high water, floods, landslides, mudslides or water contamination requiring emergency action to avert danger or damage, blight, infestations, disruption of state services or outbreak of disease.

3. **Area Threatened.** The area threatened includes: all of Meagher County in its entirety

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4. **Conditions Bringing Emergency About.** The conditions which have brought about the emergency and the proclamation are: heavier than normal winter precipitation in the Little Belt, Big Belt and Castle Mountain ranges.

5. **Emergency Millage.** An emergency millage hereby is levied to cover expenditures relating to the emergency, as follows:

- A. **Amount.** The millage shall be 2 mills on the taxable valuation of the county outside the municipalities.
- B. **Approval for Expenditure.** No expenditure of revenue received from the millage shall be made without approval of the Board of County Commissioners.
- C. **Vote.** The levy hereby is passed by a vote of the Board of County Commissioners.
- D. **Separate Fund.** Funds levied hereby and remaining when no further expenditures are necessary shall remain in a separate emergency fund and shall be used only for expenditures arising from future emergencies.

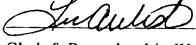
6. **Filing of Copies.** Copies of this resolution and the determination and declarations of the principal executive officer set forth verbatim below shall be filed with the County Clerk and Recorder, the County Assessor, and the Montana Disaster and Emergency Services Division in Helena, Montana.

7. **Dissemination.** Pursuant to Section 10-3-404(1), M.C.A., this resolution shall be disseminated promptly by means calculated to bring its contents to the attention of the general public.

Effective Date. This resolution shall be immediately effective upon passage, approval, and adoption.

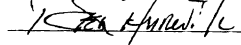
Dated this 4th day of April, 2023

Attest:


Clerk & Recorder, Liv West



Board of County Commissioner


Vice Chairman, Ben Hurwitz

Relevant state statutes:

Section 10-3-103, M.C.A.
Section 10-3-404, M.C.A.

Section 10-3-402, M.C.A.
Section 10-3-405, M.C.A.

Section 10-3-403, M.C.A.
Section 10-3-406, M.C.A.

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Principal Executive Officer's Determination and Declaration of Emergency

KNOW ALL PERSONS BY THESE PRESENTS, that I, Ben Hurwitz, Vice Chairman of the Board of County Commissioners of Meagher County, Montana, the acting principal executive officer of Meagher County, Montana, hereby:

ISSUE a local emergency proclamation; and

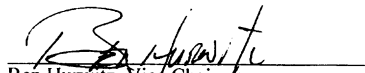
DETERMINE there is an emergency.

Nature of the Emergency. The nature of the emergency is: the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from snowstorms, high water, floods, landslides, mudslides or water contamination requiring emergency action to avert danger or damage, blight, infestations, disruption of state services or outbreak of disease.

Area Threatened. The area threatened includes: all of Meagher County in its entirety

Conditions Bringing Emergency About. The conditions which have brought about the emergency and the proclamation are: heavier than normal winter precipitation in the Little Belt, Big Belt and Castle Mountain ranges.

ISSUED AND DECLARED this 4th day of April, 2023


Ben Hurwitz, Vice Chairman
Board of Meagher County Commissioners

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Community Wildfire Protection Plan – Jess Secrest:

Jess Secrest entered the chambers at 1:50 p.m.

Secrest updated Commissioner Hurwitz that he is working on the Community Wildfire Protection Plan. At this point in the draft, he is working with utility companies on their fire mitigation procedures. Secrest then stated that on April 19th, 2023 he will be attending a training hosted by the Forest Service on the Potential Operational Delineations (PODS) and will be referencing the PODS within the Community Wildfire Project draft. Training will be going over fire mitigation topics and areas of concern for fuel mitigation within the Lewis & Clark National Forest. The draft will be ready for review in May 2023. Secrest and Commissioner Hurwitz discussed the upcoming Forest County Summit taking place on May 3-4,2023 in Helena Montana.

Monthly Road Report – Jake Kusek:

Road Supervisor Jake Kusek entered the chambers at 3:00 p.m. Clerk & Recorder Liv West entered the chambers at 3:15 p.m.

Kusek presented Commissioner Hurwitz with two (2) bridge reports. Kusek stated that the reports are about the Ringling Bridge and the Cottonwood Creek Bridge. Both bridges will require maintenance work which can be completed by the department. Kusek then stated that the installation of the safety lights ad radios to the new Road/Fire Truck should be completed by mid-April 2023. Discussion took place about the county wide clean up day. West stated that Clean-Up Day will be held on Saturday May 13th, 2023 from 8:00 a.m. – 4:00 p.m.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Check #60187 through Check #60224 totaling \$45,278.72. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 4:00 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, April 11th, 2023.



CLERK & RECORDER

SEAL



Absent

CHAIRMAN



VICE-CHAIRMAN

Absent

COMMISSIONER

Note: Minutes taken by Clerk to the Commission Rebekah Luchterhand
Distributed April 11th, 2023 to Chairman Brewer, Vice Chair Hurwitz and Commissioner Galt, and Clerk & Recorder West.